

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

|                   |                                                  |
|-------------------|--------------------------------------------------|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                              |
| 5J-5.001          | Definitions                                      |
| 5J-5.002          | Complaints                                       |
| 5J-5.003          | Enforcement Actions and Administrative Penalties |

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to create Rule Chapter 5J-5, F.A.C., to provide definitions and incorporate department forms. It will also provide a penalty structure for violations of the law governing no sales telephone solicitation, consistent with others established within the department.

**SUBJECT AREA TO BE ADDRESSED:** Definitions, incorporated department forms required to comply with no sales telephone solicitation law, and guidance for increasing or decreasing fines based on aggravating and mitigating factors.

**RULEMAKING AUTHORITY:** 501.059(12), 570.07(23) FS.  
**LAW IMPLEMENTED:** 501.059(1)(h), (4), (5), (9)(a), (b), 570.544(4), 570.971(4) 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:** Amy Topol, Assistant Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, email: Amy.Topol@FreshFromFlorida.com or by phone: (850)410-3662

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

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

|                   |                                                                                     |
|-------------------|-------------------------------------------------------------------------------------|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                                                                 |
| 58A-5.0131        | Definitions                                                                         |
| 58A-5.014         | Licensing and Change of Ownership                                                   |
| 58A-5.0181        | Admission Procedures, Appropriateness of Placement and Continued Residency Criteria |
| 58A-5.0185        | Medication Practices                                                                |
| 58A-5.019         | Staffing Standards                                                                  |
| 58A-5.0191        | Staff Training Requirements and Competency Test                                     |
| 58A-5.024         | Records                                                                             |
| 58A-5.029         | Limited Mental Health                                                               |
| 58A-5.030         | Extended Congregate Care Services                                                   |
| 58A-5.031         | Limited Nursing Services                                                            |

**PURPOSE AND EFFECT:** The Department of Elder Affairs, in consultation with the Agency for Health Care Administration, the Department of Children and Families, and the Department of Health, announces the commencement of rulemaking proceedings to address assisted living facility regulation. The purpose of the rulemaking is to draft rules addressing the safety and quality of services and care provided to residents within assisted living facilities while being mindful of unnecessary increases in regulation given the many variations in services provided, the number of residents or size of the facility, and the makeup of resident populations in the facilities.

**SUBJECT AREA TO BE ADDRESSED:** The subject and scope of the rules to be developed through rulemaking will address the following areas: rule definitions; licensing and record-keeping requirements; medication practices; extended congregate care services requirements; admission and continued residency requirements; limited nursing services requirements; staffing standards; staff training and competency test requirements; deletion of duplicative rules; and revision of rules as needed based on legislative changes.

**RULEMAKING AUTHORITY:** 429.178, 429.23, 429.24, 429.255, 429.256, 429.27, 429.275, 429.31, 429.41, 429.42, 429.44, 429.52, 429.54 FS, Chapter 2015-126, Laws of Florida.

**LAW IMPLEMENTED:** Part I, Assisted Living Facilities, Chapter 429, Florida Statutes, Chapter 2015-126, Laws of Florida.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** September 16, 2015, from 9:30 a.m. until 11:30 a.m.

**PLACE:** Florida Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 2 days before the workshop/meeting by contacting: Jason B. Nelson, Deputy General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2129, Email address: nelsonj@elderaffairs.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jason B. Nelson, Deputy General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2129, Email: address: nelsonj@elderaffairs.org

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: RULE TITLE:  
61C-5.018 Variances

PURPOSE AND EFFECT: To improve the variance request process.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will require variance requests to include the conveyance license number.

RULEMAKING AUTHORITY: 399.02, 399.10 FS.

LAW IMPLEMENTED: 399.02 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: Kela Timmons, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32399, DHR.Rules@myfloridalicense.com, (850)488-1133

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Administration**

RULE NOS.: RULE TITLES:  
63F-11.002 Definitions

63F-11.004 Reportable Incident Types

PURPOSE AND EFFECT: Amendments are necessary to clarify requirements governing the timeliness of reporting, as well as the incidents that are subject to reporting.

SUBJECT AREA TO BE ADDRESSED: The operational requirements of the Department's Central Communications Center are amended, consistent with statutory revisions and best practices.

RULEMAKING AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 985.601 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, September 15, 2015, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, please contact John Milla at (850)717-2457

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:  
64B8-2.001 Definitions

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to delete obsolete definitions from the Board's definition rule.

SUBJECT AREA TO BE ADDRESSED: The deletion of obsolete definitions from the rule.

RULEMAKING AUTHORITY: 456.072(2)(f), (g), 456.50(2), 458.303(1)(b), (i), 458.309, 458.311, 458.313(3), 458.315(1), 458.317(1)(c), (g), 458.319(1), 458.331(1)(w), 766.314(4) FS.

