

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-4.001	Purpose
5M-4.002	Approved Interim Measure Best Management Practices
5M-4.003	Notice of Intent to Implement
5M-4.004	Presumption of Compliance
5M-4.005	Record Keeping

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to provide guidance on the implementation of Best Management Practices to potato producers within the Tri-County Agricultural Area (TCAA).

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule revision will address the implementation of Best Management Practices for potato operations in the TCAA.

**RULEMAKING AUTHORITY:** 403.067(7)(c)2., 570.07(10), 570.07(23) FS.

**LAW IMPLEMENTED:** 403.067(7)(c)2. 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09981	Implementation of Florida's System of School Improvement and Accountability

**PURPOSE AND EFFECT:** The purpose of the rule development is to amend the sections of rule pertaining to the calculation of school grades and to include new components in the school grades formula consistent with Section 1008.34, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** School Grades.

**RULEMAKING AUTHORITY:** 1008.34(8) FS.

**LAW IMPLEMENTED:** 1008.34 FS.

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

**DATES AND TIMES:** January 4, 2012, 2:00 p.m. – 4:00 p.m.; January 5, 2012, 2:00 p.m. – 4:00 p.m.; January 6, 2012, 2:00 p.m. – 4:00 p.m.

**PLACES:** January 4, 2012 – Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1706, Tallahassee, Florida 32399-0400; January 5, 2012 – Edgewater High School, Auditorium, 3100 Edgewater Drive, Orlando, Florida 32833-2779; and January 6, 2012 – Junior Achievement of South Florida, Auditorium, 1130 Coconut Creek Blvd., Coconut Creek, Florida 33066

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Croft, Director, Accountability Reporting, Accountability Research and Measurement, 325 West Gaines Street, Room 1401, Tallahassee, Florida 32399-0400, Ed.croft@fldoe.org. To submit a comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>

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

### DEPARTMENT OF EDUCATION

#### Commission for Independent Education

RULE NO.:	RULE TITLE:
6E-2.004	Standards and Procedures for Licensure

**PURPOSE AND EFFECT:** The purpose and effect is to consider modifications to the documentation and standards required of licensed institutions during provisional and beginning annual license to assist the Commission in making determinations of financial soundness.

**SUBJECT AREA TO BE ADDRESSED:** Financial reporting of licensed postsecondary institutions.

**RULEMAKING AUTHORITY:** 1005.22(1)(e), 1005.31(2) FS.

**LAW IMPLEMENTED:** 1005.31 (2). 1005.33 FS.

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

**DATE AND TIME:** January 3, 2012, 3:00 p.m.

**PLACE:** Mission Inn Resort and Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-35.004  
 RULE TITLE: Athlete Agent Departmental Forms  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.  
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Athlete Agent application forms.  
 RULEMAKING AUTHORITY: 455.203(5), 455.2035, 468.457 FS.  
 LAW IMPLEMENTED: 455.213, 468.453 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-35.006  
 RULE TITLE: Florida Barbers' Departmental Forms  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.  
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Florida Barbers' forms.  
 RULEMAKING AUTHORITY: 455.203, 455.213 FS.  
 LAW IMPLEMENTED: 455.213, 455.217, 455.2179, 455.219, 455.2228, 455.2281, 455.271, 476.114, 476.124, 476.134, 476.144, 476.184, 476.192 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-35.011  
 RULE TITLE: Cosmetology  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.  
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Cosmetology application forms.  
 RULEMAKING AUTHORITY: 455.203, 455.213, 455.2179 FS.

LAW IMPLEMENTED: 455.213, 455.217, 455.2179, 455.219, 455.2228, 455.271, 477.0132, 477.014, 477.019, 477.0201, 477.0212, 477.022, 477.025, 477.026, 477.0263, 559.79 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-1.004  
 RULE TITLE: General Sanitation and Safety Requirements

PURPOSE AND EFFECT: The proposed rule amendments will reflect changes made to Chapter 509, F.S., by Laws of Florida Chapter 2008-055 and 2011-119 and remove other agency rules from incorporation by reference.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will address statute changes relating to fire safety and bathroom requirements made by Laws of Florida Chapter 2008-055; the “resort condominiums” and “resort dwellings” classification change made by Chapter 2011-119, Laws of Florida; and adoption of other agency rules.

RULEMAKING AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.032, 509.215, 509.221 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Telephone: (850)488-1133, E-mail: Michelle.Comingore@dopr.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.004 General Sanitation and Safety Requirements.

The following general requirements and standards shall be met by all public lodging and public food service establishments.

(1) Water, plumbing and waste.

(a) Except as specifically provided in these rules, standards for water, plumbing and waste shall be governed by Chapter 5, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. For the purposes of this section, the term “food establishment” as referenced in the Food Code shall apply to all public lodging and public food service establishments as defined in Chapter 509, F.S.

(a) ~~The water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555, F.A.C., herein adopted by reference, where applicable.~~

(b) ~~Bottled and packaged potable water shall be transported and obtained in accordance with the requirements of Title 21, Code of Federal Regulation, Parts 129 and 165, as adopted by the Department of Agriculture and Consumer Services in Rule 5K-4.002, FAC, herein adopted by reference.~~

(b)(e) Steam used in contact with food or food-contact surfaces shall be governed by Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and free from any materials or additives except as allowed by Chapter 7,

Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. other than those specified in Title 21, Code of Federal Regulations 173.310, herein adopted by reference.

(d) ~~Sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C., herein adopted by reference, whichever is applicable. Grease interceptors shall be designed and installed in accordance with provisions of Chapter 64E-6, F.A.C., herein adopted by reference, or the plumbing authority having jurisdiction.~~

(e) ~~All garbage and rubbish shall be removed from the establishment premises with sufficient frequency to prevent nuisance conditions and shall be disposed of in accordance with provisions of Chapter 62-701, F.A.C., herein adopted by reference.~~

(2) Public Bathrooms.

(a) Each public lodging establishment and public food service establishment shall provide at least one ~~be provided with adequate and~~ conveniently located bathroom facility ~~facilities~~ for its employees and guests in accordance with provisions of these rules and as approved by the local building plumbing authority having jurisdiction. Public access to bathroom toilet facilities shall not be permitted through food preparation, storage, or warewashing areas. Bathroom fixtures shall be of readily cleanable sanitary design. Bathroom facilities shall be kept clean, in good repair and free from objectionable odors. Bathrooms shall provide at least 20 foot candles of light. The walls, ceilings and floors of all bathroom facilities shall be kept in good condition.

(b) Bathrooms ~~Public bathrooms~~ shall be completely enclosed and shall have tight-fitting, self-closing doors, except bathrooms located ~~or~~, in public lodging establishments or ~~bathrooms~~ located outside a public food service establishment, may have entrances and exits constructed in such a manner as to ensure privacy of occupants. Bathroom ~~Such~~ doors shall not be left open except during cleaning or maintenance.

(c) through (d) No change.

(e) ~~Resort condominiums, Nonpermanent establishments and vacation rentals resort dwellings~~ are exempt from the provisions of this subsection.

(3) Vermin Control – Effective control measures shall be taken to protect against the entrance into the establishment, and the breeding or presence on the premises of rodents, flies, roaches and other vermin. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All windows used for ventilation must be screened, except when effective means of vermin control are used. Screening material shall not be less than 16 mesh to the inch or equivalent, tight-fitting and free of breaks. Pesticides ~~Insecticides or rodenticides~~, when used, shall be used in compliance with Chapter 7, Food Code, as adopted by reference in Rule 61C-1.001 5E-14, F.A.C., herein adopted by reference.

(4) No change.

~~(5) All fire safety, protection and prevention equipment must be installed, approved, maintained and used in accordance with Chapter 509, F.S., and the National Fire Protection Association Life Safety Code Chapter 101, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C., herein adopted by reference.~~

~~(5)(6) All building structural components, attachments and fixtures shall be kept in good repair, clean and free of obstructions.~~

~~(6)(7) Attics, basements, boiler rooms, meter rooms, laundry rooms, and storage rooms shall be kept clean and free of debris and flammables.~~

~~(8) Flammable materials inside an establishment shall be stored in approved type containers (maximum size 5 gallons) and in such a manner as to prevent a fire hazard.~~

~~(9) Fire safety equipment.~~

~~(a) Fire Extinguisher Installation — Fire extinguishers shall be installed in accordance with NFPA 10, Standard for Portable Fire Extinguishers, herein adopted by reference.~~

~~(b) A standard state approved service tag shall be attached to each extinguisher and a person holding a valid state permit issued by the State Fire Marshal shall recharge or inspect the extinguisher and shall prepare the tag to include the information required by Rule 69A-21.241, F.A.C., herein adopted by reference.~~

~~(c) Fire Hose Maintenance — Inspections shall be made every 6 months to assure that the hose is in proper position on the racks and that all of the equipment is in place and in good condition. The hose shall be removed and re-racked at least annually and new gaskets installed in the couplings, both at the hose valves and at the nozzles if necessary. Where couplings are polished, care should be taken to see that polish used does not touch fabric of hose.~~

~~(7)(d) Carbon dioxide and helium tanks shall be adequately secured so as to preclude any danger to safety.~~

~~(8)(e) Specialized Smoke Detectors — Specialized smoke detectors for the deaf and hearing-impaired shall be made available upon request by guests in transient public lodging establishments without charge. Failure of the operator to inform any employee charged with registering guests of the location of such detector constitutes failure to make such detectors available.~~

~~(9)(10) Means of access must permit unobstructed travel at all times and be maintained free of obstructions and fire hazards. Halls, entrances and stairways shall be clean, ventilated and well-lighted day and night. Hall and stair runners shall be kept in good condition. Railways Hand rails shall be installed on all stairways and guard rails around all porches and steps. Adequate means of exit shall be provided pursuant to NFPA 101. Exits shall be clearly marked with approved illuminated exit signs.~~

~~(11) Electrical wiring — To prevent fire or injury, defective electrical wiring shall be replaced and wiring shall be kept in good repair. No extension cords shall be used except during cleaning, maintenance and other temporary activities. Only a wall switch or approved pull cord shall be permitted in bathrooms. In accordance with the provisions of NFPA 70, the National Electrical Code, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C., sufficient electrical outlets shall be provided.~~

~~(10)(12) Heating and ventilation — The heating and ventilation system shall be kept in good repair or be installed to maintain a minimum of 68 degrees Fahrenheit throughout the building. The insurance inspector’s boiler report is required annually for power boilers and high pressure/high temperature boilers and biannually for low pressure steam or vapor heating boilers and shall be posted in the boiler room. The provisions of this section do not apply to the common areas of vacation rentals classified as resort condominiums.~~

~~(13) Gas appliances — All appliances, including water heaters using gas, shall be kept in good repair and properly vented when manufacturers’ instructions require venting of the appliance and shall meet the following requirements:~~

~~(a) All appliances shall have a nationally recognized testing laboratory seal such as AGA or UL seal.~~

~~(b) Heating appliances shall be properly sized in BTU input for room air space. Proper sizing of heating appliances shall be determined in accordance with the provisions of NFPA 54, the National Fuel Gas Code, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C.~~

Rulemaking Specific Authority 509.032 FS. Law Implemented 509.032, 509.215, 509.221 FS. History—Amended 2-20-64, 7-14-67, 2-8-69, Revised 2-4-71, Amended 2-17-73, Repromulgated 12-18-74, Amended 9-19-84, Formerly 7C-1.04, Amended 12-31-90, 2-11-92, 2-27-92, 6-15-92, Formerly 7C-1.004, Amended 3-31-94, 10-9-95, 9-25-96, 5-11-98, 7-2-98, 2-24-08, 8-12-08,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-2.009  
 RULE TITLE: Ineligible or Disqualified Jai Alai Player or Racing Animal

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the entry of an ineligible or disqualified jai alai player or racing animal.

SUBJECT AREA TO BE ADDRESSED: This proposed rule addresses amendments relating to eligibility requirements for racing animals due to owners’ license status and responsibility of the Racing Secretary to ensure owners are currently licensed prior to entry.

RULEMAKING AUTHORITY: 550.0251(3), 550.105(2)(b), 550.2415(7)(a), (12) FS.

LAW IMPLEMENTED: 550.0251, 550.105, 550.235 FS.

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

DATE AND TIME: January 9, 2012, 9:00 a.m. – 12:00 Noon  
 PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-4.002	Evaluating a Permit Application for a Pari-Mutuel Facility
61D-4.004	Application for Annual Racing License

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to forms for applications for pari-mutuel permits and annual racing licenses.

SUBJECT AREA TO BE ADDRESSED: These proposed rules are amended to appropriately reference revised forms for applications for pari-mutuel permits and annual racing licenses. Revised Form DBPR PMW-3010, Permit Application, removes the reference to Rule 61D-4.001, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01. Revised Form DBPR PMW-3060, Permitholder Application for Annual License and Operating Dates, adds lease agreement information to the form, which eliminates the need for Rule 61D-4.003, F.A.C., identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01.

RULEMAKING AUTHORITY: 550.01215(2), 550.0251(3), 550.054(8)(b), 550.1815(5) FS.

LAW IMPLEMENTED: 550.0115, 550.01215, 550.0251, 550.054, 550.0951, 550.155, 550.1815, 550.5251 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: January 9, 2012, 9:00 a.m. – 12:00 Noon  
 PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-7.015	Trifecta and Superfecta Combinations
61D-7.024	Totalisator Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the calculation and distribution of pari-mutuel wagering activity on wagering pools, and totalisator reports and requirements.

SUBJECT AREA TO BE ADDRESSED: Amends Rule 61D-7.015, F.A.C., regarding pool calculation and distribution requirements for pari-mutuel wagering activity on trifecta and superfecta combinations by removing the requirement to cap the jackpot of specific amounts, and allowing a shorter period prior to implementation for providing notice to the division. Amends Rule 61D-7.024, F.A.C., to remove obsolete and duplicative requirements for totalisator forms, systems, and reporting, and to appropriately reference revised forms for reporting of pari-mutuel and totalisator activity. The amendment to these proposed rules also removes the reference to Rule 61D-7.017, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01.

RULEMAKING AUTHORITY: 550.0251(3), (7), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED: 550.0251, 550.155, 550.495 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: January 9, 2012, 9:00 a.m. – 12:00 Noon  
 PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.042      RULE TITLE: Accounting and Occurrence Meter Specifications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The amendment to this proposed rule removes the reference to Rule 61D-14.078, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (g) 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: January 9, 2012, 9:00 a.m. – 12:00 Noon  
 PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-6.001	General
64E-6.002	Definitions
64E-6.003	Permits
64E-6.004	Application for System Construction Permit
64E-6.005	Location and Installation
64E-6.008	System Size Determinations
64E-6.009	Alternative Systems
64E-6.010	Septage and Food Establishment Sludge
64E-6.0101	Portable Restrooms and Portable or Stationary Holding Tanks
64E-6.013	Construction Materials and Standards for Treatment Receptacles
64E-6.014	Construction Standards for Drainfield Systems
64E-6.015	Permitting and Construction of Repairs
64E-6.016	U.S. Department of Agriculture Soil Textural Classification System
64E-6.017	Definitions
64E-6.018	System Location, Design and Maintenance Criteria
64E-6.0181	Cesspit and Undocumented System Replacement and Interim System Use
64E-6.025	Definitions
64E-6.026	Applications for Innovative System Permits and System Construction Permits
64E-6.027	Permits
64E-6.028	Location and Installation
64E-6.030	Fees

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes, incorporate modifications proposed through the Technical Review and Advisory Panel, and implement statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: Onsite sewage treatment and disposal system design, permitting, construction,

modification, repair and maintenance; septage treatment and disposal; standards for systems in the Florida Keys; and performance-based treatment standards.

RULEMAKING AUTHORITY: 381.0065(3)(a), 489.553 (3), 489.557(1) FS.

LAW IMPLEMENTED: 381.0065, 381.00655, 381.0066, 381.0067, 381.0069, 386.041, 489.552, 489.553, 489.557 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-16.001	General
64E-16.002	Definitions
64E-16.003	Facility Policies and Procedures
64E-16.004	Storage and Containment
64E-16.005	Labeling
64E-16.006	Generator Requirements
64E-16.007	Treatment
64E-16.008	Biomedical Waste Transport
64E-16.009	Registration of Biomedical Waste Transporters
64E-16.010	Inspections
64E-16.011	Permits
64E-16.012	Fees
64E-16.013	Enforcement and Penalties
64E-16.014	Fees
64E-16.015	Enforcement Penalties

PURPOSE AND EFFECT: The purpose of the proposed rule is to update Chapter 64E-16, F.A.C., by incorporating necessary technical changes and modifications which will make it current with industry changes.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: Requirements for biomedical waste facilities that generate, transport, store, or treat biomedical waste; definitions; facility policy and procedure requirements; treatment process requirements; registrations; permits and exemptions; and fees.

RULEMAKING AUTHORITY: 381.006, 381.0098 FS.

LAW IMPLEMENTED: 154.06, 381.0098 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gina Vallone-Hood, Bureau of Community Environmental Public Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713 or <http://www.doh.state.fl.us/Environment/community/biomedical/index.html>

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.716  
 RULE TITLE: Income and Resource Criteria  
 PURPOSE AND EFFECT: The proposed rule amends language for income and resources.

SUBJECT AREA TO BE ADDRESSED: The proposed rule updates the life expectancy table and the average monthly private pay nursing facility rate.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: January 4, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Janice Elaine Johnson. 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: Janice Elaine Johnson, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)717-4111, [Janice\\_elaine\\_johnson@dcf.state.fl.us](mailto:Janice_elaine_johnson@dcf.state.fl.us)

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:           RULE TITLES:  
 69A-37.039           Prescribed Forms for Training and Certification  
 69A-37.065           Programs of Study and Vocational Courses

PURPOSE AND EFFECT: The Department is holding a second workshop for the purpose of exploring options with the public for the implementation of new programs of study and vocational courses relating to standards for Fire Officer Professional Qualifications. The workshop may also include a general discussion of the current Fire Officer Program including length of programs, content of programs, instructor requirements, prerequisite requirements, certification requirements, and proposed rule development in that regard.

SUBJECT AREA TO BE ADDRESSED: Training and certification programs for the Fire Officer Program.

RULEMAKING AUTHORITY: 633.01(1), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34, 633.35, 633.38, 633.45 FS.

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

DATE AND TIME: January 19, 2012, 3:30 p.m. – 4:30 p.m.

PLACE: Ocean Center, 101 North Atlantic Avenue, Daytona Beach, FL 32118

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: Bill Wentlandt at (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Wentlandt, Assistant Superintendent, Bureau of Fire Standards and Training, Division of State Fire Marshal, Phone (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF CORRECTIONS**

RULE NO.:           RULE TITLE:  
 33-208.403           Random Drug Testing of Employees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate language referring to internal management memoranda.

SUMMARY: The proposed rule removes language referring to internal department management memoranda.

**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.

Based on information provided by the Bureau of Substance abuse, the changes do not affect operations and therefore are not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09, 944.474 FS.

LAW IMPLEMENTED: 112.0455, 944.09, 944.474 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.403 Random Drug Testing of Employees.

(1) through (16) No change.

(17) In the case of positive test results for which the employee did not or could not provide valid documentation of lawful intake of the identified controlled substance, the employee shall be notified in writing of the positive test results and the consequences of the results, in accordance with the following:

(a) For staff not certified under Section 943.13, F.S.:

1. First-time positive result:

a. All such employees will be given a mandatory referral to the employee assistance program (~~in accordance with Department procedure~~).

b. through c. No change.

d. If the employee refuses to comply with all requirements of the course of treatment recommended by the employee assistance program treatment provider, she/he will be dismissed ~~in accordance with Department procedure~~.

e. No change.

f. If actions by a governing licensure or certification board or body prevent placement into or ongoing employment in the previously held position, the Department will offer alternate position placement in accordance with the employee's qualifications, if such is available. If no alternate position



placement is available or the employee is unwilling to accept available placement options, the employee will be dismissed ~~in accordance with Department procedure.~~

- g. No change.
- 2. Second time positive test result.
  - a. No change.

b. Any governing licensure or certification board or body relevant to the employee’s position requirements will be contacted and provided with a report ~~in accordance with established reporting procedures.~~

(b) For staff certified under Section 943.13, F.S., who test positive:

- 1. No change.
- 2. The Criminal Justice Standards and Training Commission or other governing licensure/certification board relevant to the employee’s position requirements will be contacted ~~and provided with a report in accordance with established reporting procedures,~~ and the Department shall move to terminate the employee ~~in accordance with Department procedure.~~

(c) Employees in trainee or probationary status.

- 1. No change.
- 2. Any other governing licensure or certification board or body (relevant to the employee’s position requirements) will be contacted and provided with a report ~~in accordance with established reporting procedures.~~

(18) through (21) No change.

Rulemaking Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History--New 9-11-05, Amended 12-18-06, 12-3-08, 10-9-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 18, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.103  
 RULE TITLE: Privileged Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that incoming mail from the news media that is individually correspondent in nature, rather than being a publication of the news media organization, should be marked so that staff know to treat the incoming mailing as correspondence rather than a publication and to clarify that mail to and from the Florida Bar is to be treated and handled as privileged mail.

SUMMARY: The proposed rule clarifies that incoming mail from the news media that is individually correspondent in nature, rather than being a publication of the news media organization, should be marked so that staff know to treat the incoming mailing as correspondence rather than a publication. The rule also clarifies that mail to and from the Florida Bar is to be treated and handled as privileged mail.

**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.

Based on information provided by the Office of Institutions, the rule only affects internal operations and clarifies existing practice, and is therefore not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

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

33-210.103 Privileged Mail.

(1) “Privileged mail” is a category that includes mail to and from public officials, governmental agencies and the news media. This includes mail to and from the Florida Bar.

(2) through (4) No change.

(5) Processing of Privileged Mail.

(a) All incoming privileged mail shall be opened in the presence of the inmate to determine that the correspondence is privileged mail and that it contains no unauthorized items. Incoming mail from the news media that is correspondence as opposed to a publication shall clearly indicate on the outside of the envelope the nature of the mail in order to put staff on notice that it should be handled pursuant to this rule rather than Rule 33-504.101, F.A.C. (“Admissible Reading Material”), such as by marking it as “privileged,” “correspondence,” or “not a publication.” Only the signature and letterhead of privileged mail may be read. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being

returned in accordance with subsection (5) of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(b) through (9) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended 5-5-02, 12-4-02, 9-20-04, 7-18-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-302.104  
RULE TITLE: Correctional Probation Officers Carrying Firearms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what type of holster is required of probation officers who carry firearms.

SUMMARY: The proposed rule clarifies what type of holster is required for probation officers who carry firearms.

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.

Based on information provided by the Office of Institutions and the Office of Community Corrections, the rule only affects internal operations that have no effect on small business or regulation and is therefore not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09 FS.  
LAW IMPLEMENTED: 20.315, 790.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) through (3) No change.

(4) Carrying a Firearm While on Duty.

(a) Officers who elect to carry a firearm and who receive Department authorization to carry a firearm, are authorized to carry the firearm, in accordance with Department standards, only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist. ~~All holsters that secure the firearm about the waist shall be of a type which secures the firearm with a thumb break retainer.~~ Only the authorized firearm may be carried.

(b) through (5) No change.

(6) Firearm Type, Holsters, and Ammunition.

(a) Correctional probation officers are authorized to carry only department approved firearms, holsters, ammunition and reloading devices.

(b) through (11) No change.

~~Rulemaking Specific~~ Authority 944.09 FS. Law Implemented 20.315, 790.06 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-4-01, 8-13-03, 6-24-04, 7-13-05, 3-27-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.: 60BB-5.014  
RULE TITLE: Scheduling of Hearings

PURPOSE AND EFFECT: Section 443.151(4)(b)5.c., Florida Statutes, as amended by Chapter 2011-235, Laws of Florida, requires hearsay evidence used as the basis for a finding of fact be provided to all parties in advance of the hearing providing party's a reasonable time to review the proffered evidence. Additionally, the public must be provided the ability to listen in to the appeal hearings and review applicable documents upon request.

SUMMARY: The rule is amended to require a party wishing to offer hearsay evidence at a hearing pursuant to the provisions of Section 443.151(4)(b)5.c., Florida Statutes, to deliver the evidence to the parties at least 24 hours prior to the scheduled hearing time. The rule amendment provides that when a hearing follows a weekend or holiday the 24 hour period does not include the weekend or holiday. The rule then provides that a party may waive the 24-hour period for review at the hearing and upon waiver the hearing officer may proceed to consider the evidence. The rule is also amended to direct a member of the public who wishes to listen to a telephone hearing to exercise that right by contacting the Office of Appeals in Tallahassee or the appeals office where the case is assigned.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-5.014 Scheduling of Hearings.

(1) through (2) No change.

(3) If any party wishes to submit evidence to be considered, pursuant to Section 443.151(4)(b)5.c., F.S., as the basis for a finding of fact, notwithstanding Section 120.57(1)(c), F.S., the party must arrange for delivery of the evidence to all parties and the appeals referee at least 24 hours prior to the scheduled hearing time. If the hearing is scheduled for a Monday or a day following a holiday, the Saturday and

Sunday or the holiday will be excluded from the calculation of the 24 hour period. The 24 hour period will provide the party against whom the evidence is offered a reasonable opportunity to review such evidence prior to the hearing.

(4) Waiver. If the party submitting evidence to be considered, pursuant to Section 443.151(4)(b)5.c., F.S., fails to provide the evidence to all parties and the appeals referee at least 24 hours prior to the scheduled hearing time, and all parties to whom the evidence was improperly provided appear at the hearing, the referee shall inquire whether such parties are willing to waive their rights set forth in subsection (3). If the appeals referee obtains informed and intelligent consent from all parties to whom the evidence was not properly provided, the referee may proceed to consider the evidence.

(5)(3) Any member of the public wishing to listen to attend a telephone hearing and inspect documents may do so by contacting the Office of Appeals at MSC 347, 107 E. Madison Street, Tallahassee, Florida 32399-4143 or the appeals office to which the case is assigned at the location of the appeals referee.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(b), (d) FS. History—New 5-22-80, Formerly 38E-5.14, Amended 10-5-86, 3-11-99, Formerly 38E-5.014, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dorothy Johnson, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alan Orantes Forst, Chairman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.: 60BB-5.024  
 RULE TITLE: Conduct of the Hearing

PURPOSE AND EFFECT: To require that an appeals referee state on the record the reason for refusing to accept into evidence written or physical material presented at the hearing.

SUMMARY: The rule is amended to require the referee to state the reasons for rejecting any written or physical material offered as evidence. The rule is also amended to notify parties they have the right to object to inclusion or exclusion of written or physical material. Finally, the rule is amended to provide that failure to raise an objection at the hearing does not preclude the party from raising the objection in an appeal to the Unemployment Appeals Commission.

**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 text of the rule.

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: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy Johnson, Deputy General Counsel, The Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-5.024 Conduct of the Hearing.

(1) through (2) No change.

(3) Evidence.

(a) through (c) No change.

(d) The hearing need not be conducted according to the technical rules regarding evidence and witnesses. When the appeals referee declines to accept as evidence any written or physical material presented for consideration, the appeals referee should specifically address on the record or in the written decision the reason the material was rejected. A party or the party's representative may state an objection to the referee's acceptance of written or physical material or refusal to accept written or physical material as evidence. Irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding of fact unless it would be admissible over objection in civil actions. A party or the party's representative may also advise the appeals referee of a defect in the character of any evidence introduced by voicing an objection. The objecting party shall be given an opportunity to explain the grounds for the objection. Failure of a party to voice an objection to any

evidence introduced at the hearing or to the referee's refusal to accept as evidence any written or physical material shall not prevent the party from raising the objection on appeal to the Unemployment Appeals Commission.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History--New 5-22-80, Formerly 38E-5.24, Amended 8-20-86, Formerly 38E-5.024, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dorothy Johnson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alan O. Forst, Chairman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.: RULE TITLE:

60BB-5.025 Decision

PURPOSE AND EFFECT: To require that an appeals referee state in the Decision of the Appeals Referee the rationale by which hearsay evidence on which a finding of fact is based was determined to be admissible pursuant to Section 443.151(4)(b)5.c.(I) and (II), Florida Statutes.

SUMMARY: The rule is amended to require a referee to set forth in the Decision of the Appeals Referee the rationale by which hearsay evidence on which a finding of fact is based was determined to be admissible pursuant to Section 443.151(4)(B)5.c.(I) and (II), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the text of the rule.

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: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-5.025 Decision.

(1) through (2) No change.

(3) The decision shall include, but not be limited to, the following:

(a) A statement of the referee's jurisdiction;

(d) An analysis of the findings including a concise and explicit statement of the underlying evidence in the record which supports the findings.

1. Where a finding is based solely on hearsay, notwithstanding Section 120.57(1)(c), F.S., as provided in Section 443.151(4)(b)5.c., F.S., the appeals referee shall set forth the rationale by which the evidence was determined to be admissible in accordance with Section 443.151(4)(b)5.c.(I) and (II), F.S.

2. If confronted with conflicting evidence with respect to a disputed issue of fact, the finding of which is determinative of the outcome of the appeal, the appeals referee shall acknowledge such conflict and set forth the rationale by which the conflict was resolved.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History--New 5-22-80, Formerly 38E-5.25, Amended 8-20-86, Formerly 38E-5.025, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dorothy Johnson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alan O. Forst, Chairman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-5.005                      RULE TITLE: License Renewal Fee Waivers

PURPOSE AND EFFECT: Veterinary Medicine has an excess of trust fund moneys; therefore, the Department is requesting this rule to reduce the amount of fees Veterinarians will have to pay for biennial renewal this upcoming cycle.

SUMMARY: The Department proposes to add language, subsection (2), to waive fifty dollars of the biennial license renewal fee; and to delete the sections pertaining to the fee waiver implemented in 2008, as the fee waiver has now expired.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted by the agency.

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

RULEMAKING AUTHORITY: 455.219(1) FS.

LAW IMPLEMENTED: 455.219(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61-5.005 License Renewal Fee Waivers.

(1) Pursuant to Section 455.219(1), F.S., the Department of Business and Professional Regulation has determined, based on long-range estimates of the revenue required to implement all provisions of law relating to the regulation of professions, that certain professions have an excess of trust fund moneys required to cover the functions necessary to regulate those professions.

(2) Fifty dollars (\$50.00) of the renewal fee is waived for Veterinarians, regulated pursuant to Chapter 474, F.S., whose renewal fees are set forth in Rule 61G18-12.005, F.A.C., and Rule 61G18-12.009, F.A.C., whose biennial license renewal is scheduled to occur May 31, 2012.

~~(2) The full renewal fee is waived for licensees of professions named in this subsection renewing their license in the two year period following the effective date of the most recent amendment to this rule.~~

~~(a) Real estate brokers and sales associates, regulated pursuant to Part I of Chapter 475, F.S., whose renewal fees are set in Rule 61J2-1.011, F.A.C., and whose biennial license renewal is scheduled to occur on March 31, 2008, pursuant to Rule 61-6.001, F.A.C.;~~

~~(b) Athlete agents regulated pursuant to Part IX of Chapter 468, F.S., and whose renewal fees are set forth in Rule 61-24.004, F.A.C.;~~

~~(c) Employee leasing, regulated pursuant to Part XI of Chapter 468, F.S., and whose renewal fees are set in Rule 61G7-5.001, F.A.C.;~~

~~(d) Real estate appraisers, regulated pursuant to Part II of Chapter 475, F.S., and whose renewal fees are set in Rule 61J1-2.001, F.A.C.;~~

~~(e) Professional engineers, regulated pursuant to Chapter 471, F.S., and whose renewal fees are set forth in Rule 61G15-24.001, F.A.C.; and,~~

~~(f) Barbering, regulated pursuant to Chapter 476, F.S., and whose renewal fees are set forth in Rule 61G3-20.009, F.A.C., Rule 61G3-20.010, and Rule 61G3-20.011.~~

(3) For renewals covered by this rule, the separate five dollar unlicensed activity fee collected pursuant to Section 455.2281, F.S., must still be paid at the time of renewal by all licensees. Further, this rule does not waive any additional fees owed at the time of renewal, such as late renewal or penalty fees.

Rulemaking Specific Authority 455.219(1) FS. Law Implemented 455.219(1) FS. History—New 10-1-00, Amended 8-17-06, 1-24-08,

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Division of Professions, Department of Business and Professional Regulation  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-7.014  
 RULE TITLE: Pick (N) Pools

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the calculation and distribution of pari-mutuel wagering activity on wagering pools.

SUMMARY: Amends rule regarding pool calculation and distribution requirements for pari-mutuel wagering activity on Pick (N) wagering pools by giving pari-mutuel permitholders increased flexibility to offer “uncapped” jackpot wagers to the public.

OTHER RULES INCORPORATING THIS RULE: Rule 61D-7.017 incorporates Rule 61D-7.014, F.A.C.

EFFECT ON THOSE OTHER RULES: None

**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 information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 550.0251(3), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED: 550.0251(7), 550.155 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 9, 2012, 1:30 p.m. – 3:30 p.m.

PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-7.014 Pick (N) Pools.

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

(b) Pick (N) with Jackpot Carryover and Minor Pool. The major share of the net Pick (N) pool (~~percentage designated by Permitholder~~) and the jackpot carryover, if any, shall be distributed to those who selected the first place finisher in each of the Pick (N) contests, based upon the official order of finish. The minor share of the net Pick (N) pool shall be distributed to those who selected the first place finisher in the second greatest number of Pick (N) contests, ~~based upon the official order of~~

~~finish.~~ If there are no wagers selecting the first place finisher in all Pick (N) contests, the minor share of the net Pick (N) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (N) contests, and the major share shall be added to the jackpot. If there are no wagers selecting at least one of the first place finishers, the entire Pick (N) pool shall be refunded for that performance. At the option of the permitholder, and with prior notification given to the division, the jackpot may be distributed in the same percentages as the major and minor share designations provided that there is at least one wager selecting the first place finisher in all of the contests. Otherwise, the jackpot shall be carried over and only the minor share of the net Pick (N) pool for that performance shall be distributed.

(c) Pick (N) with Minor Pool and no Jackpot Carryover. The major share of the net Pick (N) pool (~~percentage designated by permitholder~~) shall be distributed to those who selected the first place finisher in the greatest number of the Pick (N) contests, based upon the official order of finish. The minor share of the net Pick (N) pool shall be distributed to those who selected the first place finisher in the second greatest number of Pick (N) contests, ~~based upon the official order of finish.~~ If there are no wagers selecting at least one of the first place finishers, the entire Pick (N) pool shall be refunded.

(3) through (7) No change.

(8) For Pick (N) pools involving a jackpot, the jackpot shall be subject to the following conditions:

(a) The jackpot ~~may~~ shall be capped at a level designated by the permitholder, ~~in \$1,000 increments, but not exceeding the following:~~

	Cap for \$1.00 Minimum Wager	Cap for \$2.00 Minimum Wager
Pick (4)	\$4,000	\$8,000
Pick (5)	\$30,000	\$60,000
Pick (6)	\$250,000	\$500,000
Pick (7)	\$1,000,000	\$2,000,000
Pick (8) and over	\$5,000,000	\$10,000,000

~~(b) If at the close of any performance, the amount accumulated in the Pick (N) jackpot equals or exceeds the designated cap, the Pick (N) jackpot shall be frozen until it is distributed under the provisions of this rule.~~

~~(b)(e)~~ If the jackpot has been ~~previously~~ capped, and no one selects the first place finisher in each of the Pick (N) contests, then one hundred percent of the net Pick (N) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (N) contests for that performance.

(9) No change.

(10) The permitholder may provide for an early distribution of the Pick (N) jackpot on a specified date or payout schedule upon prior notification to the division at least 5 days prior to implementation.

~~(10)(44)~~ If for any reason beyond the control of the permitholder the Pick (N) jackpot cannot be awarded as required in the previous paragraphs, then the jackpot shall be deposited in an interest bearing account. The jackpot plus any interest earned shall become part of the Pick (N) net pool in one of the first five performances of the same permitholder's subsequent meet. For pari-mutuel facilities being utilized by more than one pari-mutuel permitholder, the jackpot plus any interest earned shall become part of the Pick (N) jackpot for the first performance of the other permitholder's subsequent meet at that same facility. ~~The permitholder(s) shall notify the division in writing prior to the beginning of the meet as to the designated performance.~~

~~(12) The permitholder may guarantee the Pick (N) jackpot up to the designated cap. The permitholder shall inform the division in writing at the beginning of the meet via the Form DBPR PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and at least 5 working days prior to exercising this option. The value needed to meet the guaranteed amount shall be added to the jackpot when it is won and included in the totalisator price calculations.~~

Rulemaking Specific Authority 550.0251(3),(7), 550.155(1), 550.495(4) FS. Law Implemented 550.0251(7), 550.155 FS. History- New 10-20-96, Amended 12-15-97, 4-12-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NOS.:	RULE TITLES:
61G6-5.003	Requirements for Certification
61G6-5.004	Requirement for Business Organizations
61G6-5.010	Statement of Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the requirements for certification; to update the requirement for compliance with Section 489.522(2)(c), F.S., regarding the primary qualifying

agent’s authority for approving checks, payments, drafts and contracts on behalf of the business organization; to clarify the language concerning the statement of authority.

SUMMARY: Language concerning the requirements for certification will be clarified; the requirement for compliance with Section 489.522(2)(c), F.S., regarding the primary qualifying agent’s authority for approving checks, payments, drafts and contracts on behalf of the business organization will be updated; language concerning the statement of authority will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that the rule amendment will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that the rules will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 489.507(3), 489.515(1), 489.521 FS.