LAW IMPLEMENTED: 456.072(2)(g), 456.50(2), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) 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: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NOS.: RULE TITLES:

- 64B8-4.009 Applications
- 64B8-4.024 Restricted Licenses for Areas of Critical Need
- 64B8-4.027 Restricted License for Certain Experienced Foreign-Trained Physicians; Restriction on Practice

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to delete unnecessary language and to clarify application and licensure rules.

SUBJECT AREA TO BE ADDRESSED: The deletion of unnecessary language and the clarification of application and licensure rules.

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.310, 458.311, 458.313, 458.3124(6), 458.3151 FS.

LAW IMPLEMENTED: 456.013(1), (7), (13), 456.031, 456.033, 456.50, 456.0635, 458.310, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.3165, 458.317 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: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:  
64B8-5.002 Licensure Examination Pursuant to Section 458.3115, Florida Statutes

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to delete obsolete language from the rule.

SUBJECT AREA TO BE ADDRESSED: The deletion of obsolete language from the rule.

RULEMAKING AUTHORITY: 456.017(1)(b), 458.309, 458.3115(4) FS.

LAW IMPLEMENTED: 458.3115 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: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:  
64B8-7.004 Supervision and Reporting Requirements

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to delete unnecessary and outdated language from the rule.

SUBJECT AREA TO BE ADDRESSED: The deletion of unnecessary and outdated language from the rule.

RULEMAKING AUTHORITY: 458.309, 458.317 FS.

LAW IMPLEMENTED: 458.317 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: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:  
 64B8-9.001 Physician Office Incident Reporting  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the adverse incident reporting form in the rule and to delete unnecessary language from the rule.

SUBJECT AREA TO BE ADDRESSED: The incorporation of the adverse incident reporting form and the deletion of unnecessary language from the rule.

RULEMAKING AUTHORITY: 458.309(1), 458.351(6) FS.

LAW IMPLEMENTED: 458.351 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: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:  
 64B8-10.001 Medical Records of Deceased Physician; Retention, Time Limitations  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address access to patient records which are maintained by the physician.

SUBJECT AREA TO BE ADDRESSED: Clarification of access to patient records.

RULEMAKING AUTHORITY: 456.058, 458.309 FS.

LAW IMPLEMENTED: 456.058 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: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE NO.: RULE TITLE:  
 58A-6.003 Licensure Application Procedures

PURPOSE AND EFFECT: The Department of Elder Affairs (“Department”) proposes the repeal of Rrule 58N-6.003, Florida Administrative Code. This rule concerns the licensing of Adult Day Care Centers by the Agency for Healthcare Administration (“AHCA”). AHCA has promulgated Rule Chapter 59A-35, Florida Administrative Code, to govern the licensing of Adult Day Care Centers and other facilities. As a result, the Department has determined that Rule 58A-6.003, F.A.C. is unnecessary.

SUMMARY: The proposed rulemaking repeals Rule 58A-6.003, Florida Administrative Code, which concerns the licensing of Adult Day Care Centers by AHCA. AHCA has promulgated Rule Chapter 59A-35, Florida Administrative Code, to govern the licensing of Adult Day Care Centers and other facilities. As a result, the Department has determined that Rule 58A-6.003, F.A.C. is unnecessary.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted a review of the rule’s requirements and determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature.

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: 429.929 FS.  
LAW IMPLEMENTED: 408.809, 429.909, 429.913(1)(b), 429.919, 429.929, 435.04(5) 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: Jason Nelson, Deputy General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399; email: nelsonj@elderaffairs.org, telephone: (850)414-2129

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-6.003 Licensure Application Procedures.

Rulemaking Authority 429.929 FS. Law Implemented 408.809, 429.909, 429.913(1)(b), 429.919, 429.929, 435.04(5) FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.03, 10A-6.003, 59A-16.003, Amended 11-9-95, 3-29-98, 10-23-01, 2-19-04, 6-16-08, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jason Nelson, Deputy General Counsel  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Samuel P. Verghese  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 8/27/2015

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:           RULE TITLE:  
64B5-15.006       Licensure and Renewal Fees  
PURPOSE AND EFFECT: The Board proposes the rule amendment to lower the biennial renewal fee for a dental hygiene license.  
SUMMARY: The biennial renewal fee for a dental hygiene license will be lowered.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.  
The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of

Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.  
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.013, 456.025, 466.013 FS.  
LAW IMPLEMENTED: 456.013, 456.025, 466.013 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 Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.006 Licensure and Renewal Fees.