LAW IMPLEMENTED: 489.505(12), (21), (22), 489.511(2), 489.515(1), 489.521, 489.522 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Juanita Chastain, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-5.003 Requirements for Certification.

(1) through (2) No change.

(3) All applicants attempting to demonstrate qualification by experience pursuant to Section 489.511(2)(a)3.a., b., c., F.S., must forward the following to the Board:

(a) A complete list of contracts by the applicant underway at the time of filing, along with a representative list of electrical contracts or alarm contracts, as applicable, completed in the requisite number of years preceding the date of application pursuant to the applicable part of the statute noted above. The list shall include the description of each job,

location, owner, architect or engineer, and general contractor. If the applicant has been employed by a Florida Certified Electrical, Alarm or Specialty contractor for the requisite number of years preceding the date of application, he/she may have that licensee verify that he/she meets the requirements pursuant to the applicable part of the statute noted above on a form prescribed by the Department in lieu of providing a list of contracts.

(b) Statements prepared ~~and signed in the presence of a notary~~ by some person or persons other than the applicant for licensure by examination or endorsement listing chronologically the active experience of the applicant ~~for examination~~ in the trade. The statements shall include the name and address of employers, and dates of employment, along with Copies of W-2 forms must be submitted with the application.

(4) No change.

Rulemaking Authority 489.507(3) FS. Law Implemented 489.505(12), (21), (22), 489.511(2), 489.521 FS. History–New 1-2-80, Amended 4-17-80, 10-4-84, Formerly 21GG-5.03, Amended 12-24-87, 7-9-89, 3-13-90, 11-26-90, 7-8-91, Formerly 21GG-5.003, Amended 3-20-94, 11-30-94, 7-13-95, 1-18-96, 9-22-97, 10-1-03, 12-6-10, 7-17-11, \_\_\_\_\_.

61G6-5.004 Requirement for Business Organizations.

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of an applicant proposing to engage in contracting as a partnership, corporation, business trust, or other legal entity other than a sole proprietorship, an applicant shall be required to forward the following to the Department for review by the Board:

(1) through (3) No change.

(4) For purposes of complying with Section 489.522(2)(c), F.S., a primary qualifying agent shall affirm he/she has the submit a notarized letter from a bank official concerning check writing authority or chief financial officer to demonstrate the applicant has authority for approving checks, payments, drafts and contracts on behalf of the business organization.

Rulemaking Authority 489.507(3), 489.515(1), 489.521 FS. Law Implemented 489.515(1), 489.521, 489.522 FS. History–New 1-20-80, Amended 4-17-80, 4-30-81, 1-11-84, Formerly 21GG-5.04, Amended 2-3-86, 11-23-86, 8-27-87, 12-24-87, 11-26-90, 7-8-91, Formerly 21GG-5.004, Amended 3-20-94, 11-30-94, 5-2-96, 2-13-97, 11-23-97, 4-14-98, 4-12-04, 7-17-11, \_\_\_\_\_.

61G6-5.010 Statement of Authority.

Any person applying for the issuance of a certificate or registration to engage in contracting in other than his/her individual capacity, or any registrant or certificate holder applying to qualify a partnership, corporation, business trust or other legal business entity shall affirm that he/she is responsible for supervision of all operations of the business organization, including, all field work at all sites and financial matters (both in general and for each specific job) furnish as



~~part of his application a statement is legally qualified to act for the business organization in all matters connected with its contracting business and that he has authority to supervise construction undertaken by such business organization.~~

~~(1) If he is qualifying a partnership such statement shall be signed by all partners or, in the event of a limited partnership, by the general partners.~~

~~(2) If he is qualifying a corporation, such statement shall be contained in a copy of the official minutes of that corporation, certified and attested to by its secretary.~~

~~(3) If he is qualifying a business trust, joint venture or any other legal business entity, such statement shall be signed by the trustees, or by such other persons as will legally bind that business entity.~~

Rulemaking Specific Authority 489.507(3), 489.521 FS. Law Implemented 489.521 FS. History—New 5-20-92, Formerly 21GG-5.010, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.: 61G7-5.001  
 RULE TITLE: Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application procedure and forms.

SUMMARY: Application procedure and forms will be updated.

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

During discussion of the economic impact of the rule at its Board meeting, the Board, based upon the expertise and experience of its members determined that a Statement of Estimated Regulatory Cost (SERC) was necessary, but determined that the rule amendment will not require ratification by the Legislature. The Board has determined that the rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. No person or interested party submitted additional information regarding the economic impact at that time.

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

A copy of the Statement of Estimated Regulatory Cost is available by contacting Richard Morrison, Executive Director, at the address listed below. The following is a summary of the SERC:

(1) Approximately 84 new applicants and 476 existing licensees will be required to comply with the rule. (2) The overall additional cost of the application process will be \$14.00, for an additional total of approximately \$7,840.00 for the 84 new applicants and the 476 existing licensed Employee Leasing Companies. (3) No cost to the department for implementing the proposed rule. (4) No cost to any other state and local government entities for implementing the proposed rule. (5) No small county or small city will be impacted by the proposed rule.

RULEMAKING AUTHORITY: 120.53(1), 455.2281, 468.522, 468.5245, 468.5275 FS.

LAW IMPLEMENTED: 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-5.001 Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing.

(1)(a) Applicants for licensure as an employee leasing company ~~or as a controlling person~~ shall file a completed application on ~~form Form~~ DBPR EL 4501, “Application for Licensure as an Employee Leasing Company,” effective ~~May 20, 2011~~ March 18, 2004 and/or ~~Form DBPR EL 4510, “Application for Licensure as an Employee Leasing Company Controlling Person,” effective March 18, 2004.~~ The forms, together with their attached instructions for completing the application forms, are incorporated herein by reference and ~~may be obtained from the Board’s office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its Website located at www.myflorida.com. This form references and where applicable, requires the completion and submission of the following additional forms:~~

1. DBPR 0020-1, “Master Organization Application,” effective May, 2011;

2. DBPR EL-4510, "Application for Licensure as an Employee Leasing Company Controlling Person," effective May 20, 2011.

3. DBPR EL-4512, "Historical Sketch," effective May, 2011.

4. DBPR EL-4518, "Cross Guarantee Form" effective May, 2011.

5. DBPR EL-4520, "Workers' Compensation and Release Authorization," effective May, 2011.

6. DBPR EL-4521, "Unemployment Compensation and Payroll Tax Certification," effective May, 2011.

7. DBPR EL-4507, "Health Insurance Statement," effective May, 2011.

8. DBPR EL-4522, "Quarterly Compliance Form," effective May, 2011.

9. DBPR-0050-1, "Explanatory Information for Background Questions," effective May, 2011; and

10. DBPR-0060-1, "General Explanatory Description," effective May, 2011.

(b) All forms referenced above, together with the instructions for completing them, are incorporated herein by reference and may be obtained from the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its Website located at [www.myflorida.com/dbpr/pro/emplo/forms.html](http://www.myflorida.com/dbpr/pro/emplo/forms.html). Applicants shall cure all deficiencies in their application noted by the board within 90 days from the date of the letter notifying the applicant or the application will be denied as an incomplete application. For purposes of this rule, an application is complete when all items on the application form have been fully answered, the applicant has paid the application fee specified in subsection (2), and has submitted all attendant documentation, certifications, electronic fingerprints through the Department's vendor fingerprint cards, explanations of answers, and other items specified in the form and its attached instructions. An application for licensure as an employee leasing company or group will not be deemed complete until both the controlling person(s) and employee leasing company parts are complete.

(2) The application fee shall be \$250 for each employee leasing company applicants, ~~\$106.75~~ ~~150~~ for each controlling person applicants, \$250 for each change of ownership applicants, and registration fees for de minimus operations of \$250 for a single employee leasing company and \$500 for a de minimus ~~an~~ employee leasing company group.

(3) License fees shall be assessed as follows:

(a) For initial licensure applications to be effective in the first year of the biennium:

1. ~~\$600.00~~ ~~1,000~~ for each controlling person;
2. ~~\$900.00~~ ~~1,500~~ for each employee leasing company;
3. ~~\$1,500~~ ~~2,500~~ for each employee leasing company group.

(b) For initial licensure applications to be effective in the second year of the biennium:

1. ~~\$300~~ ~~500~~ for each controlling person;
2. ~~\$450~~ ~~750~~ for each employee leasing company;
3. ~~\$750~~ ~~1,250~~ for each employee leasing company group.

(c) For renewal licensure applications:

1. ~~\$600~~ ~~1,000~~ for each controlling person;
2. ~~\$900~~ ~~1,500~~ for each employee leasing company;
3. ~~\$1,500~~ ~~2,500~~ for each employee leasing company group.

(d) For purposes of this rule the first year of the biennium shall end on April 30 of every ~~odd~~ ~~even~~-numbered year.

(e) through (f) No change.

(4) through (5) No change.

(6) In determining that an applicant meets the licensure requirements in Section 468.525, F.S., the Board must find that the applicant:

(a) In the case of an individual applying for licensure as a controlling person:

1. through 3. No change.

4. Notwithstanding the foregoing, an applicant shall not be deemed to meet the requirements of Section 468.525(1)(c), F.S., if the applicant has been affiliated directly or indirectly with any person, persons or entities (not only an employee leasing company) whose business operations are being or have been operated in a manner detrimental to clients, employees, governmental agencies, investors or creditors through the improper manipulation of assets or accounts. The foregoing shall apply only if the applicant would have been considered a "controlling person" of any such entity as that term is defined in Section 468.520(7), F.S. "Business operations which are deemed to be detrimental to clients, employees, governmental agencies, investors or creditors" shall mean a history, pattern or significant incidence of the following:

- a. through f. No change.

5. If any person applying for licensure as a controlling person, pursuant to Section 468.525, F.S., has engaged in the activities set forth in sub-subparagraphs 4.a. through f. above, this shall not be deemed to be an automatic bar to licensure. In determining whether to approve an applicant for licensure in spite of such activities, the Board shall consider the following factors:

- a. through e. No change.

6. Any controlling person's license approved by the board shall exist only in conjunction with a license granted to an employee leasing company. When any controlling person ceases to meet the statutory and rule criteria to be a controlling person then the controlling person's license shall expire and become null and void. If a controlling person notifies the Department within ninety (90) days of the event which ends the individual's status as a controlling person that the individual is going to become a controlling person with another

employee leasing company then a new controlling person license will be issued upon payment of a \$5.00 ~~transfer application fee and written notification to the Department from all employee leasing companies involved.~~ For such an application only, the background checks required of all initial controlling person applicants shall be waived insofar as the information would be available from the previous licensure file.

(b) In the case of a sole proprietorship, partnership, corporation, or other form of business entity applying for licensure as an employee leasing company:

1. through 4. No change.

5. Has provided with the application a certificate of workers' compensation insurance coverage which shall name the Board as a Certificate Holder and shall provide for a minimum of 30 days' notification of cancellation or if a policy from the Florida Workers' Compensation Joint Underwriting Underwriters Association (FWCJUA JUA) or from any carrier authorized by the Florida Office of Insurance Regulation is to be utilized by the applicant, the applicant has provided a letter from the FWCJUA or other authorized carrier JUA which sets forth that the policy will issue immediately upon licensure by the Board, and the policy issues ~~from the JUA~~ within thirty (30) days of the FWCJUA or other authorized carrier's JUA notification from the Board that the applicant has been approved subject to the ~~JUA~~ policy issuing. The employee leasing company may not contract to provide any services to leased employees until the ~~JUA~~ policy has issued.

6.a. Has provided with the application a valid certificate of workers' compensation insurance coverage, pursuant to Rule 61G7-10.0014, F.A.C., for all copies of the declaration pages and all endorsements on all plans for worker's compensation insurance covering leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with the new certificate of workers' compensation insurance coverage copies of any policies, declaration pages and endorsements within sixty (60) days; or

b. Has supplied the Board a letter signed by an agent or a carrier authorized to bind coverage on behalf of such carrier, which substantially reads as follows:

Board of Employee Leasing Companies  
 Division of Business and Professional Regulation  
 Northwood Centre  
 1940 North Monroe Street  
 Tallahassee, Florida 32399

RE: \_\_\_\_\_  
 Dear \_\_\_\_\_:

Enclosed is a copy of the Certificate of Liability Insurance for \_\_\_\_\_ is an authorized agent and has the authority to bind coverage with \_\_\_\_\_. This policy number is \_\_\_\_\_, effective from \_\_\_\_\_ to \_\_\_\_\_ and issued to \_\_\_\_\_. This policy provides coverage to leased employees in Florida.

~~7.a. With regard to all plans of group insurance for the provision of health benefits to leased employees, has Has provided the Board a signed statement that is substantially in the form set forth in paragraph 61G7-5.001(12)(b), F.A.C. with the application copies of the policies, declaration pages and all endorsements on all plans or arrangements of group insurance for the provision of health benefits to leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with copies of any policies, declaration pages and endorsements within sixty (60) days; or An additional signed statement shall be submitted to the Board within (60) days of any material change in any such plan offered to leased employees.~~

~~b. Has supplied the Board the affidavit set forth in paragraph 61G7-5.001(12)(b), F.A.C.~~

(7) No change.

(8) If the Board determines that an applicant is not qualified for licensure it shall notify the applicant of its intent to deny the applicant's application, which notice shall become a final order of the Board after 21 days. Within this 21-day period the applicant may file with the Board's office a request for ~~formal or informal~~ hearing pursuant to Section 120.57(1) or (2), F.S. A request for ~~formal~~ hearing pursuant to Section 120.57(1), F.S. shall comply with the requirements of Rule 28-106.201 28-5.201, F.A.C.

(9) through (11) No change.

~~(12)(a) Every employee leasing company or employee leasing company group which sponsors a plan for health benefits for its employees shall submit a complete copy of the plan or health insurance policy to the Board for review to insure compliance with subsection 468.529(1), F.S. In the event that the Board's review indicates that the submitted plan or policy is a self-insured plan of health benefits, the applicant or licensee shall submit an amended policy in conformity with subsection 468.529(1), F.S.~~

~~(b) As an alternative to the submission of the plan or health insurance policy as provided in paragraph (a) the The applicant or licensee, within (60) days of a licensee's obtaining a plan of group insurance for the provision of health benefits shall may submit a signed statement an affidavit from the insurer showing that the policy or plan is in compliance. Such statement Nothing in this rule shall impose any requirement on any insurer to provide such an affidavit. In the event that an affidavit is submitted, it shall be in substantially the following form:~~

AFFIDAVIT

~~I, (name of signatory), after being duly sworn upon my oath, depose and state:~~

1. I am employed by (name of employer) as (position). (Name of employer), is an admitted insurance carrier in the State of Florida. I possess the authority to make the following statements on behalf of (name of employer) and to bind (name of employer) concerning the statements made herein.

2. It is my understanding that, ~~as a requirement for licensure as an employee leasing company in Florida,~~ an employee leasing company may not sponsor a plan of self-insurance for health benefits except as may be permitted by the provisions of the Florida Insurance Code or, if applicable, by Pub. L. No. 93-406, the Employees Retirement Income Security Act. (name of insurer) Group Insurance Policy # issued to (name of leasing company), is in compliance with the requirements of this law as it is a fully insured insurance product which is fully insured by (name of insurer). Notwithstanding any provision in the policy which could be interpreted to the contrary (name of insurer) is ultimately fully responsible for all incurred claims under the terms of the policy.

After having read the above statements, I ~~state swear that~~ they are true and correct to the best of my knowledge and belief.

**FURTHER AFFIANT SAYETH NAUGHT:**

~~Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by, who being known to me/ produced written identification in the form of \_\_\_\_\_, and did take an oath.~~

\_\_\_\_\_  
Notary Public  
My Commission Expires \_\_\_\_\_

Rulemaking Specific Authority ~~120.53(1), 455.2281, 468.522, 468.524, 468.5245, 468.5275~~ FS. Law Implemented ~~455.213(11), 455.2281, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529~~ FS. History—New 5-5-92, Amended 7-15-92, 10-20-92, Formerly 21EE-5.001, Amended 10-24-93, 3-14-94, 7-4-94, 9-8-94, 11-13-94, 2-13-95, 6-4-95, 11-9-95, 5-26-96, 5-19-97, 4-29-99, 9-5-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**  
RULE NO.: 61H1-27.001      RULE TITLE: College or University Requirements  
PURPOSE AND EFFECT: The Board proposes the rule amendment to add Hong Kong to a list of countries with Board-approved college or university accounting programs to mirror the recent recognition by the U.S. International Qualifications Appraisal Board.

SUMMARY: Hong Kong will be added to a list of countries with Board-approved college or university accounting programs to mirror the recent recognition by the U.S. International Qualifications Appraisal Board.

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

During discussion of the economic impact of the rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that the rule amendment will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

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

- 61H1-27.001 College or University Requirements.  
(1) An accredited college or university within the meaning of Section 473.306, F.S., is a four-year degree granting college or university in the State University System or other four-year degree granting educational institution accredited at the time applicant's degree was received by virtue of membership in one of the following regional accrediting agencies so listed:
  - (a) through (g) No change.
  - (h) Canadian, Mexican, Irish, Australian, ~~and~~ New Zealand, and Hong Kong academic accounting programs approved by the provincial education bodies or the equivalent educational accreditation body for that country.
- (2) through (4) No change.
- (5)(a) A graduate of a four-year degree granting institution not accredited at the time the applicant's degree was received or at the time of filing application will be deemed to be a graduate of a four-year accredited college or university course provided an accredited college or university as defined by

subsections 61H1-27.001(1) and (2), F.A.C., accepts applicant's non-accredited baccalaureate degree for admission to a graduate business degree program; the applicant satisfactorily completes at least 15 semester or 22 quarter hours, or the equivalent, in post-baccalaureate education at the accredited institution of which at least 9 semester or 13 quarter hours, including at least 3 semester or 4 quarter hours in taxation; or the equivalent, shall be in accounting; and the accredited college or university verifies that the applicant is in good standing for continuation in the graduate program (or has maintained a grade point average in these courses that is necessary for graduation). The advanced subjects completed to qualify under this rule may not be used to satisfy the requirements of Rules 61H1-27.002 and ~~61H1-27.003~~, F.A.C. Elementary accounting subjects, or courses equivalent to elementary accounting, cannot be used to satisfy the requirements of this rule. Elementary accounting subjects include principles of financial and managerial accounting courses even if they are covered in a three-course sequence, are titled "introductory," "fundamentals," or "principles," and even if they are offered at the graduate level.

(b) No change.

Rulemaking Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95, 5-11-03, 3-21-05, 4-9-06, 8-13-06, 12-27-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-210.200                      RULE TITLE: Definitions

PURPOSE AND EFFECT: The proposed rule amendments (OGC No. 10-0877) incorporate into the state's air pollution control rules several elements related to control of fine particulate matter (PM<sub>2.5</sub>) emissions from industrial facilities like electric utilities, pulp mills, and cement kilns.