(1) The fee for biennial renewal of both a dental license and of a health access dental license shall be \$300.00. The biennial renewal fee for a dental hygiene license shall be ~~\$80.00~~ ~~400.00~~.

(2) No change.

Rulemaking Authority 456.013, 456.025, 466.013 FS. Law Implemented 456.013, 456.025, 466.013 FS. History—New 4-1-80, Amended 1-25-82, 10-3-83, Formerly 21G-15.06, Amended 11-16-89, 8-13-92, Formerly 21G-15.006, 61F5-15.006, Amended 5-6-96, Formerly 59Q-15.006, Amended 8-2-01, 6-11-07, 4-27-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 10, 2015

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

- RULE NOS.:           RULE TITLES:
- 64B18-12.007    Fee to Enforce Prohibition Against  
                          Unlicensed Activity
- 64B18-12.009    Fees for Licensure Pursuant to Section  
                          461.018, Florida Statutes
- 64B18-12.011    Assessment Fees
- 64B18-12.012    License to Practice Without Supervision

PURPOSE AND EFFECT: The Board proposes the rules repeals based upon language that is outdated or unnecessary.

SUMMARY: Based upon language that is outdated or unnecessary, the rules are being repealed.

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

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

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

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

RULEMAKING AUTHORITY: 456.013(2), 456.025(5), 456.064, 456.065(3), 461.005, 461.018 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.048, 456.064, 456.065(3), 461.005, 461.006(1), 461.007(1) 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: Anthony Spivey, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-12.007 Fee to Enforce Prohibition Against Unlicensed Activity.

Rulemaking Authority 456.064, 456.065(3) FS. Law Implemented 456.064, 456.065(3) FS. History--New 4-26-93, Formerly 21T-12.009, 61F12-12.009, Amended 1-1-96, Formerly 59Z-12.007, Repealed

64B18-12.009 Fees for Licensure Pursuant to Section 461.018, Florida Statutes.

Rulemaking Authority 461.005, 456.013(2) FS. Law Implemented 456.013(2), 456.048, 461.007(1) FS. History--New 8-31-00, Repealed

64B18-12.011 Assessment Fees.  
Rulemaking Specific Authority 456.025(5), 461.005 FS. Law Implemented 456.025, 461.005 FS. History--New 11-22-06, Repealed

64B18-12.012 License to Practice Without Supervision.  
Rulemaking Authority 461.005, 461.018 FS. Law Implemented 456.048, 461.006(1), 461.007(1), 461.018 FS. History--New 12-22-96, Amended 2-24-97, Formerly 59Z-18.006, Amended 6-15-98, 9-3-98, Formerly 64B18-18.006, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2015

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

- RULE NO.:           RULE TITLE:
- 64B32-6.001    Continuing Education Requirement

**NOTICE OF PUBLIC HEARING**

The Board of Respiratory Care announces a hearing regarding the above rule, as noticed in Vol. 41 No. 114, June 12, 2015 Florida Administrative Register.

DATE AND TIME: 8:30 AM on October 9, 2015

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Discussion regarding the text of the above rule.

**Section IV  
Emergency Rules**

**NONE**

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

NONE

Section VI  
Notice of Meetings, Workshops and Public  
Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER  
SERVICES

Division of Administration

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

DATE AND TIME: Tuesday, September 8, 2015, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a meeting to discuss staffing.

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

Pursuant to the provisions of the Americans with Disabilities  
Act, any person requiring special accommodations to  
participate in this workshop/meeting is asked to advise the  
agency at least 2 days before the workshop/meeting by  
contacting: Stephanie Hagins, (352)307-6699. If you are  
hearing or speech impaired, please contact the agency using  
the Florida Relay Service, 1(800)955-8771 (TDD) or  
1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public  
meeting in the following docket to which all persons are  
invited.

DATE AND TIME: Thursday, September 10, 2015, 6:00 p.m.

PLACE: Crestridge Gardens Community Club, 4806 Phoenix  
Avenue, Holiday, FL 34690

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Docket No. 140175-WU – Application for staff-assisted rate  
case in Pasco County by Crestridge Utilities, LLC.

The purpose of the meeting is to give customers and other  
interested persons an opportunity to offer comments regarding  
the quality of service the utility provides, the proposed rate  
increase, and to ask questions and comment on other issues.  
One or more of the Commissioners of the Florida Public  
Service Commission may attend and participate in this  
meeting. For questions, contact Curt Mouring at (850)413-  
6427.

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  
Office of Commission Clerk no later than five days prior to  
the conference at 2540 Shumard Oak Boulevard, Tallahassee,  
Florida 32399-0850. 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).