SUMMARY: Revisions are needed to the definitions at Rule 62-210.200, F.A.C., to establish PM<sub>2.5</sub> as a pollutant with a significant emissions rate, thereby making industrial facilities that emit PM<sub>2.5</sub> potentially subject to preconstruction review for major stationary sources and major modifications (at Chapter 62-212, F.A.C.). The proposed amendments are consistent with federal regulation, policy, and guidance, and they do not impose any requirements beyond or in addition to

the minimum federal program. Based on the statement of estimated regulatory costs, the proposed rule amendments are not expected to require legislative ratification.

OTHER RULES INCORPORATING THIS Rule 62-210.200, F.A.C., is referenced in Rules 62-4.050, 62-204.200, 62-210.200, 62-210.220, 62-210.300, 62-210.340, 62-210.370, 62-212.100, 62-212.500, 62-212.720, 62-213.202, 62-213.400, 62-213.410, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.340, 62-296.401, 62-296.417, 62-296.470, 62-296.600, and 62-297.100, F.A.C.

EFFECT ON THOSE RULES: The amendments would have no impact in the following referencing Rules 62-204.200, 62-210.220, 62-210.300, 62-210.340, 62-210.370, 62-213.202, 62-213.400, 62-213.410, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.340, 62-296.401, 62-296.417, 62-296.470, 62-296.600, and 62-297.100, F.A.C. The amendments would have the intended impact, as discussed in the summary, in the following referencing Rules 62-4.050, 62-210.200, 62-212.100, 62-212.500, and 62-212.720, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has prepared a SERC, which concludes that the amended rule imposes costs only in very rare circumstances because PM<sub>2.5</sub> is a subset of pollutants that are already controlled. Thus, most (if not all) sources of PM<sub>2.5</sub> emissions are already subject to preconstruction review for stationary sources because they emit other air pollutants and few (if any) facilities will be subject to regulation only because of their direct PM<sub>2.5</sub> emission rates. Based upon the SERC, the agency has determined that the rule is not likely to, directly or indirectly, have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; that the rule is not likely to, directly or indirectly, have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; and that the rule is likely to increase the total state-wide regulatory costs for all regulated entities by no more than \$42,000 during the 5 years after the implementation of this rule (This is an estimate of total regulatory costs for all regulated entities in the state over a 5-year period, not an annual cost for each regulated entity). Based upon the SERC analysis the agency has determined that legislative ratification is not required.

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

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 19, 2012, 9:00 a.m.  
 PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida  
 Any proposed amendment or other comments or objections should be presented in accordance with paragraph 62-110.103(2)(b), F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Marnie Brynes at (850)717-9029 or marnie.brynes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, e-mail patricia.comer@dep.state.fl.us, or Chad Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, telephone (850)717-9089, e-mail chad.r.stevens@dep.state.fl.us.

The department will accept public comments on the proposed rulemaking. Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, e-mail patricia.comer@dep.state.fl.us, or Chad Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, telephone (850)717-9089, e-mail chad.r.stevens@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters ~~62-204~~, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context clearly indicates otherwise, have the following meanings:

- (1) through (36) No change.
- (37) “Baseline Area” – ~~The area (and every part thereof) designated as a prevention of significant deterioration (PSD) area under Rule 62-204.360, F.A.C., in which the facility or major modification establishing the minor source baseline date would construct or in which the emissions of the facility (or the significant net increase in emissions for a major modification) would have a predicted air quality impact equal to or greater than one microgram per cubic meter (annual average) of the pollutant for which the minor source baseline date is established.~~

- (a) The baseline area for sulfur dioxide is all of the state.
- (b) The baseline area for nitrogen dioxide is all of the state.

- (c) The baseline area for PM<sub>10</sub> is all of the state.
- (d) The baseline area for PM<sub>2.5</sub> is all of the state.

(38) “Baseline Concentration” – For each pollutant for which a minor source baseline date is established and for each averaging time for which a maximum allowable increase is established, the ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and for each averaging time for which a maximum allowable increase is established in Rule 62-204.260, F.A.C.

- (a) through (d) No change.
- (39) through (76) No change.

(77) “Class I Area” – The following areas are designated as Class I areas.

(a) Areas designated at 40 C.F.R. Part 81, Subpart D, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) Bradwell Bay National Wilderness Area.

(78) “Class II Area” – All areas of the state are designated Class II except for those areas designated Class I.

(77) through (90) renumbered (79) through (92) No change.

(93) “Condensable Particulate Matter” or “Condensable PM” – Gaseous emissions from a source or activity which condense at ambient temperatures to form particulate matter.

(94) “Condensable PM<sub>10</sub>” – Gaseous emissions from a source or activity which condense at ambient temperatures to form PM<sub>10</sub>.

(95) “Condensable PM<sub>2.5</sub>” – Gaseous emissions from a source or activity which condense at ambient temperatures to form PM<sub>2.5</sub>.

(91) through (186) renumbered (96) through (191) No change.

(192)(187) “Major Source Baseline Date” – Pursuant to 40 C.F.R. 51.166(b)(14)(i) 51.166(14)(i), adopted and incorporated by reference at ~~in~~ Rule 62-204.800, F.A.C.:

- (a) In the case of PM<sub>10</sub> particulate matter and sulfur dioxide, January 6, 1975; and
- (b) In the case of nitrogen dioxide, February 8, 1988; and,
- (c) In the case of PM<sub>2.5</sub>, October 20, 2010.

(188) through (191) renumbered (193) through (196) No change.

(197) “Maximum Allowable Increase” or “PSD Increment” – A maximum allowable increase over the baseline concentration as set forth at 40 C.F.R. § 52.21(c), adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(192) through (195) renumbered (198) through (201) No change.

~~(202)(196)~~ “Minor Source Baseline Date” – Pursuant to 40 C.F.R. 51.166(b)(14)(ii), adopted and incorporated by reference at ~~in~~ Rule 62-204.800, F.A.C., the minor source baseline date for each pollutant for which maximum allowable increases have been established under Rule 62-204.260, F.A.C., is as follows: the earliest date after August 7, 1977, for particulate matter and sulfur dioxide, and February 8, 1988, for nitrogen dioxide, that a facility or a modification subject to preconstruction review under 40 C.F.R. 52.21, Rule 17-2.500 (transferred), or Rule 62-212.400, F.A.C., submits a complete application for permit under such regulations provided that:

(a) The sulfur dioxide minor source baseline date for the sulfur dioxide baseline area is December 27, 1977; On the date the complete application is filed, the area in which the facility or modification would be constructed is designated as attainment or unclassifiable for the applicable pollutant under 42 U.S.C. Section 7407(d)(1) of the Clean Air Act (if the application is filed under 40 C.F.R. 52.21), or as a PSD area under Rule 17-2.450 (transferred), 62-275.700 (repealed), or 62-204.360, F.A.C., (if the application is filed under Rule 17-2.500 (transferred) or 62-212.400, F.A.C.); and

(b) The nitrogen dioxide minor source baseline date for the nitrogen dioxide baseline area is March 28, 1988; In the case of a facility, the emissions of the applicable pollutant would be equal to or greater than the significant emissions rate as defined under Rule 62-210.200, F.A.C., or, in the case of modification, there would be a significant net emissions increase of the pollutant.

(c) The PM<sub>10</sub> minor source baseline date for the PM<sub>10</sub> baseline area is December 27, 1977; and

(d) The PM<sub>2.5</sub> minor source baseline date for the PM<sub>2.5</sub> baseline area is October 21, 2011.

(197) through (235) renumbered (203) through (241) No change.

~~(242)(236)~~ “PM<sub>10</sub>” –

(a) ~~With respect to concentrations in the atmosphere, PM<sub>10</sub> means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 C.F.R. Part 50 Appendix J, adopted and incorporated by reference in Rule 62-204.800, F.A.C., and designated in accordance with 40 C.F.R. Part 53 or by an equivalent method designated in accordance with 40 C.F.R. Part 53, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

(b) For purposes of Rules 62-212.400 and 62-212.500, F.A.C., including determinations of applicability and establishment of limitations to avoid applicability of Rule 62-212.400 or 62-212.500, F.A.C., PM<sub>10</sub> emissions shall include condensable PM<sub>10</sub>. Compliance with PM<sub>10</sub> emissions limitations originating in a permit issued pursuant to Rules

62-212.400 or 62-212.500, F.A.C., and issued prior to January 1, 2011, shall not be based on condensable PM<sub>10</sub> unless required by the terms and conditions of the permit. With respect to emissions, PM<sub>10</sub> means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the atmosphere as measured by an applicable reference method or by an equivalent or alternative method specified in 40 C.F.R. Part 51, Subpart M, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

~~(243)~~ “PM<sub>2.5</sub>” –

(a) PM<sub>2.5</sub> means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

(b) For purposes of Rules 62-212.400 and 62-212.500, F.A.C., including determinations of applicability and establishment of limitations to avoid applicability of Rules 62-212.400 or 62-212.500, F.A.C., PM<sub>2.5</sub> emissions shall include condensable PM<sub>2.5</sub>. Compliance with PM<sub>2.5</sub> emissions limitations originating in a permit issued pursuant to Rules 62-212.400 or 62-212.500, F.A.C., and issued prior to January 1, 2011, shall not be based on condensable PM<sub>2.5</sub> unless required by the terms and conditions of the permit.

(237) through (274) renumbered (244) through (281) No change.

~~(282)(275)~~ “Significant Emissions Rate” –

(a) With respect to any emissions increase or any net emissions increase, or the potential of a facility to emit any of the following pollutants, significant emissions rate means a rate of pollutant emissions that would equal or exceed:

1. A rate listed at 40 C.F.R. 52.21(b)(23)(i), adopted and incorporated by reference at Rule 62-204.800, F.A.C.; specifically, any of the following rates:

a. through c. No change.

d. Particulate matter: 25 tpy;

~~(F) 25 tpy of particulate matter emissions;~~

~~(H) 15 tpy of PM<sub>10</sub> emissions;~~

e. PM<sub>10</sub>: 15 tpy;

f. PM<sub>2.5</sub>: 10 tpy of direct PM<sub>2.5</sub> emissions, 40 tpy of sulfur dioxide emissions, or 40 tpy of nitrogen oxides emissions;

e. through o. renumbered g. through q. No change.

2. No change.

(b) Significant emissions rate also means, for the pollutants listed above in paragraph (a), any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1 microgram per cubic meter µg/m<sup>3</sup>, 24-hour average.

(c) No change.

~~(283)~~(276) “Significant Impact” – An impact of emissions on ambient air quality in excess of any of the following pollutant-specific concentration values:

(a) through (b) No change.

(c) PM<sub>2.5</sub>.

1. Maximum 24-hour concentration not to be exceeded more than once per year – 0.07 micrograms per cubic meter for Class I areas; 1.2 micrograms per cubic meter for all other areas.

2. Annual arithmetic mean – 0.06 micrograms per cubic meter for Class I areas; 0.3 micrograms per cubic meter for all other areas.

(c) through (e) renumbered (d) through (f) No change.

(277) through (332) Renumbered (284) through (339) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07, 7-16-07, 3-16-08, 10-12-08, 6-29-09, 3-11-10, 6-29-11.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael P. Halpin, P.E., Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Herschel T. Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-212.300	General Preconstruction Review Requirements
62-212.400	Prevention of Significant Deterioration (PSD)

PURPOSE AND EFFECT: The proposed rule amendments (OGC No. 10-0878) incorporate into the state’s air pollution control rules several elements related to control of fine particulate matter (PM<sub>2.5</sub>) emissions from industrial facilities like electric utilities, pulp mills, and cement kilns.

SUMMARY: Revisions are needed to Chapter 62-212, F.A.C., to incorporate PM<sub>2.5</sub> into the state’s preconstruction review program for major stationary sources and major modifications. The proposed amendments are consistent with federal regulation, policy, and guidance, and they do not impose any requirements beyond or in addition to the minimum federal program. Based on the statement of estimated regulatory costs, the proposed rule amendments are not expected to require legislative ratification.

OTHER RULES INCORPORATING THIS Rule 62-212.300, F.A.C., is referenced in Rules 62-4.050, 62-210.200, 62-210.300, 62-210.370, 62-212.500, and 62-212.600, F.A.C. Rule 62-212.400, F.A.C., is referenced in Rules 62-4.050, 62-204.200, 62-204.220, 62-204.320, 62-210.200, 62-210.300, 62-210.310, 62-210.340, 62-210.350, 62-210.550, 62-212.300, 62-212.500, 62-212.600, 62-212.710, 62-212.720, 62-296.416, 62-296.500, and 62-296.700, F.A.C.

EFFECT ON THOSE RULES: The amendments to Rule 62-212.300, F.A.C., would have no impact in the following referencing Rules 62-210.370, 62-212.500, and 62-212.600, F.A.C. The amendments to Rule 62-212.300, F.A.C., would have the intended impact, as discussed in the summary, in the following referencing Rules 62-4.050, 62-210.200, 62-210.300, F.A.C.

The amendments to Rule 62-212.400, F.A.C., would have no impact in the following referencing Rules 62-204.200, 62-204.220, 62-204.320, 62-210.340, 62-210.350, 62-210.550, 62-212.300, 62-212.500, 62-212.600, 62-212.710, 62-212.720, 62-296.416, 62-296.500, and 62-296.700, F.A.C. The amendments to Rules 62-212.400, F.A.C., would have the intended impact, as discussed in the summary, in the following referencing Rules 62-4.050, 62-210.200, 62-210.300, 62-210.310, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has prepared a SERC, which concludes that the amended rule imposes costs only in very rare circumstances because PM<sub>2.5</sub> is a subset of pollutants that are already controlled. Thus, most (if not all) sources of PM<sub>2.5</sub> emissions are already subject to preconstruction review for stationary sources because they emit other air pollutants and few (if any) facilities will be subject to regulation only because of their direct PM<sub>2.5</sub> emission rates. Based upon the SERC, the agency has determined that the rule is not likely to, directly or indirectly, have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; that the rule is not likely to, directly or indirectly, have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within 5 years after the implementation of the rule, and that the rule is likely to increase the total state-wide regulatory costs for all regulated entities by no more than \$42,000 during the 5 years after the implementation of this rule (This is an estimate of total regulatory costs for all regulated entities in the state over a 5-year period, not an annual cost for each regulated entity). Based upon the SERC analysis the agency has determined that legislative ratification is not required.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.



RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 19, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

Any proposed amendment or other comments or objections should be presented in accordance with paragraph 62-110.103(2)(b), F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Marnie Brynes at (850)717-9029 or marnie.brynes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, e-mail patricia.comer@dep.state.fl.us, or Chad Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, telephone (850)717-9089, e-mail chad.r.stevens@dep.state.fl.us

The department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice. Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, e-mail patricia.comer@dep.state.fl.us, or Chad Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400, telephone (850)717-9089, e-mail chad.r.stevens@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-212.300 General Preconstruction Review Requirements.

This rule shall apply to the proposed construction or modification of all emissions units and facilities for which an air construction permit is required pursuant to subsection 62-210.300(1), F.A.C.

- (1) General Prohibitions.

(a) through (e) No change.

(f) The Department shall account for condensable PM<sub>10</sub> and condensable PM<sub>2.5</sub> in applicability determinations and in establishing emissions limitations for PM<sub>10</sub> and PM<sub>2.5</sub> in permits issued pursuant to Rules 62-212.400 or 62-212.500, F.A.C., and in permits issued to establish limitations to avoid applicability of Rules 62-212.400 or 62-212.500, F.A.C.

(2) through (3) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.520, 17-212.300, Amended 11-23-94, 1-1-96, 10-28-97, 2-2-06, 10-6-08, 6-29-09, \_\_\_\_\_.

62-212.400 Prevention of Significant Deterioration (PSD). ~~The provisions of this rule generally apply to the construction or modification of air pollutant emitting facilities in those parts of the state in which the state ambient air quality standards are being met. The provisions of this rule also establish various requirements for existing emissions units and facilities in such areas, including specific construction/operation permit requirements.~~

- (1) General Provisions.

(a) No person shall construct any new major stationary source or undertake any major modification except in compliance with the provisions of this rule and, where applicable, Rule 62-212.500, F.A.C. Emissions of an affected pollutant from a new major stationary source or major modification which is located in or proposed to be located in any nonattainment area are not subject to this rule Rule 62-212.400, F.A.C.

(b) through (c) No change.

(2) No change.

(3) Exemptions.

(a) through (d) No change.

(e) The requirements of subsection 62-212.400(7), F.A.C., as they relate to monitoring for a particular pollutant shall not apply if:

1. The emissions increase of the pollutant from the new major stationary source or the net emissions increase of the pollutant from the major modification would cause, in any area, air quality impacts less than the amounts listed at 40 C.F.R. § 52.21(i)(5), adopted and incorporated by reference at Rule 62-204.800, F.A.C., specifically the following amounts:

a. Carbon monoxide – 575 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , eight-hour average;

b. Nitrogen dioxide – 14 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , annual average;

c. PM<sub>2.5</sub> – 4 micrograms per cubic meter, 24-hour average;

d.e. PM<sub>10</sub> Particulate matter – 10 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$  ~~of PM-10~~, 24-hour average;

~~e.d.~~ Sulfur dioxide – 13 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , 24-hour average;

~~f.e.~~ No change.

~~g.f.~~ Lead – 0.1 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , three-month average;

~~h.g.~~ Fluorides – 0.25 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , 24-hour average;

~~i.h.~~ Total reduced sulfur – 10 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , one-hour average;

~~j.i.~~ Hydrogen sulfide – 0.2 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , one-hour average;

~~k.j.~~ Reduced sulfur compounds – 10 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , one-hour average; and

~~l.k.~~ Any concentration previously listed at the table at Rule 62-212.400-3, F.A.C.; specifically, Mercury – 0.25 micrograms per cubic meter  $\mu\text{g}/\text{m}^3$ , 24-hour average; or

2. No change.

(4) No change.

(5) Source Impact Analysis. ~~The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:~~

(a) Required Demonstration. The owner or operator of the proposed major stationary source or major modification shall demonstrate that allowable emission increases from the proposed major stationary source or major modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

~~1.(a)~~ Any ambient air quality standard in any air quality control region; or

~~2.(b)~~ Any applicable maximum allowable increase over the baseline concentration in any area.

(b) Significant Impact Levels. For purposes of  $\text{PM}_{2.5}$ , the demonstration required in paragraph 62-212.400(5)(a), F.A.C., is deemed to have been made if the emissions increase from the new major stationary source alone or from the major modification alone would cause, in all areas, air quality impacts less than the following amounts:

1. Annual averaging time – 0.06 micrograms per cubic meter in a Class I area, and 0.3 micrograms per cubic meter in all other areas.