Emergency cancellation of meeting: if settlement of the case  
or a named storm or other disaster requires cancellation of the  
proceedings, Commission staff will attempt to give timely  
direct notice to the parties. Notice of cancellation will also be  
provided on the Commission’s website  
(<http://www.psc.state.fl.us/>) under the Hot Topics link found  
on the home page. Cancellation can also be confirmed by  
calling the Office of the General Counsel at (850)413-6199.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public  
meeting in the following docket to which all persons are  
invited.

DATE AND TIME: Thursday, September 11, 2015, 10:00  
a.m.

PLACE: Crestridge Gardens Community Club, 4806 Phoenix  
Avenue, Holiday, FL 34690

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Docket No. 140177-WU – Application for staff-assisted rate  
case in Pasco County by Holiday Gardens Utilities, LLC. The  
purpose of the meeting is to give customers and other  
interested persons an opportunity to offer comments regarding  
the quality of service the utility provides, the proposed rate  
increase, and to ask questions and comment on other issues.  
One or more of the Commissioners of the Florida Public  
Service Commission may attend and participate in this  
meeting. For questions, contact Curt Mouring at (850)413-  
6427.

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  
Office of Commission Clerk no later than five days prior to  
the conference at 2540 Shumard Oak Boulevard, Tallahassee,  
Florida 32399-0850. 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).

Emergency cancellation of meeting: if settlement of the case  
or a named storm or other disaster requires cancellation of the  
proceedings, Commission staff will attempt to give timely  
direct notice to the parties. Notice of cancellation will also be  
provided on the Commission’s website  
(<http://www.psc.state.fl.us/>) under the Hot Topics link found

on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

#### COMMISSION ON ETHICS

The Commission on Ethics announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 11, 2015, 8:30 a.m.

PLACE: First District Court of Appeal, Third Floor Courtroom, 2000 Drayton Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: [www.ethics.state.fl.us](http://www.ethics.state.fl.us) or (850)488-7864.

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: (850)488-7864. 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 MANAGEMENT SERVICES

State Retirement Commission

The State Retirement Commission announces a hearing to which all persons are invited.

DATES AND TIMES: September 21, 2015, 9:00 a.m.; September 22, 2015, 9:00 a.m.

PLACE: Orlando Marriott-Lake Mary, 1501 International Parkway, Lake Mary, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

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 15 days before the workshop/meeting by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410. 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: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

The Department of Business and Professional Regulation, Board of Employee Leasing Companies announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, September 30, 2015, 9:00 a.m., Probable Cause Panel; 1:30 p.m., General Business Meetings, portions of which are closed to the public; Thursday, October 1, 2015, 9:00 a.m.

PLACE: The Ritz-Carlton Golf Resort, Naples, 2600 Tiburon Drive, Naples, Florida 34109, (239)593-2000.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board and Probable Cause Panel meeting, portions which are closed to the public.

This is a notice of date changes.

A copy of the agenda may be obtained by contacting: The Department of Business and Professional Regulation, Board of Employee Leasing Companies at 1940 North Monroe Street, Tallahassee, Florida, 32399-0767 or by calling their office at (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)487-1395. 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: the Florida Board of Employee Leasing Companies at 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:RULE TITLES:

- 62-762.101 Intent
- 62-762.201 Definitions
- 62-762.211 Reference Standards
- 62-762.301 Applicability
- 62-762.401 Registration and Financial Responsibility
- 62-762.411 Notification
- 62-762.421 Financial Responsibility
- 62-762.431 Incidents
- 62-762.441 Discharges
- 62-762.451 Notification and Reporting
- 62-762.501 Performance Standards for Category-C Storage Tank Systems
- 62-762.511 Performance Standards for Category-A and Category-B Storage Tank Systems
- 62-762.601 Release Detection Standards
- 62-762.611 Release Detection Methods
- 62-762.641 Performance Standards for Release Detection Methods
- 62-762.701 Repairs, Operation and Maintenance of Storage Tank Systems
- 62-762.711 Recordkeeping
- 62-762.801 Out-of-Service and Closure Requirements
- 62-762.821 Incident and Discharge Response
- 62-762.851 Alternative Requirements and Equipment Approvals
- 62-762.891 Mineral Acid Storage Tank Requirements
- 62-762.901 Storage Tank Forms

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

DATE AND TIME: September 16, 2015, 9:00 a.m. until no later than 4:00 p.m.

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revising the Aboveground Storage Tank Systems rule for clarity, revising references and removing language that is no longer applicable. All proposed changes to Chapter 62-762, F.A.C., will be discussed, the focus of the discussion will be the changes made pursuant to comments provided during the Technical Advisory Group meetings.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: William E. Burns, Jr., Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL 32399, bill.burns@dep.state.fl.us or (850)245-8842. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: William E. Burns, Jr., Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL 32399, bill.burns@dep.state.fl.us or (850)245-8842.

DEPARTMENT OF HEALTH

Board of Medicine

The Dietetics and Nutrition Practice Council under the Board of Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2015, 9:30 a.m., E.T.

PLACE: Conference call: 1(888)670-3525, participant code: 7811783909 followed by the # sign

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules review.

A copy of the agenda may be obtained by contacting: The Dietetic and Nutrition Practice Council, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399-3255, visiting our website: [www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition](http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition) or by calling the board office at (850)245-4373, ext. 3468.

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 department at (850)245-4444, ext. 3418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE NO.: RULE TITLE:

64C-4.003 Diagnostic and Treatment Facilities or Services - Specific

The Department of Health announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, September 22, 2015, 1:30 p.m. – 5:00 p.m., EDT

PLACE: Florida Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
The repeal of Rule 64C-4.003, F.A.C.

A copy of the agenda may be obtained by contacting: Chrishonda Jenkins, Department of Health, Children's Medical Services, 4052 Bald Cypress Way, Bin #A06, Tallahassee, FL 32399-1707, (850)245-4200, ext. 2247, fax: (850)488-3813, email: Chrishonda.Jenkins@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Chrishonda Jenkins using the contact information 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.

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**DEPARTMENT OF FINANCIAL SERVICES**

Division of State Fire Marshal

The Fire & Emergency Incident Information System Technical Advisory Panel announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, October 8, 2015, 1:30 p.m.

**PLACE:** Florida State Fire College, Ocala, FL or via conference call: (850)413-1558, participant ID: 707049

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Regular meeting. Topics to include but not limited to a Division update, EMS update and FFIRS update.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@MyFloridaCFO.com.

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

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**DEPARTMENT OF FINANCIAL SERVICES**

Division of State Fire Marshal

The Firefighters Employment, Standards and Training Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, October 8, 2015, 10 minutes after the adjournment of the 1:30 p.m. FFIRS meeting

**PLACE:** Florida State Fire College, Ocala, FL or via conference call: (850)413-1558, participant ID: 707049

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Regular meeting. Topics to include, but are not limited to, a Division update and Bureau update.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@MyFloridaCFO.com.

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

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**OFFICE OF THE STATE COURTS ADMINISTRATOR**

The Florida State Courts System announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, September 11, 2015, 2:00 p.m.

**PLACE:** Supreme Court Building, OSCA Executive Conference Room, 500 South Duval Street, Tallahassee, Florida 32399-1900

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
The Office of the State Courts Administrator will present an overview of the State Courts System's 2016-2017 Legislative Budget Request followed by a time for public questions and comments. Any person wishing to testify is asked to contact Dorothy Willard, Chief of Budget Services, by September 4, 2015, 5:00 p.m., at the address above. Written comments may be submitted to the hearing officer at the proceeding or mailed to the Office of the State Courts Administrator at the above address.

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: Sharon Bosley, Senior Budget Analyst, at (850)410-1484 or in person at the Supreme Court Building. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**FLORIDA SURPLUS LINES SERVICE OFFICE**

The Florida Surplus Lines Service Office, Budget Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 20, 2015, 2:00 p.m.

**PLACE:** 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Florida Surplus Lines Service Office Proposed 2016 Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at 1(800)562-4496, ext. 111 or gbarrett@fslso.com.

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

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

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The Florida Surplus Lines Service Office, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2015, 9:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting.

A copy of the agenda may be obtained by contacting: Georgie Barrett, 1(800)562-4496, ext. 111, gbarrett@fslso.com.

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

**Section VII**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Vincent L. Castellucci Jr., Unit Owner, In Re: Celebration Point Master Association, Inc., Docket No. 2015037270, filed on August 24, 2015. The petition seeks the agency’s opinion as to the applicability of section 718.112(2)(d)(2), Florida Statutes, as it applies to the petitioner: whether the Association is prohibited from imposing a residency requirement as a condition of board eligibility, under Section 718.112(2)(d)(2), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rikki Anderson, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1415, Rikki.Anderson@myfloridalicense.com.

Please refer all comments to: Robin E. Smith, Chief Attorney, Department of Business and Professional Regulation, Division

of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Drugs, Devices and Cosmetics

NOTICE IS HEREBY GIVEN that the Division of Drugs, Devices and Cosmetics has received the petition for declaratory statement from Validus Pharmaceuticals, LLC on August 21, 2015. The petition seeks the agency’s opinion as to the applicability of Section 499.01(2)(c), F.S., as it applies to the petitioner.