2. 24-hour averaging time – 0.07 micrograms per cubic meter in a Class I area, and 1.2 micrograms per cubic meter in all other areas.

(6) through (13) No change.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.500, Amended 2-2-93, Formerly 17-212.400, Amended 11-23-94, 1-1-96, 3-13-96, 2-5-98, 8-15-99, 2-2-06, 7-16-07, 10-6-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael P. Halpin, P.E., Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:

RULE TITLE:

62-296.341

Regional Haze – Reasonable

Progress Control Technology

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1598) is to repeal rule requirements for permitting that are now rendered unnecessary by changes to federal requirements and which are unnecessarily burdensome.

SUMMARY: The proposed rules to be repealed involve requirements for visibility protection that can be met without additional permitting actions by the department.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of this rule will not have an adverse impact on small business or likely increase 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.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rule is being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 19, 2012, 9:00 a.m.

PLACE: Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Marnie Brynes, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400. Telephone (850)717-9029. E-mail marnie.brynes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-296.341 Regional Haze – Reasonable Progress Control Technology.

Rulemaking Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–New 2-7-08, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management  
 NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2011

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-4.007  
 RULE TITLE: Military Spouse Temporary Professional License Fee

PURPOSE AND EFFECT: This new rule sets the application fee for a new type of temporary license.

SUMMARY: Pursuant to new legislation, this rule sets the application fee for a military spouse temporary license at \$65.00.

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:

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: 456.024(3) FS.

LAW IMPLEMENTED: 456.024, 456.065(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.007 Military Spouse Temporary Professional License Fee.

The application fee shall be \$65.00.

Rulemaking Authority 456.024(3) FS. Law Implemented 456.024, 456.065(3) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lola Pouncey  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer Jr., M.D., Ph.D., FACP  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-9.003  
 RULE TITLE: Military Spouse Temporary License

PURPOSE AND EFFECT: To establish the procedure for applying for a temporary license for spouses of active duty members of the armed forces stationed in Florida who wish to practice a health care profession in Florida.

SUMMARY: This rule references the requirements for obtaining a military spouse temporary license and adopts the application form that must be completed to apply for the license.

**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:

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: 456.024(3) FS.

LAW IMPLEMENTED: 456.024(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lola Pouncey, Bureau Chief, Bureau of Operations and Management Services, 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.003 Military Spouse Temporary License.

To obtain a temporary license to practice in Florida for 12 months in any health care profession, an eligible spouse of any active duty member of the Armed Forces must submit fingerprints for a criminal history check, hold a valid license in another jurisdiction, establish eligibility to take the appropriate examination and entitlement to full licensure under the appropriate practice act, and otherwise comply with section 456.024(3), F.S., by submitting a completed application on the incorporated by reference form DH-MQA 1251, 09/11, at \_\_\_\_\_, which also may be obtained from the Department at [http://doh.state.fl.us/mqa/app\\_temp\\_Lic\\_Military\\_Spouses.pdf](http://doh.state.fl.us/mqa/app_temp_Lic_Military_Spouses.pdf) or by writing to the Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin C-01, Tallahassee, FL 32399.

Rulemaking Authority 456.024(3) FS. Law Implemented 456.024(3) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Allen Hall

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D. Ph.D, FACP

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011**

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-51.007  
 RULE TITLE: Fees for Application, Examination, Examination Review and Initial Licensure

PURPOSE AND EFFECT: To clarify and update language in order to comply with statutes, and to change the electrology exam fee.

SUMMARY: The proposed change will reduce the Electrologist licensure examination fee from \$150.00 to \$135.00.

**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 this rule at its Council meeting, the Council, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Council has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments 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: 478.55(1) FS.

LAW IMPLEMENTED: 456.017, 456.033(5), 478.55 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure.

(1) through (2) No change.

(3) Examination fee is as listed in Rule 64B-1.016, Florida Administrative Code, and is to be paid directly to the testing vendor \$135.

~~(4) Examination review fee is \$75.~~

~~(4)(5)~~ Initial licensure fee is \$100 and a \$5 special fee to fund efforts to combat unlicensed practice.

~~(5)(6)~~ Inspection fee for facility is \$100 biennially.

Rulemaking Authority 478.55(1) FS. Law Implemented 456.017, 456.033(5), 478.55 FS. History—New 5-31-93, Formerly 21M-76.007, 61F6-76.007, Amended 7-11-95, Formerly 59R-51.007, Amended 4-18-06, 2-23-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2011

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-52.003  
RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: To clarify the list of entities approved offering awardable continuing education credits and clarify the language of the rule.

SUMMARY: To clarify the list of entities approved offering awardable continuing education credits and clarify the language of the rule.

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 this rule at its Council meeting, the Council, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic

impact at that time. The Council has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendment 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: 478.43(1), (4), 478.50(2), (4)(a), (b) FS.

LAW IMPLEMENTED: 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) All licensees shall be awarded contact hours for attendance at all offerings that are approved by the Electrolysis Society of Florida (ESF), or the Electrolysis Association of Florida (EAF), or the American Electrology Association, or the Society of Clinical and Medical Hair Removal, and all offerings from other states which are approved by the states' licensing agency or professional electrology organization which offerings have been approved by the American Electrology Association, or the Society of Clinical and Medical Hair Removal, or any ~~technical school~~ college or university course, or course approved pursuant to Rule 64B8-53.001, F.A.C., taken and successfully completed for the first time by the licensee in a subject area relevant to electrolysis. The licensee shall provide verification upon request of the Department.

(3) through (7) No change.

Rulemaking Authority 478.43(1), (4), 478.50(2), (4)(a), (b) FS. Law Implemented 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (b) FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, 2-17-00, 9-21-00, 8-13-02, 4-26-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2010

**DEPARTMENT OF HEALTH**

**Board of Naturopathic Examiners**

RULE NOS.:           RULE TITLES:  
 64B28-3.001           Annual Educational Requirements  
 64B28-3.002           Exceptions

PURPOSE AND EFFECT: The purpose and effect of this proposed rulemaking is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rules 64B28-3.001 and 64B28-3.002, F.A.C., were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, and, thus, are appropriate for repeal. These are the only rules in Rule Chapter 64B28-3, F.A.C. There are no other rules incorporating these rules.

**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:

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: 462.04 FS.

LAW IMPLEMENTED: 462.18 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joy Tootle, Executive Director, 4052 Bald Cypress Way, Bin #C-03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B28-3.001 Annual Educational Requirements.

Rulemaking Specific Authority 462.04 FS. Law Implemented 462.18 FS. History–New 12-8-77, Formerly 21N-3.001, Repealed.

64B28-3.002 Exceptions.

Rulemaking Specific Authority 462.04 FS. Law Implemented 462.18. History–New 12-8-77, Formerly 21N-3.02, 21N-3.002, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joy Tootle

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2011

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care Therapy**

RULE NO.:           RULE TITLE:  
 64B32-2.001           License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the revised application

SUMMARY: The rule amendment will update the revised date  
**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** 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 Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2), (3), 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 License by Endorsement.

(1) Applicants for licensure as a Registered Respiratory Therapist or Certified Respiratory Therapist in the state of Florida shall apply on Form DH-MQA 1145, Application by

Endorsement, Revised ~~07/11~~ ~~04/10~~, incorporated herein as this Board’s application form and available on the web at <http://www.doh.state.fl.us/mqa/respiratory/index.html>.

(2) Each applicant applying for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The initial application must be accompanied by the application fee. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(3) Every applicant for licensure as a registered respiratory therapist or certified respiratory therapist shall demonstrate the following:

(a)1. That the applicant holds the “Registered Respiratory Therapist” or “Certified Respiratory Therapist” credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

2. That the applicant holds licensure, or the equivalent, to deliver respiratory care in another state and such licensure was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(b) That the applicant is not otherwise disqualified by reason of a violation of Chapter 456 or Chapter 468, Part V, F.S., or the rules promulgated thereunder.

(c) That the applicant has completed a Board approved 2-hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

(d) An applicant who has not practiced respiratory care for 2 years or more must complete a Board-approved comprehensive review course or be recertified in the level in which he or she is applying to practice in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) hours in the topics and numbers of hours as follows:

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary Function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway Care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

Rulemaking Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History—New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05, 6-12-07, 5-15-08, 5-25-09, 5-10-10, 10-6-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care Therapy**

RULE NO.: RULE TITLE:

64B32-6.001 Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to meet required hours for Continuing Education Requirements.

SUMMARY: The rule amendment will update the revision number of hours to meet requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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 Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.013(7), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.001 Continuing Education Requirement.

(1) The Legislature and the Board have determined that competency in delivery of respiratory care services is enhanced by continuous updating of knowledge and skills. To this end,

continuing education is required as a condition for renewal of licensure of all respiratory care personnel without regard to the avenue taken to licensure.

(2) Each licensee shall submit proof satisfactory to the Board of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 24 contact hours of continuing education except as provided in Rule 64B32-6.001, F.A.C.

(3) Those persons initially licensed during the second year of a biennium who do not currently hold a respiratory care license are exempt from the continuing education requirements, except for the Medical Errors course and HIV/AIDS course pursuant to subsection (5) of this rule and Section 456.033, F.S., for their first renewal. Continuing education requirements must be met for each biennium thereafter.

(4) A licensee who ~~also~~ holds a current license as a Certified Respiratory Therapist (CRT) or holds a current license in another health care profession may satisfy the continuing education requirement for issuance a renewal of the Registered Respiratory Therapist (RRT) or renewal of the CRT ~~this~~ license with hours counted toward renewal of another license as long as the hours meet all the requirements of this rule chapter.

(5) Beginning with the biennium ending May 31, 2015, a licensee needs twenty-four (24) hours per biennium in order to renew the license, of which (2) credit hour(s) must include Florida laws and rules to bring the licensee up to date on laws and rules of the Board and the regulatory agency under which the Board operates.

The hours can be obtained in the following manner:

(a) Florida laws and rules.

~~(b)(a)~~ Direct Delivery 2 credit hour(s) Mandatory for all of Respiratory Care licensees: A minimum of 16 Services hours each biennium must be obtained by each licensee in the approved offerings pursuant to subsection 64B32-6.004(3), F.A.C.

1. Medical Errors Mandatory part of Direct Delivery Services Requirements for all licensees: 2 hours in a board-approved continuing education course pursuant to Rule 64B32-6.006, F.A.C.

2. HIV/AIDS Mandatory part of Direct Delivery Services Requirements for the initial renewal of all licensees, Optional for subsequent renewals: At least 3 hours but no more than 5 hours pursuant to Rule 64B32-6.006, F.A.C. The course must be taken within the last five (5) years prior to either initial licensure or first renewal.

3. Emergency Preparedness Mandatory part of Direct Delivery Services Requirements for all licensees 2 hour course offered by a board approved CE provider.

(b) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques) No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to subsection 64B32-6.004(3), F.A.C.

(c) Home Study Courses Limitation applicable to all licensees: No more than 12 hours per biennium pursuant to subsection 64B32-6.004(3), F.A.C.

(d) Other requirements that satisfy continuing education are listed in Rule 64B32-6.004, F.A.C.

(6) A licensee needs twenty-four (24) hours of Continuing Education each biennium in order to renew a Respiratory Care License. None of these hours can be obtained by taking Basic Life Support (BLS) training.

Rulemaking Authority 456.013(7), 468.361(2) FS. Law Implemented 468.361 FS. History--New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended 6-9-99, Formerly 64B8-75.001, Amended 5-15-05, 10-28-07, 5-15-08, 8-4-09, 4-25-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011



**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NO.: 65E-5.115  
 RULE TITLE: Mental Health Personnel  
 PURPOSE AND EFFECT: Rule 65E-5.115, F.A.C., is being repealed because the rule lacks statutory mandate and is an unnecessary restatement of statute.  
 SUMMARY: 65E-5.115, F.A.C., is 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:

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: 394.457(5), 394.46715 FS.  
 LAW IMPLEMENTED: 394.455, 394.457(5)(a) FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: Joe Anson, Substance Abuse and Mental Health Program Office, Department of Children and Families, 1317 Winewood Boulevard, Building 6, Room 331, Tallahassee, Florida 32399-0700. 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: Joe Anson, Substance Abuse and Mental Health Program Office, Department of Children and Families, 1317 Winewood Boulevard, Building 6, Room 331, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-5.115 Mental Health Personnel.

Rulemaking Specific Authority 394.457(5), 394.46715 FS. Law Implemented 394.455, 394.457(5)(a) FS. History—New 4-4-05, Amended 1-8-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Anson, Substance Abuse and Mental Health Program Office, Department of Children and Families, (850)717-4330  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Wilkins, Secretary, Department of Children and Families  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2011

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NOS.:	RULE TITLES:
65E-10.013	Applicability
65E-10.014	Definitions
65E-10.016	Licensing Requirements
65E-10.018	Client Eligibility for Placement in Residential Treatment Programs
65E-10.019	Cost Sharing
65E-10.021	Standards for Residential Treatment Programs Serving Emotionally Disturbed Children and Adolescents

PURPOSE AND EFFECT: The purpose of the proposed amendments is to remove language made obsolete by the promulgation of Chapter 65E-9, F.A.C., Licensure of Residential Treatment Centers and to update guidelines for residential placement of uninsured children and youth by the Department of Children and Families with general revenue funds.

SUMMARY: This chapter establishes standards for providing treatment services to children with emotional disturbance in residential programs that are solely funded by the Department of Children and Families.

**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:

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: 394.4781(3) FS.  
 LAW IMPLEMENTED: 394.4781(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kimberley E. Brown, Department of Children and Families, Mental Health Program, 1317 Winewood Blvd., Building 6, Room 296, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-10.013 Applicability.

(1) These rules shall apply to the placement of children in residential treatment programs funded by Department of Children and Families to provide treatment services to children who have an emotional disturbance.

(2) No change.

Rulemaking Specific Authority 394.4781(3) FS. Law Implemented 394.4781(3), (4) FS. History--New 3-1-84, Formerly 10E-10.13, Amended 4-8-96, 8-12-96, Formerly 10E-10.013, Amended \_\_\_\_\_.

65E-10.014 Definitions.

When used in Rules 65E-10.013 through 65E-10.018, F.A.C., 65E-10.021, F.A.C., unless otherwise clearly written in the text:

(1) “Child and family specific team” means a defined group of people that includes the child and his/her family, a behavioral health representative from the Department of Children and Families or their designee, and any individuals important in the child’s life who are identified and invited to participate by the child and family. “Clinical director” means a person with a master’s degree and two years of “specialty” experience in a clinical capacity with severely emotionally disturbed children.

(2) “Continuum of care” means alcohol, drug abuse and mental health services ranging from the least restrictive prevention services to the most restrictive residential programs. The continuum is prevention-oriented in that it promotes early problem identification and intervention to reduce the need for more restrictive, intrusive, longer term treatment programs. The following services comprise the continuum of care:

- (a) Prevention services;
- (b) Diagnostic and evaluation services;
- (c) Outpatient services;
- (d) Day treatment services;
- (e) Crisis counseling services;
- (f) Residential programs; and,
- (g) Treatment or receiving facilities.

(3) “Hazardous procedure” means aversive conditioning, any activity that places the client at physical risk or pain, or any experimental treatment methodology.

~~(2)~~(4) “Child” means any person under the age of 18.

~~(3)~~(8) “Psychiatrist” means a medical practitioner licensed under Chapter 458, F.S. as defined in Section 394.455(2)(b), F.S. This person shall have experience in treating emotionally disturbed children and adolescents.

(4) “Psychologist” means a mental health service provider as defined in Section 490.003(7), F.S., licensed to practice in Florida with experience in working with children and adolescents.

(5) “Nurse” means a person licensed as a registered nurse or practical nurse and two years’ experience, of which one must be general nursing experience and the other in a specialty area working with children and adolescents.

~~(6) “Nursing assessment” means a general assessment conducted by a registered nurse in accordance with provisions of Section 464.003(3)(a)1. of the Nurse Practice Act. It does not serve as the physical examination required by Section 394.459(2)(c), F.S.~~

~~(5)~~(9) “Residential treatment program” means any program providing 24 hour live-in care and therapeutic services and includes the following:

~~(a) “Wilderness therapeutic service” means programs that use wilderness environments to provide therapeutic treatment experiences for emotionally disturbed youths.~~

~~(a)~~(b) “Therapeutic foster home” means a residential program in a community-based setting where one or two minors live in a licensed foster home with adults who receive specialized mental health training and support. Such support is also provided to natural parents and others as determined in the treatment plan.

~~(b)~~(e) “Therapeutic group home” means a 24 hour residential treatment program licensed under Chapter 65E-9, F.A.C., providing community-based mental health services in a home-like group setting for up to twelve children who meet the criteria in Section 394.492(5) or (6), F.S. eight emotionally disturbed minors with extensive mental health support services and training provided to the group home parents or staff and the natural parents.

~~(c)~~(d) “Residential treatment center for children and adolescents” means any 24 hour residential program as defined in Section 394.67(21), F.S. providing mental health services to emotionally disturbed or psychotic minors. These, typically privately operated, programs offer a variety of treatment modalities in a more restrictive setting.

(6) “System of Care” means a spectrum of effective, community-based services and supports for children and youth with or at risk for mental health or other challenges and their families, that is organized into a coordinated network, builds meaningful partnerships with families and youth, and addresses their cultural and linguistic needs, in order to help

them to function better at home, in school, in the community, and throughout life. The following services comprise the system of care.

- (a) Prevention services;
- (b) Diagnostic and evaluation services;
- (c) Outpatient services;
- (d) Day treatment services;
- (e) Crisis counseling services;
- (f) Residential programs; and
- (g) Treatment or receiving facilities;
- (h) Other services and supports designed to build resilience and support recovery.

~~(7) "Physician" means a medical practitioner as licensed pursuant to Chapter 458 or 459, F.S.~~

~~(8) "Psychiatrist" means a medical practitioner as defined in Section 394.455(2)(b), F.S. This person shall have experience in treating emotionally disturbed children and adolescents.~~

~~(9) "Residential program" means programs providing 24 hour live in care and therapeutic services and includes the following:~~

~~(a) "Wilderness therapeutic service" means programs that use wilderness environments to provide therapeutic treatment experiences for emotionally disturbed youths.~~

~~(b) "Therapeutic foster home" means a residential program in a community based setting where one or two minors live in a licensed foster home with adults who receive specialized mental health training and support. Such support is also provided to natural parents and others as determined in the treatment plan.~~

~~(c) "Therapeutic group home" means a 24 hour residential program providing community based mental health services in a group setting for up to eight emotionally disturbed minors with extensive mental health support services and training provided to the group home parents or staff and the natural parents.~~

~~(d) "Residential treatment center" means a 24 hour residential program providing mental health services to emotionally disturbed or psychotic minors. These, typically privately operated, programs offer a variety of treatment modalities in a more restrictive setting.~~

~~(10) "Restraint" means restraining the child's limbs, head or body by the use of mechanical or physical devices; for example, straps, cuffs, harnesses, mittens, camisoles, for the purpose of preventing a person from inflicting injury upon themselves or others.~~

~~(11) "Seclusion" means to isolate and contain in a room those children who pose an imminent threat of physical harm to themselves or others. The room shall incorporate features which substantially reduce the possibility of children doing harm to themselves or leaving the room without authorization.~~

~~Rulemaking Specific Authority 394.4781(3), (4) FS. Law Implemented 394.4781(3) FS. History--New 3-1-84, Formerly 10E-10.14, Amended 4-8-96, Formerly 10E-10.014, Amended 9-14-98,\_\_\_\_\_.~~

65E-10.016 Licensing Requirements.