The Petition seeks a formal opinion as to whether Section 499.01(2)(c), F.S., requires the Petitioner’s contract manufacturer to be permitted by the Department where the contract manufacturer manufactures, packages and labels prescription drugs for the Petitioner and the drugs are picked up from the contract manufacturer’s facility by the Petitioner’s customer and either sold into the state of Florida or physically transported in to the state of Florida for sale.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Reggie Dixon, Director, Division of Drugs, Devices and Cosmetics, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047, Reggie.Dixon@myfloridalicense.com, (850)717-1800.

**DEPARTMENT OF FINANCIAL SERVICES**

Finance

NOTICE IS HEREBY GIVEN that on August 27, 2015, the Office of Financial Regulation has declined to rule on the petition for declaratory statement filed by Check Mart of Florida, Inc. dba The Check Cashing Store on August 27, 2015. The following is a summary of the agency’s declination of the petition:

On August 21, 2015, the Office was advised by the Petitioner that it no longer needed the Office to answer its Petition, as initially presented. As Petitioner no longer seeks a Declaratory Statement and no additional parties have sought intervention, the Office declines to issue a Declaratory Statement.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889.

**Section VIII**  
**Notice of Petitions and Dispositions**  
**Regarding the Validity of Rules**

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION

Florida International University

RULE NO.: RULE TITLE:

6C8-5.009 Use of University Facilities (Repealed)

6C8-5.009-Use of University Facilities

The Florida International University Board of Trustees announces that services in the discipline of Architecture/Engineering are required for the project identified below:

Project Name and Number: International Center for Tropical Botany, BT-914

Project Location: 3959, 3961 and 3965 SW 37th Ave. / Douglas Road, Miami, Florida

Project Description:

This project is the development of a new academic and research Center for FIU on a site adjacent to “The Kampong” – a National Register of Historic Places listed site that was the home of David Fairchild. The Kampong is now one of five gardens managed by the National Tropical Botanical Garden (NTBG), a Congressionally-chartered non-profit organization. The mission of the International Center for Tropical Botany (ICTB) is to study tropical plants and the resources they provide; to develop solutions that ensure the conservation and sustainable use of tropical plants in order to preserve tropical plant diversity for posterity; to provide research-based knowledge and tools to preserve and sustainably use tropical plants and to foster programs to educate future generations of tropical plant biologists. In addition, the collaboration with the NTBG will make available to students and faculty access to the garden of The Kampong as well as the other four NTBG gardens located in Hawaii for individual and joint research and teaching opportunities.

The NTBG has conveyed three lots located adjacent to The Kampong to FIU, for the purpose of constructing the ICTB Building consistent with the Joint Operating Agreement dated April 9, 2014 and the FIU Academic Plan for the ICTB. FIU will fund the construction of the facility through a generous \$5 million donation equally divided between and received from the Batchelor Foundation, Inc. and the William R. Kenan, Jr. Charitable Trust for the specific purpose of construction.

Based on the currently available funding, the ICTB plans to construct the following spaces/square feet:

- Large Classroom - 800 SF
- Conference/Seminar Room - 320 SF
- Specimen Preparation Lab - 350 SF
- Herbarium Storage and Work Lab – 2,500 SF
- Office Suite – 2,315 SF

The gross area of the building is expected to be approximately 10,909 GSF plus additional site features including the following:

- Outdoor Plant Shade House – 1,400 SF
- Outdoor Pavilion – 1,000 SF

The design work for this project includes planning site improvements including landscaping and a parking area. Based on the scope of work described above, the total building construction cost is approximately \$3,628,905 and the total project cost is \$5,000,000. The University is committed to producing buildings that comply with sustainable energy conservation strategies and standards (minimum LEED Silver Certification).

The project scope may be increased by the University, in its sole discretion, to include additional spaces/square feet should a funding source for such scope increases be identified prior to project completion. The total building construction cost and

the total project cost may increase, at the University's sole discretion.

Applicants are hereby notified that that in the event the University is unable to secure full funding necessary for either the initial project components or added components, the University intends to proceed only with design and construction of fully funded project components and phase(s), if any.

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Florida International University Professional Qualifications Supplement (FIUPQS)." The latest version of official FIUPQS forms (FIUPQS\_08\_2015) must be downloaded from the FIU website at <http://facilities.fiu.edu/projects/BT-914.htm>. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate Governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit eight (8) bound copies of the required proposal data and one electronic copy in Adobe Acrobat PDF format of the requested qualifications to: Selection Committee, Florida International University, Facilities Planning, Campus Support Complex, 11555 S.W. 17th St., Room CSC142, Modesto A. Maidique Campus, Miami, Florida 33199. Applications that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent. The award of this contract is subject to availability of funds.