(1) Children shall be placed in residential treatment programs which meet the applicable licensing standards of Chapters 65E-9 and 65C-14, F.A.C., or Chapter 395, F.S., or in the case of foster homes, are certified as therapeutic foster homes. All participating residential treatment programs homes must meet the applicable licensing requirements as indicated in Chapters 65C-13, 65C-14, 65C-15, F.A.C.

(2) It shall be the responsibility of the provider to secure the required licensure or certification and to make verification of such licensure or certification available to the Department upon request.

~~Rulemaking Specific Authority 409.165(1), 409.175(1), (2) FS. Law Implemented 394.4781(4), 409.145, 409.165, 409.175 FS. History--New 3-1-84, Formerly 10E-10.16, Amended 4-8-96, Formerly 10E-10.016, Amended\_\_\_\_\_.~~

65E-10.018 Client Eligibility for Placement in Residential Treatment Programs.

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

(b) Be assessed within 90 days prior to placement as emotionally disturbed by a clinical psychologist or by a psychiatrist licensed to practice in the State of Florida, with experience or training in children's disorders; who attests, in writing, that: be impaired to the extent that residential services are required; and

1. The child has an emotional disturbance as defined in Section 394.492(5), F.S., or a serious emotional disturbance as defined in Section 394.492(6), F.A.C.;

2. The emotional disturbance or serious emotional disturbance requires treatment in a residential treatment setting;

3. A less restrictive than residential treatment setting is not available or clinically recommended;

4. The treatment provided in the residential treatment setting is reasonably likely to resolve the child's presenting problems as identified by the psychiatrist or psychologist;

5. The nature, purpose, and expected length of treatment have been explained to the child and the child's parent or guardian.

(c) Have been staffed at a assessed by minimum by the child and family specific appropriate district multidisciplinary team and been presented with all available options for treatment determined eligible for service.

(2) General revenue funds designated as children's mental health funding State Children's Mental Health funding, purchase of services, shall not be used to maintain children over the age of 18 in programs encompassed by these rules or to place a child for whom no appropriate services are available

in Florida in an out of state residential treatment program which is not an approved Medicaid provider in the state where the child is being placed.

(3) Placement of children and youth in therapeutic out of home settings with general revenue funds is dependent on the availability of funds.

Rulemaking Specific Authority 394.4781(3) FS. Law Implemented 394.4781(3), (4) FS. History--New 3-1-84, Formerly 10E-10.18, Amended 4-8-96, Formerly 10E-10.018, Amended \_\_\_\_\_.

65E-10.019 Cost Sharing.

Rulemaking Specific Authority 394.4781(3)(c) FS. Law Implemented 394.4781(3)(c), (4), 409.2561 FS. History--New 3-1-84, Formerly 10E-10.19, 10E-10.019, Repealed \_\_\_\_\_.

65E-10.021 Standards for Residential Treatment Programs Serving Emotionally Disturbed Children and Adolescents.

Rulemaking Specific Authority 394.4781(3), (4) FS. Law Implemented 394.4781(3) FS. History--New 3-1-84, Formerly 10E-10.21, Amended 4-8-96, Formerly 10E-10.021, Amended 9-14-98, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kimberley E. Brown, Department of Children and Families, Mental Health Program, 1317 Winewood Blvd., Building 6, Room 296, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Wilkins, Secretary Department of Children and Families

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2010

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Consumer Services

RULE NO.:                    RULE TITLE:  
5J-8.003                    Registration

##### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-8.003 Registration.

Any person who intends to open or operate as a dance studio shall, prior to offering dance studio services, register with the Department using DACS Form 10700, Dance Studio

Registration Package, ~~07/11 7-01-10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Dance Studios, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500; or accessed online at ~~the following link: <http://www.flrules.org/Gateway/reference> <http://www.doacs.state.fl.us/onestop/forms/10700.pdf>~~. The registrant shall submit the registration fee to the Department at the time of registration for each dance studio location. The registration fee shall be non-refundable. The registrant shall submit with ~~form~~ DACS Form 10700, ~~07/11 7-01-10~~, a copy of each contract offered to the public relating to the sale of dance studio services.

Rulemaking Authority 501.143(12), FS. Law Implemented 501.143(3), (4), (5), FS. History--New 3-22-93, Amended 6-23-94, 5-24-95, 2-11-98, 9-14-03, \_\_\_\_\_.

#### DEPARTMENT OF REVENUE

##### Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-4.003	Public Use Forms
12B-4.060	Tax on Transfers of Ownership Interest in Legal Entities

##### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 39, September 30, 2011 issue of the Florida Administrative Weekly.

Subparagraph 1. of paragraph (b) of subsection (1) of Rule 12B-4.060, F.A.C., has been changed so that, when adopted, that subparagraph will read:

1. "Conduit entity" means a legal entity, or its successor entity, to which real property is transferred without full consideration by a grantor who owns a direct or indirect interest in the entity.

Subsection (3) of Rule 12B-4.060, F.A.C., has been changed so that, when adopted, that subsection will read:

(3) The tax is based on the consideration paid or given for the ownership interest in the conduit entity, which includes the amount of any mortgage attached to real property that was transferred to the conduit entity. If the conduit entity owns assets other than the real property referred to in subsection (2), tax is calculated by multiplying the consideration for the interest in the conduit entity by the tax rate and then multiplying the result by a fraction, the numerator of which is the value of the real property referred to in subsection (2) and the denominator of which is the value of all assets owned by the conduit entity.

Paragraph (d) of subsection (9) of Rule 12B-4.060, F.A.C., has been changed so that, when adopted, that paragraph will read:

(d) Example 4: On July 2, 2009, Pam and Mike transferred Walton County, Florida real property (the real property), which they owned equally, to a corporation. The corporation was owned equally by Mike and a limited liability company (LLC) owned by Pam alone. No documentary stamp tax was paid on the document that transferred the real property to the corporation. On July 10, 2009, Pam sold her interest in the LLC (thereby selling her indirect ownership interest in the corporation) for \$45,000. The corporation owned assets in addition to the real property transferred to it on July 2, 2009. The value of the real property was \$85,000, and the real property made up 95% of the value of all assets owned by the corporation. The only asset owned by the LLC was its interest in the corporation. Tax of \$299.25 (450 x \$.70 x 95%) was due on the transfer of Pam's ownership interest, since tax was not paid on the full consideration for the real property when it was transferred to the corporation.

Paragraph (f) of subsection (9) of Rule 12B-4.060, F.A.C., has been changed so that, when adopted, that paragraph will read:

(f) Example 6: On July 2, 2009, Sue transferred Polk County, Florida real property (the real property), owned by her alone, to a limited liability company (LLC) she owned alone. The real property was encumbered by a mortgage at the time of the transfer. The mortgage balance at the time of the transfer was \$75,000, which was an amount less than the property's fair market value. Documentary stamp tax of \$525 was due and paid on the document that transferred the real property to the LLC based on the mortgage balance of \$75,000. The LLC owned no assets other than the real property. On July 31, 2009, Sue sold her interest in the LLC for \$110,000. Tax of \$770 was due on the transfer of Sue's ownership interest in the LLC based on consideration of \$110,000.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                    RULE TITLE:  
59G-4.130                    Home Health Services

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 25, June 24, 2011 issue of the Florida Administrative Weekly.

The following revisions were made to the Notice of Proposed Rule.

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, December 2011 ~~September 2011~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the

Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at 1(800)289-7799 and selecting Option 7.

(3) No change.

(4) The following appendices forms that are included in the Florida Medicaid Home Health Services Coverage and Limitations Handbook and are incorporated by reference: Appendix B, Home Health Certification and Plan of Care, Form CMS-485(C-3)(02-94) (Formerly HCFA-485), December 2011 in Appendix B, one page; and in Appendix C, the Authorization for Private Duty Nursing Provided by a Parent or Legal Guardian, AHCA-Med Serv Form 046, July 2008, ~~one page~~; Appendix D, Guidelines for Evaluating Family Support and Care Supplements, December 2011; Appendix E, Physician Visit Documentation Form AHCA-Med Serv Form 5000-3502, October 2010; Appendix F, Parent or Legal Guardian Medical Limitations AHCA-Med Serv Form 5000-3501, October 2010; Appendix G, Parent or Legal Guardian Work Schedule AHCA-Med Serv Form 5000-3503, December 2011; Appendix H, Parent or Legal Guardian Statement of Work Schedule AHCA-Med Serv Form 5000-3504, December 2011; Appendix I, Parent or Legal Guardian School Schedule AHCA-Med Serv Form 5000-3505, December 2011; Appendix J, Medicaid Instructions for Personal Care Services Plan of Care and Form AHCA-Med Serv Form 5000-3506, December 2011; Appendix K, Medicaid Physician's Written Prescription for Home Health Services AHCA-Med Serv Form 5000-3525, December 2011; Appendix L, Review Criteria for Private Duty Nursing Services, December 2011; and Appendix M, Medicaid Review Criteria for Personal Care Services, December 2011. ~~The Both~~ forms are available by photocopying them from the handbook.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, 12-29-08, \_\_\_\_\_.

The following revisions have been made to the Florida Medicaid Home Health Services Coverage and Limitations Handbook, December 2011.

Home Health Services Coverage and limitations Handbook Table of Contents

Appendices are changed to read:

- Appendix A: Home Health Services Fee Schedule.....A-1
- Appendix B: Medicaid Instructions for CMS Form 485—Plan of Care.....B-1
- Appendix C: Authorization for Private Duty Nursing Provided by a Parent or Legal Guardian..... C-1
- Appendix D: Guidelines for Evaluating Family

Support and Care Supplements..... D-1

Appendix E: Physician Visit Documentation Form.....E-1

Appendix F: Parent or Legal Guardian Medical Limitations Form..... F-1

Appendix G: Parent or Legal Guardian Work Schedule Form.....G-1

Appendix H: Parent or Legal Guardian Statement of Work Schedule Form.....H-1

Appendix I: Parent or Legal Guardian School Schedule Form..... I-1

Appendix J: Medicaid Instructions for Personal Care Services Plan of Care.....J-1

Appendix K: Medicaid Physician’s Written Prescription for Home Health Services.....K-1

Appendix L: Medicaid Review Criteria for Private Duty Nursing Services.....L-1

Appendix M: Medicaid Review Criteria for Personal Care Services.....M-1

Page 1-1 Footer is changed to December 2011

Page 1-2 Footer is changed to December 2011

Page 1-3 Purpose and Definitions

The following is inserted:

Babysitting: The act of providing custodial care, daycare, afterschool care, supervision, or similar childcare unrelated to the services that are documented to be medically necessary for the recipient.

Page 1-3 Footer is changed to December 2011

Page 1-4 Purpose and Definitions

The following is inserted:

Instrumental Activities of Daily Living

Instrumental activities of daily living (IADLs) are tasks which enable a recipient to function independently in the community.

Page 1-4 Quality Improvement Organization (QIO)

Paragraph is changed to read: The vendor contracted with the Agency for Health Care Administration to monitor the appropriateness, effectiveness, and quality of care provided to Medicaid recipients. The vendor performs prior authorizations of services based on medical necessity determinations.

Page 1-4 Footer is changed to December 2011

Page 1-5 Purpose and Definitions

Caregiver

Paragraph is changed to read: An individual such as a parent, foster parent, head of household or family member who attends to the needs of a child or dependent adult. This individual generally provides care without compensation.

Page 1-5 Provider Qualifications

Home Health Agency Provider Qualifications

Second to last paragraph is changed to read: Home health agencies receiving accreditation and deemed status by JCAHO or CHAP or ACHC are responsible for providing accreditation documentation to HQA.

Page 1-5 Footer is changed to December 2011

Page 1-6 Provider Qualifications

Independent Personal Care Provider Qualifications

Last paragraph inserted to read: Independent personal care group providers must meet the home health licensure exemption requirements defined in 400.464, Florida Statutes in order to be reimbursed for personal care services provided to Medicaid recipients.

Page 1-6 Footer is changed to December 2011

Page 1-7 Footer is changed to December 2011

Page 1-8 Footer is changed to December 2011

Page 1-9 Who May Provide Home Health Services

Qualified Home Health Agency Staff

Paragraph is changed to read: Home health services are provided by qualified health care professionals. The home health agency must ensure that all staff (employed or contracted) who provide home health services are qualified and licensed.

Page 1-9 Subcontracting category and corresponding paragraph are deleted.

Page 1-9 Footer is changed to December 2011

Page 1-10 Who May Provide Home Health Services

Skill Level of Staff

Paragraph is changed to read: The home health services provider must provide staff with the skill level designated or appropriate for each medically necessary covered home health service prescribed in the physician order and approved plan of care. Skill level designation must be reflective of the standards outlined in the Nurse Practice Act. See Florida Statutes Chapter 464. Requests for a skill level higher than the less costly alternative must justify the need.

Page 1-10 Footer is changed to December 2011.

Page 1-11 Footer is changed to December 2011

Page 2-1 Overview

In This Chapter

Page numbers change as follows:

Covered, Limited and Excluded Services 2-11

Licensed Nurse and Home Health Aide Services 2-15

Personal Care Services 2-24

Durable Medical Equipment and Therapy Services 2-29

Required Documentation 2-30

Prior Authorizations for Home Health Services 2-32

Prior Authorization for Medically-Needy Recipients 2-38

Page 2-1 Requirements to Receive Services: Introduction.

Paragraph one is changed to read: Medicaid reimburses home health services provided to an eligible Medicaid recipient when it is medically necessary to provide those services in his place of residence or other authorized setting.

Paragraph two is inserted to read: Medicaid does not reimburse for home health services when the service duplicates another provider’s service under the Medicaid program or other state or

local program or if a comparable home and community-based service is provided to the recipient at the same time on the same day.

Page 2-1 Footer date is changed to December 2011

Page 2-2 Requirements to Receive Services

New section and corresponding paragraphs are inserted as follows:

Early, Periodic, Screening, Diagnosis and Treatment (EPSDT)  
EPSDT is a federal requirement that the state Medicaid agency cover diagnostic services, treatment, and other measures described in 42 USC 1396d(a) for Medicaid recipients under 21 years of age if the service is medically necessary to correct or ameliorate a defect, physical or mental illness, or a condition identified through a screening examination.

The fact that the recipient is under 21 years of age does **NOT** eliminate the requirement for prior authorization through the Quality Improvement Organization (QIO).

Page 2-2 Footer date is changed to December 2011

Page 2-3 Footer date is changed to December 2011

Page 2-4 Footer date is changed to December 2011

Page 2-5 Footer date is changed to December 2011

Page 2-7 Plan of Care Requirements

Description

Paragraph one is changed to read: A plan of care (POC) is an individualized written program for a recipient that is developed by health care providers including the attending physician. The POC is designed to meet the medical, health and rehabilitative needs of the recipient. The POC must identify the medical need for home health care, appropriate interventions, and expected health outcomes.

Required Plan of Care Document

Paragraph four is changed to read: Note: See Appendix J for a copy of the Personal Care Services Plan of Care form, AHCA-Med Serv Form 5000- 3506, December 2011.

Paragraph five is changed to read: AHCA-Med Serv Form 5000-3506, December 2011 is available by photocopying it from Appendix J. It is incorporated by reference in Rule 59G-4.130, F.A.C.

Page 2-7 Footer date is changed to December 2011

Page 2-8 Plan of Care Requirements

Plan of Care Components

Bullet nine is changed to read:

- Approval by the attending physician as evidenced by his signature.

Page 2-8 Footer date is changed to December 2011

Page 2-9 Footer date is changed to December 2011

Page 2-10 Footer date is changed to December 2011

Page 2-11 Plan of Care Requirements

Compliance Review

Paragraph two is inserted to read: During such reviews, AHCA or its designee will request from the provider copies of certain records.

Page 2-11 Footer date is changed to December 2011

Page 2-12 Footer date is changed to December 2011

Page 2-13 Covered, Limited and Excluded Services

Exclusions

Paragraph one is changed to read: Listed below are examples of services that are not reimbursable under the Medicaid home health services program:

Bullet eleven is changed to read:

- Transportation services (except when necessary to protect the health and safety of the recipient and no other transportation service is available).

Page 2-13 Footer date is changed to December 2011

Page 2-14 Footer date is changed to December 2011

Page 2-15 Footer date is changed to December 2011

Page 2-16 Footer date is changed to December 2011

Page 2-17 Footer date is changed to December 2011

Page 2-18 Footer date is changed to December 2011

Page 2-19 Private Duty Nursing Services

Following the term "Services" INSERT: (For recipients under age 21 years old)

Private Duty Nursing Definition

Paragraph is changed to read: Private duty nursing services are medically-necessary skilled nursing services that may be provided to recipients under age 21 years old in their home or other authorized settings to support the care required by their complex medical condition.

Page 2-19 Footer date is changed to December 2011

Page 2-20 Private Duty Nursing Services

Parental Responsibility

Paragraph one is changed to read: Private duty nursing services are authorized to supplement care provided by parents and caregivers. Parents and caregivers must participate in providing care to the fullest extent possible. Training must be offered to parents and caregivers by the home health services provider to enable them to provide care that they can safely render without jeopardizing the health or safety of the recipient. The home health services provider must document the methods used to train a parent or caregiver in the medical record.

Paragraph two is changed to read: Medicaid may reimburse private duty nursing services rendered to a recipient whose parent or caregiver is not available or able to care for him. Supporting documentation must accompany the prior authorization request in order to substantiate a parent or caregiver's inability to participate in the care of the recipient (i.e., work or school schedules and medical documentation\*). If a parent or caregiver is unable to provide a work schedule, a statement attesting to the work schedule must be presented to the QIO when requesting authorization.

Paragraph three is changed to read: Medicaid does not reimburse private duty nursing services provided primarily for the convenience of the child, the parents or the caregiver.

Paragraph four is changed to read: Medicaid does not reimburse private duty nursing for respite care. Examples are parent or caregiver recreation, socialization, and volunteer activities, or periodic relief to attend to personal matters unrelated to the medically necessary care of the recipient.

Paragraph five is changed to read: Note: See Appendix F, G, H, and I for copies of the Parent or Legal guardian medical limitations, work, and school schedule forms, AHCA-Med Serv Forms 5000: 3501, October 2010; 3503, December 2011; 3504, December 2011; and 3505, December 2011. The forms are available by photocopying them from Appendix F, G, H, and I. They are incorporated by reference in Rule 59G-4.130, F.A.C.

Page 2-20 Footer date is changed to December 2011

Page 2-21 Private Duty Nursing Services

Private Duty Nursing Provided by a Parent or Legal Guardian

Paragraph six is changed to read: Medicaid may authorize additional hours for the parent or legal guardian to sleep if the child's medical condition requires an awake caregiver to provide continuous or frequent intervention or medically-necessary observation during the night. See Appendix D, Guideline for Evaluating Family Support and Care Supplements, December 2011.

Note is changed to read: See Appendix C for a copy of the Authorization for Private Duty Nursing Provider by a Parent or Legal Guardian, AHCA-Med Serv Form 046, July 2008. The form is available by photocopying it from Appendix C. It is incorporated by reference in Rule 59G-4.130, F.A.C.

Page 2-21 Footer date is changed to December 2011

Page 2-22 Private Duty Nursing Services

PPEC Services

Paragraph two is inserted to read: Medicaid may reimburse private duty nursing services for a period of 30 calendar days in order for PPEC services to become established.

Paragraph three is inserted to read: If additional time is needed, the provider, recipient, or physician can request a reconsideration. Information or documentation must be submitted to justify the additional time.

Paragraph four is changed to read: The QIO will evaluate whether the child's needs can be met by a PPEC center in consultation with the child's physician and parent or legal guardian. After the review for PPEC services, private duty nursing may be provided as a wraparound alternative for an individual needing additional services when PPEC is not available.

Page 2-22 Footer date is changed to December 2011

Page 2-23

Private Duty Nursing Services

The section titled "Authorization Process" is changed to read: "Prior Authorization Process"

Paragraph one is changed to read: Private duty nursing services will be prior authorized by the Medicaid QIO if the services are determined to be medically necessary. The request for the authorization must be submitted prior to the delivery of services.

The section titled "Prior Authorization" is entirely deleted.

Page 2-23 Footer date is changed to December 2011

Page 2-24

Footer date is changed to December 2011

Page 2-25 Personal Care Services

Following the term "Services" INSERT: (For recipients under age 21 years old)

Personal Care Services Definition

Paragraph one is changed to read: Personal care services provide medically necessary assistance with activities of daily living (ADL) and age appropriate instrumental activities of daily living (IADL) that enable the recipient to accomplish tasks that they would normally be able to do for themselves if they did not have a medical condition or disability.

Who Can Receive Personal Care Services

First bullet is changed to read:

- Have a medical condition or disability that substantially limits their ability to perform their ADLs or IADLs; and

Page 2-25 Footer date is changed to December 2011

Page 2-26 Personal Care Services

Personal Care Services Requirements

Insert fifth bullet to read:

- Supervised by the recipient if the services are provided by a non-home health agency and the recipient is a legal adult between the ages of 18 and 21 years of age with no legal guardian;

Parental Responsibility

First paragraph is changed to read: Personal care services are authorized to supplement care provided by parents, and caregivers. Parents and caregivers must participate in providing care to the fullest extent possible. Training must be offered by the home health service provider to parents and caregivers to enable them to provide care they can safely render without jeopardizing the health or safety of the recipient. The home health services provider must document the methods used to train a parent or caregiver in the medical record.

Third paragraph is changed to read: Note: See Appendix F, G, H, and I for copies of the Parent or Legal guardian medical limitations, work, and school schedule forms, AHCA-Med Serv Forms 5000: 3501, October 2010; 3503, December 2011; 3504, December 2011; and 3505, December 2011. The forms are available by photocopying them from Appendix F, G, H, and I. They are incorporated by reference in Rule 59G-4.130, F.A.C.

Page 2-26 Footer is date is changed to December 2011

Page 2-27 Personal Care Services



**Prior Authorization**

First paragraph is inserted to read: Personal Care services will be prior authorized by the Medicaid QIO if the services are determined to be medically necessary. The request for the authorization must be submitted prior to the delivery of services.

Second paragraph is changed to read: Initial requests for personal care services will be authorized for up to 60 days to allow for reassessment of the recipient's condition.

Third paragraph is inserted to read: Personal care services will be decreased over time as parents and caregivers are taught skills to care for their child and become capable of safely providing the care or if the child's condition improves.

Page 2-27 Footer date is changed to December 2011

**Page 2-28 Personal Care Services****Reimbursable Personal Care Services**

First paragraph and bullets are changed to read:

Medicaid reimburses for the following personal care services when they are medically necessary.

ADLS include:

- Eating (oral feedings and fluid intake);
- Bathing;
- Dressing;
- Toileting;
- Transferring; and
- Maintaining continence (examples include taking care of a catheter or colostomy bag or changing a disposable incontinence product when the recipient is unable to control his bowel or bladder functions).

IADLs (when necessary for the recipient to function independently) include:

- Personal hygiene;
- Light housework;
- Laundry;
- Meal preparation;
- Transportation;
- Grocery shopping;
- Using the telephone to take care of essential tasks (examples include paying bills and setting up medical appointments);
- Medication management; and
- Money management.

Last paragraph is inserted to read: Medically necessary personal care services may be authorized when a recipient has a documented cognitive impairment which prevents him from knowing when or how to carry out the personal care task. Assistance may be in the form of hands on assistance (actually performing the task for the person) or cuing, along with supervision to ensure the recipient performs the personal care task properly. Additional supporting documentation may be required to substantiate the functional limitations associated with the cognitive impairment.

Page 2-28 Footer date is changed to December 2011

**Page 2-30 Durable Medical Equipment and Therapy Services**

Footer date is changed to December 2011

**Page 2-31**

Footer date is changed to December 2011

**Page 2-32**

Footer date is changed to December 2011

**Page 2-33****Prior Authorization for Home Health Services****General Requirements**

Third bullet is changed to read: For initial service requests, it is recommended that the home health services provider submit the request to the QIO at least ten business days prior to the start of care.

Fourth bullet is inserted to read: For subsequent authorization requests (continued stay requests), the home health services provider must submit the request to the QIO at least ten business days prior to the new certification period.

Footer date is changed to December 2011

**Page 2-35 Prior Authorization for Home Health Services****Requesting Prior Authorization**

Second paragraph changed to read:

At a minimum, each prior authorization request must include all of the following:

- Recipient's name, address, date of birth, and Medicaid ID number;
- Home health agency or independent personal care provider's Medicaid provider number, name and address;
- Procedure code(s), with modifier(s) if applicable, matching the services reflected in the plan of care;
- Units of service requested;
- Summary of the recipient's current health status, including diagnosis(es);
- Planned dates and times of service;
- Ordering provider's Medicaid provider number, National Provider Identifier, or Florida Medical License number, name, and address;
- The nursing assessment (for services provided by a licensed home health agency);
- A copy of the active plan of care signed by the attending physician; and
- Patient condition summaries that substantiates medical necessity and the need for requested services, such as a hospital discharge summary (if services are being requested as a result of a hospitalization), physician or nurse progress notes, or history and physical;
- A copy of the documentation that demonstrates that the recipient has been examined or received medical consultation by the ordering or attending physician at least 30 days before initiating services and every 180 days thereafter Note: See Appendix E for a copy of the Physician Visit Documentation Form, AHCA-Med Serv Form 5000-3502, October 2010. The form is available by

photocopying it from Appendix E. It is incorporated by reference in Rule 59G-4.130, F.A.C.;

- A copy of the current physician's order. Note: See Appendix K for a copy of the Medicaid Physician's Written Prescription For Home Health Services Form, AHCA-Med Serv Form 5000-3525, December 2011. The form is available by photocopying it from Appendix K. It is incorporated by reference in Rule 59G-4.130, F.A.C.
- For private duty nursing and personal care services, the following supportive documentation must be furnished regarding the caregiver's availability and ability to provide care, as applicable:
- Medical information validating limitations in providing care Note: See Appendix F for a copy of the Parent or Legal Guardian Medical Limitations Form, AHCA-Med Serv Form 5000-3501, October 2010. The form is available by photocopying it from Appendix F. It is incorporated by reference in Rule 59G-4.130, F.A.C.;
- Work schedules Note: See Appendix G and H for a copy of the Parent or Legal Guardian Work Schedule Forms, AHCA-Med Serv Forms 5000: 3503, December 2011 and 3504, December 2011. These forms are available by photocopying them from Appendix G and H. They are incorporated by reference in Rule 59G-4.130, F.A.C.; and
- School schedules Note: See Appendix I for a copy of the Parent or Legal Guardian School Schedule Form, AHCA-Med Serv Form 5000-3505, December 2011. The form is available by photocopying it from Appendix I. It is incorporated by reference in Rule 59G-4.130, F.A.C.

Page 2-35 Footer date is changed to December 2011

Page 2-36 Prior Authorization for Home Health Services

Bullet is inserted to read:

- The QIO may request a copy of the assessment developed by the Florida Department of Health, Children's Medical Services (CMS) when private duty nursing services are requested for children who are enrolled in the CMS Network.

Review Criteria

First paragraph is changed to read: The QIO may use a national standardized set of criteria, or other set of criteria\*, approved by the AHCA, as a guide to establish medical necessity for prior authorization of home health services at the first review nurse level.

Fourth paragraph is changed to read: Note: See Appendix D for a copy of the Guidelines for Evaluating Family Support and Care Supplements, December 2011. The guideline is available by photocopying it from Appendix D. It is incorporated by reference in Rule 59G-4.130, F.A.C.

Fifth paragraph is changed to read: Note: See Appendix L for a copy of the Review Criteria for Private Duty Nursing Services, December 2011. The criteria are available by photocopying it from Appendix L. It is incorporated by reference in Rule 59G-4.130, F.A.C.

Sixth paragraph is changed to read: Note: See Appendix M for a copy of the Review Criteria for Personal Care Services, December 2011. The criteria are available by photocopying it from Appendix M. It is incorporated by reference in Rule 59G-4.130, F.A.C.

Approval Process

Second paragraph is changed to read: Prior authorization requests for home health services that appear to deviate from treatment norms, established standards of care, or utilization norms may be subject to a more intensified review by the QIO prior to rendering a determination. This may include a telephonic or face-to-face contact with the Medicaid recipient in his place of residence, interviews with the ordering physician, and a review of the recipient's medical record.

Page 2-36 Footer is date is changed to December 2011

Page 2-37 Prior Authorization for Home Health Services Reconsideration Review

First paragraph is changed to read: If a denial determination is rendered, the provider, recipient, or physician may request reconsideration. If reconsideration is requested, additional information must be submitted to the QIO to facilitate the approval process.

Second paragraph is changed to read: A reconsideration review of the denial decision must be requested via the Medicaid QIO Internet system within five business days of the date of the final denial or modified approval determination.

Page 2-37 Footer date is changed to December 2011

Page 2-38

Footer date is changed to December 2011

Page 2-39

Footer date is changed to December 2011

Page 3-1

Footer date is changed to December 2011

Page 3-2

Footer date is changed to December 2011

Page 3.3

Footer date is changed to December 2011

Page 3-4

Footer date is changed to December 2011

Page 3-5

Footer date is changed to December 2011

Appendix A: Footer date is changed to December 2011

Appendix B: Medicaid Instructions for CMS Form 485-Plan of Care

The footer now reads December 2011

Appendix C: Authorization for Private Duty Nursing Provided by a Parent or legal Guardian

The footer on the form now reads: AHCA-Med Serv Form 046, July 2008

Appendix D: Guidelines for Evaluating Family Support and Care Supplements

Insert the following requirements:

Activity Affecting Parental Availability

- Caring for Other Dependents. Approval Guidelines: The QIO may approve up to 2 hours per day if there are other minor dependents in the home under the age of 18. The QIO will also take into consideration any special needs that the other children may have and the availability of other caretakers in the home.
- Ancillary tasks critical to the health and well-being of the child receiving private duty nursing services. Tasks may include grocery shopping picking up medications, laundry, and light housekeeping to maintain a safe environment for the child. Approval Guidelines: Up to 4 hours per week. The QIO will consider the availability of other caregivers in the home who can assist with these tasks.

The footer now reads: December 2011

Appendix E: Physician Visit Documentation Form

The footer now reads: AHCA-Med Serv Form 5000-3502, October 2010

Appendix F: Parent or Legal Guardian Medical Limitations

The footer now reads: AHCA-Med Serv Form 5000-3501, October 2010

Appendix G: Parent or Legal guardian Work Schedule

The following statement is inserted in bold letters.

Any person who makes, presents or submits a document that is false or fraudulent is subject to a reduction or termination of Medicaid services.

The footer now reads: AHCA-Med Serv Form 5000-3503, December 2011

Appendix H: Parent or Legal Guardian Statement of Work Schedule

The following statement is inserted in bold letters.

My signature below certifies that I am self-employed and that the schedule above is true and accurate. I understand that any person who makes, presents, or submits documentation that is false or fraudulent is subject to a reduction or termination of Medicaid services.

The footer now reads: AHCA-Med Serv Form 5000-3504, December 2011

Appendix I

The footer now reads: AHCA-Med Serv Form 5000-3505, December 2011

Appendix J: Medicaid Instructions for the Personal Care Services Plan of Care

Physician Certification

First paragraph is changed to read: Enter the name of the attending physician that prescribed the services. The plan of care must be signed and dated by the attending physician prior to submission of a prior authorization request.

Personal Care Services Plan of Care: Service Information

Item 33 is changed to read: Discharge Plan

The footer now reads: AHCA-Med Serv Form 5000-3506, December 2011

Appendix K: Medicaid Physician's Written Prescription for Home Health Services

The footer reads: AHCA-Med Serv Form 5000-3525, December 2011

Appendix L: Medicaid Review Criteria for Private Duty Nursing Services

The footer reads: December 2011

Appendix M: Medicaid Review Criteria for Personal Care Services

The footer reads: December 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.:	RULE TITLE:
61C-5.001	Standards Adopted; Exclusions; and Conflicts

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2010

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-17.011	General
62-17.031	Prohibitions, Exceptions, and Applicability
62-17.081	Supplementary Information - Cost Responsibility, Determination of Completeness of Application
62-17.093	Preliminary Statements of Issues
62-17.137	Proprietary Interest in State-Owned Lands
62-17.143	Recommended Orders, Exceptions
62-17.221	Revocation or Suspension of Certification
62-17.231	Supplemental Applications
62-17.510	General
62-17.610	Proprietary Interest in State-owned Lands

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The SUMMARY OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION section of this rule notice should have included the following language:

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: Pursuant to the Department’s review under Executive Order 11-01 repealing this unnecessary rule will not have an adverse impact or impose a regulatory cost.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-807.100	Purpose
62-807.300	Prohibitions and Applicability
62-807.310	Public Service Commission’s Determination of Need
62-807.420	Application Distribution, Schedule
62-807.430	Notice of Application Filing
62-807.440	Determination of Sufficiency, Withdrawal
62-807.450	Preliminary Statement of Issues
62-807.480	Agency Reports
62-807.490	Arrangement for Certification Hearing Locations, Notice
62-807.500	Analysis by the Department; Conditions
62-807.520	Reminder Notice
62-807.540	Certification Hearing - Subject Matter, Procedure, Participants
62-807.590	Corridor, Notice of Certified Corridor
62-807.630	Review, Enforcement
62-807.640	Revocation or Suspension of Certification

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The SUMMARY OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION section of this rule notice should have included the following language:

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: Pursuant to the Department’s review under Executive Order 11-01 repealing this unnecessary rule will not have an adverse impact or impose a regulatory cost.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64B5-2.0125	Examination Security
64B5-2.0126	Conduct at Examination Site
64B5-2.0155	Time Requirements for Application, Disposition of Untimely or Incomplete Applications and Associated Fees
64B5-2.016	Evaluation of Credentials

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 48, December 2, 2011 issue of the Florida Administrative Weekly.

The correction is as follows:

**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:** October 28, 2011  
**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 2, 2011

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B5-2.0142	Application for Health Access Dental License

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 29, July 23, 2010 issue of the Florida Administrative Weekly.

The change is due to a change in the revision date. The change is as follows:

64B5-2.0142 line 2 shall read as:”...application shall be made on the Application for Health Access Dental License form #DH-MQA 1154 (Rev. 08/11) ....”

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly.

The change is in response to concerns stated by the Joint Administration Procedures Committee in a letter dated July 22, 2011.

Subsection (1)(a)1., shall be reworded to read as follows:

(1)(a)1. Has completed a minimum of one year residency program accredited by the Commission on Dental Accreditation in dental anesthesiology or has completed an oral and maxillofacial surgical residency program accredited by the Commission on Dental Accreditation beyond the undergraduate dental school level; or

2. through 5. No change.

(b) through (f) No change.

(2) through (4) No change.

Rulemaking Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, 6-23-04, 6-11-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                      RULE TITLE:  
64B9-8.005                    Unprofessional Conduct  
NOTICE OF PUBLIC HEARING

The Board of Nursing announces a hearing regarding the above proposed rule, as noticed in Vol. 37, No. 40, October 7, 2011 Florida Administrative Weekly.

DATE AND TIME: 8:30 a.m. or as soon thereafter as possible, on Friday, February 3, 2012, until business is concluded

PLACE: Ft. Lauderdale Sheraton Airport Hotel, 1825 Griffin Road, Dania, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: Unprofessional Conduct

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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399 or by emailing a request to the Board Office at MQA\_Nursing@doh.state.fl.us, or by calling (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).

**DEPARTMENT OF HEALTH**

**Vital Statistics**

RULE NOS.:	RULE TITLES:
64V-1.0032	Birth Certificate Amendments by Paternity Establishment/Disestablishment; Judicial and Administrative Process
64V-1.004	Change of Paternity; Evidence Required
64V-1.006	Birth Registration; Evidence Required for Births Occurring Outside of a Facility
64V-1.0131	Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements
64V-1.020	Marriage Reporting
64V-1.021	Dissolution of Marriage Reporting

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 36, September 9, 2011 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NOS.:	RULE TITLES:
65E-26.001	Applicability
65E-26.002	Enrollment and Eligibility Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly.

65E-26.001 Applicability.

No change.

Rulemaking Authority 394.674(4) FS. Law Implemented 394.674 FS. History—New \_\_\_\_\_.

65E-26.002 Enrollment and Eligibility Requirements.

(1) through (2) No change.