The plans and specifications prepared by the A/E are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**FIU HAS CREATED STANDARD CONTRACT FORMS AND STANDARD INSURANCE REQUIREMENTS APPLICABLE TO A/E'S FOR A/E AND OTHER LICENSED PROFESSIONAL SERVICES TO PROVIDE**

**FOR AN EFFICIENT AND EFFECTIVE PROCESS. THESE FORMS ARE AVAILABLE FOR REVIEW AND CAN BE FOUND AT <http://facilities.fiu.edu/formsandstandards.htm> ALL APPLICANTS SHOULD REVIEW THE APPLICABLE FIU CONTRACT FORM AND STANDARD INSURANCE REQUIREMENTS CAREFULLY PRIOR TO MAKING A DECISION AS TO WHETHER OR NOT TO RESPOND TO THIS ADVERTISEMENT.**

The Project Fact Sheet, which describes the selection process schedule for this Project and additional information regarding the Project scope, may be obtained from the website <http://facilities.fiu.edu/projects/BT-914.htm>. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Facilities Planning at (305)348-4090 or via email: [griffith@fiu.edu](mailto:griffith@fiu.edu), cc: [mazorras@fiu.edu](mailto:mazorras@fiu.edu)

Submittals must be received between 8:30 a.m. and 12:30 p.m. or 1:30 p.m. and 4:00 p.m. local time, Friday, September 25, 2015. Submittals will not be accepted before or after the times and date stated above. Facsimile (FAX) submittals are not acceptable and will not be considered.

**BRASFIELD & GORRIE, LLC**

University of Florida Stephen C. O'Connell Center Expansion and Renovation

Brasfield & Gorrie, LLC will now be taking sealed bid proposals for the University of Florida Stephen C. O'Connell Center Expansion and Renovation in Gainesville, FL. All subcontractors and suppliers are invited to attend a non-mandatory pre-bid meeting on 9/8/15 at 3:00 p.m. Please meet at Gate 1 of the O'Connell Center.

Sealed bids are due by no later than noon on 9/28/15. Sealed bids must either be hand delivered or mailed to the following address:

Brasfield & Gorrie, LLC

c/o Chuck Krug

941 West Morse Blvd. Suite 200

Winter Park, FL 32789

For any questions, the contacts for each trade are as follows:

Division 2 – Sitework, Landscaping, Demo, etc. - Steven Nickels ([snickels@brasfieldgorrie.com](mailto:snickels@brasfieldgorrie.com)), (407)562-4661

Divisions 3, 4 & 5 – Concrete, Precast, Masonry, Steel – Chris Evans ([cevans@brasfieldgorrie.com](mailto:cevans@brasfieldgorrie.com)), (407)562-4613

Divisions 6, 7, 8 and 9 – Millwork, Waterproofing, Fireproofing, Roofing, Doors, Glass and Drywall – Jacob Stern ([jsstern@brasfieldgorrie.com](mailto:jsstern@brasfieldgorrie.com)), (407)562-4662

Divisions 9, 10 and 12 – Finishes (excluding Drywall), Specialties, Toilet Accessories, Furnishings – Griffin Isabel ([gisabel@brasfieldgorrie.com](mailto:gisabel@brasfieldgorrie.com)), (407)562-4563

Divisions 12, 13, 15, 16 and 17 – Fixed Seating, AV Equipment, Broadcast, MEP – Chuck Krug (ckrug@brasfieldgorrie.com), (407)562-4660

Section XII  
Miscellaneous

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No.: DEO-15-138

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-138 on August 24, 2015, in response to an application submitted by Townhouse Villas of Wilton Manors, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No.: DEO-10K5-139

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-139 on August 24, 2015, in response to an application submitted by Brickell Woods Townhouse Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No.: DEO-15-140

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-140 on August 24, 2015, in response to an application submitted by Diamond Beach Homeowners’ Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No.: DEO-15-136  
EWELL MILLER, Petitioner,  
v.  
STATE OF FLORIDA, DEPARTMENT  
OF ECONOMIC OPPORTUNITY  
Respondent.

FINAL ORDER  
DISMISSING PETITION WITHOUT PREJUDICE  
This matter came before the Florida Department of Economic Opportunity (“Department”) following the receipt of a Petition for Administrative Proceedings (“Petition”) by Ewell Miller (“Petitioner”), dated August 7, 2015.

- Statement of Facts
1. On or about May 22, 2015, the Department received an application for revitalization of covenants under section 720.403, Florida Statutes, from Homeland Property Owners Association, Inc. (“Association”).
  2. On or about July 20, 2015, the Department, finding that all conditions under Chapter 720, Part III, Florida Statutes, had been met, approved the revitalization of Association’s covenants and issued Final Order No. DEO-15-099 (“Final Order”).
  3. The Final Order was filed with the Clerk for the Department and furnished to the Association on July 20, 2015.
  4. On July 23, 2015, the Department filed its notice of the Final Order in the Florida Administrative Registrar.
  5. On or about August 7, 2015, the Department received the Petition for formal hearing.
  6. The Petition contains allegations of malfeasance by the Association related to the revitalization process and the Association is not named as a party Respondent.
  7. Petitioner alleges in paragraph 8(c) of its Petition that the Association violated section 720.405(5), Florida Statutes, by failing to deliver the “proposed new or existing articles of incorporation and bylaws of the homeowners’ association, and a graphic depiction of the property to be governed by the revived declaration . . . not less than 14 days before the time that the consent of the affected parcel owners to the proposed governing documents is sought by the organizing committee.”
  8. Petitioner also states in paragraph 8(d) of its Petition that the Association violated Section III(A)(1) of the bylaws of the Association which require the Association be “managed by a Board of Directors, composed of five (5) persons.” Petitioner

claims that subsequent to one director of the Board resigning in February 2015, the remaining four (4) directors proceeded to vote to commence the revitalization process.

Findings of Law

9. Section 120.569(2)(c), Florida Statutes, states that “[d]ismissal of a petition shall, at least once, be without prejudice to petitioner’s filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.”

10. An indispensable party is defined under Florida law as “one whose interest in the controversy makes it impossible to completely adjudicate the matter without affecting either that party’s interest or the interests of another party in the action.” See Fla. Dep’t of Revenue v. Cummings, 930 So. 2d 604 (Fla. 2006), citing Hertz Corp. v. Piccolo, 453 So. 2d 12, 14 n.3 (Fla. 1984)(describing an indispensable party as one so essential to a suit that no final decision can be rendered without their joinder).

11. In Cummings, the Florida Supreme Court explained that the “general rule in equity is that all persons materially interested, either legally or beneficially, in the subject-matter of the suit, must be made parties either as complainants or defendants, so that a complete decree may be binding upon all parties.” Cumming, 930 So. 2d at 607.

12. Petitioner failed to name the Association as a party Respondent which disregards that the Association stands to lose or gain depending upon the outcome of the litigation and prevents the complete adjudication of the material allegations in the Petition regarding the actions of the Association.

13. Based on applicable legal precedent, the Association has a material interest in this administrative proceeding which seeks a reversal of the Final Order approving the proposed revived declaration of covenants under Chapter 720, Part III, Florida Statutes and this matter cannot be completely adjudicated without the Association as a party.

Order

Based on the foregoing, it is hereby ORDERED:

1. The Department dismisses the Petition without prejudice for the reasons stated in paragraphs 1 through 13 above.

2. Petitioner has ten days to file an amended petition with the Department that names the Association as a party Respondent and amend paragraphs 8(c) and (d) of the Petition to reflect the Association’s inclusion as a party Respondent in the above-styled case.

DONE AND ORDERED this 21st day of August, 2015, in Tallahassee, Florida.

/s/

William B. Killingsworth, Director  
Division of Community Development  
Department of Economic Opportunity

NOTICE OF RIGHTS

ANY INTERESTED PARTIES ARE HEREBY NOTIFIED OF THEIR RIGHT TO SEEK JUDICIAL REVIEW OF THIS FINAL AGENCY ACTION IN ACCORDANCE WITH SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

TO INITIATE AN APPEAL OF THIS FINAL AGENCY ACTION, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT’S AGENCY CLERK, 107 EAST MADISON STREET, CALDWELL BUILDING, MSC 110, TALLAHASSEE FLORIDA 32399-4128, WITHIN 30 CALENDAR DAYS OF THE DAY THIS FINAL AGENCY ACTION IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY THE FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST ALSO BE FILED WITH THE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3) FLORIDA STATUTES.

YOU WAIVE YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH BOTH THE DEPARTMENT’S AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the Agency Clerk, Katie Zimmer, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128, Telephone: 850-245-7150, and that true and correct copies have been furnished to the persons listed below by the method indicated this 21<sup>st</sup> day of August, 2015.

/s/

Katie Zimmer, Agency Clerk  
Department of Economic Opportunity  
107 East Madison Street, MSC 110  
Tallahassee, FL 32399-4128  
Telephone: (850)245-7150

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DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-137

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-137 on August 25, 2015, in response to an application submitted by Keewin Winter Park Center for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order denied the application for covenant revitalization after determining that Keewin Winter Park Center does not qualify for revitalization under Chapter 720, Part III, Florida Statutes.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or [Katie.zimmer@DEO.MyFlorida.com](mailto:Katie.zimmer@DEO.MyFlorida.com).

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**Section XIII**

**Index to Rules Filed During Preceding  
Week**

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

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