(3) Each service provider under contract with the Department of Children and Families (DCF) to provide substance abuse and/or mental health services must establish written policies and procedures describing the process for enrolling eligible persons into the department’s priority populations, and for reporting enrollment data elements into the department’s database system. The enrollment data elements include the following: Contractor federal tax identification (ID); Department of Children and Family Services (DCF) contract number; provider federal tax identification (ID); provider site; client social security number;

client date of birth; client evaluation purpose; client evaluation date; program area; results from an evidence-based clinical assessment instrument; primary mental health (MH) diagnosis (ICD-9); primary substance abuse (SA) diagnosis (ICD-9); Baker Act status; commitment status; competency status; Marchman Act status; mental health prognosis status; health status; psychiatric disability income; annual family income; activities of daily living status; residential status; referral status; evidence of mental health problem; dependency/criminal status; children global assessment scale (CGAS) score; functional assessment rating score; indication of risk factor for emotional disturbance; history of intravenous use; primary substance abuse problem; secondary substance abuse problem; tertiary substance abuse problem; pregnancy status; number of dependents; family size; employment status; postpartum status; number of arrests; criminal justice involvement status; juvenile justice involvement status; prevention program involvement status; child welfare involvement status; drug court status; and veteran status.

(4) through (6) No change.

Rulemaking Authority 394.674(4) FS. Law Implemented 394.674 FS. History—New\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-4.001	Definitions for Behavior Analysis Certification and Services Rules.
65G-4.0011	Recognized Certification Organizations for Behavior Analysts and Assistant Behavior Analysts
65G-4.002	Service Delivery
65G-4.003	Certification as a Behavior Analyst.
65G-4.004	Certification as an Associate Behavior Analyst
65G-4.005	Renewal of Behavior Analysis Certification
65G-4.006	Approved Continuing Education.
65G-4.007	Behavior Analysis Certification Fees.
65G-4.008	Behavior Analysis Services Oversight System Organization.
65G-4.009	Design, Implementation and Monitoring of Behavior Analysis Services
65G-4.010	Behavior Analysis Services Approval

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 43, October 29, 2010 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

65G-4.001 Definitions for Behavioral Services: Practice and Procedure.

(1) through (4) No change.

(5) Certified Behavior Analyst – A behavior analyst certified by a certification body, including a Board Certified Behavior Analyst – Doctoral level, a Board Certified Behavior Analyst, a Board Certified Assistant Behavior Analyst and a Florida Certified Behavior Analyst.

(6) through (7) No change.

(8) Desensitization – A method for teaching an individual to exhibit calm or incompatible behavior during the gradual and systematic presentation of increasing levels of an aversive or feared stimulus resulting in the ability to tolerate the formerly feared stimulus the gradual and systematic presentation of increasing levels of an aversive or feared stimulus or event and removal of it contingent upon calm behavior to teach a person to tolerate the stimulus or event.

(9) through (11) No change.

(12) Functional Communication Training (FCT) – a procedure in which a functional form of communication is taught and reinforcement is provided contingent upon communication, while withholding reinforcement and withheld for other behavior.

(13) Positive practice overcorrection – Activities that involve repeated performance of a desirable alternative behavior related to ~~an~~ targeted inappropriate behavior.

(14) through (16) No change.

(17) Response cost – A procedure in which a specified amount of available reinforcers are removed from the individual's ~~client's~~ reserve upon occurrence of a specified behavior.

(18) Restitutorial overcorrection – Activities that involve correcting the effects of a specified behavior to a better condition than present prior to the occurrence of the specified behavior.

(19) through (20) No change.

Rulemaking Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History—New 9-23-96, Formerly 10F-4.023, 65B-4.023, Amended\_\_\_\_\_.

65G-4.0011 No change.

65G-4.002 Service Delivery.

(1) through (3) No change.

(4) Medicaid providers should be reminded that all contracts for programs and services provided to the Agency shall include any terms and requirements established in the Developmental Disabilities Waiver Services Coverage and Limitations Handbook as required by (~~incorporated by reference in~~ Rule 59G-13.083, F.A.C.) and Rules 65G-4.008, 65G-4.009, 65G-4.010, F.A.C.

Rulemaking Authority 393.13(4)(g)3., 393.501(1) FS. Law Implemented 393.13(4)(g)3., ~~393.17~~ FS. History–New 1-1-77, Formerly 10F-4.08, 10F-4.008, 65B-4.008.-.654, Amended.

#### 65G-4.003 Certification as a Behavior Analyst.

Rulemaking Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.024, 65B-4.024, Repealed.

#### 65G-4.004 Certification as an Associate Behavior Analyst.

Rulemaking Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.025, 65B-4.025, Repealed.

#### 65G-4.005 Renewal of Behavior Analysis Certification.

Rulemaking Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.026, 65B-4.026, Repealed.

#### 65G-4.006 Approved Continuing Education.

Rulemaking Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.13, 393.17 FS. History–New 9-23-96, Formerly 10F-4.027, 65B-4.028, Repealed.

#### 65G-4.007 Behavior Analysis Certification Fees.

Rulemaking Authority 393.13(4)(g)3., 393.17 FS. Law Implemented 393.17 FS. History–New 9-23-96, Formerly 10F-4.028, 65B-4.027, Repealed.

#### 65G-4.008 Behavior Analysis Services Oversight System Organization.

(1) The Agency will establish and maintain a behavioral services program including a senior clinician, the Agency Senior Behavior Analyst (ASBA), to assume direction for standards of behavioral practice as provided in this Chapter, develop and manage systems of quality, utilization and cost containment for statewide behavioral practice. The ASBA holds a doctorate from an accredited university program with behavior analysis as a primary focus, is a board certified behavior analyst, has completed a dissertation that had behavior analysis as its central focus and has at least one year of experience in the provision of behavior analysis services for persons with developmental disabilities. However, if no one with these qualifications is available, then the ASBA must be a certified behavior analyst with at least the education and experience established by the designated certification board. The behavioral services program will also include the support of at least one master's level board certified behavior analyst. The ASBA will direct:

(a) No change.

(b) Committees.

1. through 2. No change.

3. Behavior Analysis Practices Committee (BAPC) shall be established to meet at least annually with membership from Area and Developmental Disabilities Centers Behavior Analysts, the PRC, providers of behavior analysis and behavior assistant solo service providers and agency providers, as well as behavioral residential services providers to assure that common operational requirements established in Rules 65G-4.008, 65G-4.009, and 65G-4.010, F.A.C., are implemented consistently statewide, including the to address qualifications and processes for establishing individuals and agencies as behavior analysis providers, behavior analysis agencies and residential behavioral providers, establishing consensus standards for LRC operation, standards for behavioral assessment content and behavior analysis support plan program content, standards for graphic display of data, documentation, billing, as well as behavioral services practice and service sanctions to ensure service quality to meet the changing needs of service recipients and provider requirements.

(2) A statewide peer review committee (PRC) and local review committees (LRCs) shall be appointed by the Agency to provide oversight of behavior analysis services.

(a) through (b) No change.

(c) Local review committees may establish subcommittees within varied locations outside the area office or within large facilities, upon mutual agreement between an area office and a provider, or between a primary facility campus and remote locations, and operate under the rules governing local review committees. Subcommittees shall ensure that at least two participating members are certified behavior analysts who are not employed or contracted by the facility, and who have no interest in the behavior programs produced by it. Members whose programs are reviewed in the course of the LRC meeting must abstain from decisions regarding their programs. The LRC shall remain responsible for the decisions of the subcommittees.

1. through 6. No change.

~~2.~~ Each LRC will be chaired by an individual meeting the qualifications set forth in paragraph (2)(b) above who is either an employee of the Agency or under contract to provide this service. Under no circumstances may the chair participate in the LRC review of his or her own services, services provided by or to a family member, or related services.

(3) No change.

(4) Each area office, and each developmental disabilities center, hereafter referred to as “facility,” shall have a local review committee that shall oversee behavior analysis services provided to clients in their area or facility as specified in paragraphs (a)-(c), below:

(a) The committee shall review behavior analysis services programs as required in Rule 65G-4.010, F.A.C., ~~if warranted, and as necessary,~~ to ensure that behavioral programs are implemented as required and with the intended improvement in target behaviors.

1. No change.

2. Any person ~~The LRC chairperson~~ can request that a behavior analysis services plan be brought before the committee for its review to ensure compliance with Chapter 393, Florida Statutes, and Chapter 65G-4 or 65G-8, F.A.C., Providers should, and the also be aware of the requirements in the Developmental Disabilities Waiver Services Coverage and Limitations Handbook ~~(incorporated by reference in Rule 59G-13.083, F.A.C.)~~

(b) No change.

(c) If reactive strategies ~~(as that term is defined in Rule 65G-8.001(15)), F.A.C.,~~ continue without the implementation of required behavioral programs or behavior analysis services requiring review are not presented to the LRC or are not found to be in accordance with Florida law, the committee chairperson shall request that the Agency notify the behavior analyst, and when appropriate, the residential provider and behavior analyst's supervisor, of the services, orally at the time of review and in writing within ten days of review in the language of the provider or supervisor, and in English, of each area of non-compliance.

1. Absent emergency circumstances that threaten public health, safety or welfare, the provider shall have twenty (20) days within which to demonstrate compliance or present to the committee chairperson in writing evidence showing that the services being provided are in compliance with Florida Statutes and the Agency rules. The provider may present whatever evidence ~~the provider deems~~ appropriate to demonstrate that the provider is in compliance with Chapter 393, Florida Statutes, Chapter 65G-4 or 65G-8, F.A.C., ~~and Providers should also be aware of the requirements of the Developmental Disabilities Waiver Services Coverage and Limitations Handbook in (incorporated by reference in Rule 59G-13.083, F.A.C.)~~

2. If emergency circumstances exist for the recipient of behavioral services the committee chairperson may give instruction to the provider on in how to proceed with services or to cease and desist from continued behavior analysis services, with other recommendations for necessary safeguards and supports.

3. If, however, the committee determines that the behavior analyst, and when appropriate, the residential provider, is not in compliance with Chapter 393, Florida Statutes, or Chapter 65G-4 or Chapter 65G-8, F.A.C., ~~or the Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C.)~~, the committee chairperson shall report all facts and circumstances to the Agency in writing within five (5) days of

the provider's response and request a final decision be made by the Agency. Providers should also be aware of the requirements of the Developmental Disabilities Waiver Services and Limitations Handbook in Rule 59G-13.083, F.A.C.

4. No change.

5. If modifications are not made within the time allotted in subparagraph 4. And the agency must take one of the actions in subparagraph 4., the agency shall consider whether any of the following occurred:

a. through j. No change

k. Repeated use of restricted measures for problem behavior as itemized in subsection 65G-8.006(9) 65G-4.010(1), F.A.C., or use of reactive strategies without an LRC approved behavior analysis services plan: as set forth in Rule 65G-8.006, F.A.C.

l. through v. No change.

~~w. Billing under behavior analysis for other activities that do not meet this service definition as described in the Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C.)~~

~~w.x. Failure to comply with the Developmental Disabilities Waiver Services Coverage and Limitations Handbook (incorporated by reference in Rule 59G-13.083, F.A.C.), Rules 65G-4.008, 65G-4.009, 65G-4.010, F.A.C., or Chapter 393, F.S.~~

x. Providers should also be aware of the requirements of the Developmental Disabilities Waiver Services and Limitations Handbook in Rule 59G-13.083, F.A.C.

6. Following a committee report set forth above, the Agency, after consideration of the factors set forth in subparagraph 5. above, may require additional supervision of the provider's services. The requirement for additional supervision may be a prerequisite for allowing the provider to continue to serve as an authorized behavior analysis services provider. Such required supervision shall include the following conditions:

a. No change.

b. Face-to-face meetings for up to two hours every two weeks or two hours per 40 hours of the provider's contact with clients. These meetings shall be between the provider and a board certified behavior analyst or a person licensed under Chapter 490 or 491, F.S., during which the supervisor directs and evaluates the behavior analysis services ~~provided by the provider;~~

c. through d. No change.

(5) No change.

Rulemaking Authority 393.125, 393.13(4)(g)3., 393.17 FS. Law Implemented 393.066, ~~393.125, 393.13, 393.17~~ FS. History—New 9-23-96, Formerly 10F-4.029, 65B-4.029, Amended \_\_\_\_\_.



65G-4.009 Design, Implementation and Monitoring of Behavior Analysis Services.

(1) through (8) No change.

(9) The provider shall take reasonable steps to ensure data collection for behaviors targeted for increase and decrease during the entire period services are in effect. Graphic displays of weekly data for ~~on~~ behaviors targeted for change shall be maintained and updated by the provider at least weekly, unless the local review committee determines that a less stringent requirement is acceptable for individual cases.

(10) The LRC shall approve the provider’s behavior analysis services plan and specify the requirements for reporting of findings and data to the committee for behavior analysis services approved by the committee.

(a) No change.

(b) The behavior analysis services plan shall include, either in text or by reference to appropriate documents:

1. through 11. No change.

12. Techniques for maintaining and generalizing behavioral improvements, as well as criteria for which could include the reduction and fading of behavioral services. These plans may be general initially, acquiring more specificity in revisions as the individual makes progress.

13. through 15. No change.

(c) No change.

Rulemaking Authority 393.13(4) FS. Law Implemented 393.13(4)(g)3, ~~393.17~~ FS. History—New 9-23-96, Formerly 10F-4.030, 65B-4.030, Amended \_\_\_\_\_.

65G-4.010 Behavior Analysis Services Approval.

(1) through (2) No change.

(3) Written plans describing behavior analysis services must be submitted to the LRC chairperson when:

(a) Behavior analysis services include restricted procedures such as:

1. The contingent delivery or removal of events to reduce the probability of occurrence of a problem behavior, including but not limited to: extinction or withholding of reinforcement for those behaviors referenced in paragraph 65G-4.010(3)(b), F.A.C., response blocking for more than 15 seconds, contingent exercise, restitutional overcorrection, positive practice overcorrection, time-out and response cost.

2. The removal of an aversive event contingent upon the display of a behavior targeted for increase, including but not limited to, Functional Communication Training using removal of demands or noise as a reinforcer, and desensitization programs.

3. Access to abundant amounts of an event or stimulus so that it loses potency as a reinforcer, and severely restricted access to an event or stimulus to increase its potency as a reinforcer,

4. Behavioral protective devices, as defined in subsection 65G-8.001(4), F.A.C., and electronic devices for monitoring and signaling.

5. Dietary manipulations.

(b) Behavior analysis services address behaviors that:

1. Have resulted in self-inflicted, detectable damage, or resulted in external or internal damage requiring medical attention or are expected to increase in frequency, duration, or intensity resulting in self-inflicted, external or internal damage requiring medical attention.

2. Have occurred or are expected to occur with sufficient frequency, duration or magnitude that a life-threatening situation might result, including excessive eating or drinking, vomiting, ruminating, eating non-nutritive substances, refusing to eat, holding one’s breath, or swallowing excessive amounts of air.

3. Have resulted in detectable damage, or external or internal damage to other persons that requires medical attention or are expected to increase in frequency, duration or intensity resulting in external or internal damage to other persons that requires medical attention.

4. Have resulted or are expected to result in major property damage or destruction.

5. Have resulted or are expected to result in arrest and confinement by law enforcement personnel.

6. Have resulted in the need or meet the characteristics for behavioral services in a Behavior Focused or Intensive Behavioral Residential Habilitation program.

7. Have resulted in the need for additional staffing or Behavior Assistant Services in one or more settings.

8. Have resulted in the repeated use of reactive strategies without a formal approved behavior plan.

(c) Behavioral programs or manuals implemented as group contingencies or behavior change systems, including behavioral program manuals, level systems and token economies, are implemented.

Rulemaking Authority 393.13(4)(g)3. FS. Law Implemented 393.13(4)(g)3, ~~393.17~~ FS. History—New 9-23-96, Formerly 10F-4.031, 65B-4.030, Amended \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-4.011	Determination of Mental Retardation in Capital Felony Cases: Intelligence; Tests to be Administered
65G-4.012	Determination of Mental Retardation: Intelligence Tests to be Administered

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 43, October 29, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-157.003	Definition of Terms
69B-157.104	Policy Practices and Provisions
69B-157.105	Refund of Premium
69B-157.106	Required Disclosure Provisions
69B-157.107	Required Disclosure of Rating Practices to Consumers
69B-157.109	Prohibition Against Post-Claims Underwriting
69B-157.111	Reporting Requirements
69B-157.114	Filing Requirement – Out of State Groups
69B-157.118	Nonforfeiture Benefit Requirement
69B-157.120	Standard Format Outline of Coverage

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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 proposed rule repeals will not require legislative ratification based on the following information. These rules are repealed since they are duplicative of their correspondingly numbered rules in Chapter 690-157, F.A.C., which are administered by the Office of Insurance Regulation. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-166.021	Definitions
69B-166.024	Failure to Acknowledge Communications and Act Promptly as to Communications with Respect to Claims and to Implement Standards for the Prompt Investigation of Claims

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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 proposed rule repeals will not require legislative ratification based on the following information. These rules are being repealed since they are duplicative of the correspondingly numbered rules in Chapter 690-166, F.A.C., which are administered by the Office of Insurance Regulation. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on November 30, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Madison Police Department on behalf of one officer for the 2008 (7/1/2006 – 6/30/2008)

and 2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting periods. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue had qualified yearly before a CJSTC-certified firearms instructor, however, the CJSTC 86A forms filed for this officer do not memorialize the date upon which he requalified. Petitioner states that the officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement simply because the dates of his requalifications were not memorialized on his CJSTC 86A forms.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on December 5, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from the Office of the State Attorney, Ninth Judicial Circuit, on behalf of one officer for the 2008 (7/1/2006 – 6/30/2008) and 2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting periods. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue was requalified for the 2008 mandatory firearms requalification reporting cycle by a non-CJSTC-certified firearms instructor, and, for the 2010 mandatory firearms requalification reporting cycle, he signed his own CJSTC 86A form because he was then a CJSTC-certified firearms instructor. Petitioner states that the officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement simply because he was requalified for the 2008 cycle by a non-CJSTC-certified firearms instructor and, for the 2010 cycle, he supervised his own requalification shoot and signed his own CJSTC 86A form.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

## WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 30, 2011, the Southwest Florida Water Management District, received a petition for a rule waiver from Hakim Two Family Limited Partnership. The Petitioner seeks a waiver from paragraph 40D-1.607(1)(a) and Rule 40D-1.602, F.A.C., requiring it to obtain an Environmental Resource Permit and to pay the associated permit processing fee.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barbara Martinez, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4660). Any interested person or other agency may submit written comments on the petition within 14 days of the date this notice is published.

NOTICE IS HEREBY GIVEN that on December 2, 2011, the South Florida Water Management District (District), received a petition for waiver from the Florida Department of Transportation, Application No. 11-1018-3, Permit (MOD) Number 817 for utilization of Works or Lands of the District known as the C-7 Canal to allow for the widening of the existing N.W. 57th Avenue (Red Road) Bridge crossing C-7; Section 25/36, Township 52 South, Range 40 East, Miami-Dade County. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the minimum low member elevation of pile-supported and free-span facilities crossing Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC #1414, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN that on December 2, 2011, the South Florida Water Management District (District), received a petition for waiver from Rafael Garcia, Application No. 11-1202-2, Permit (MOD) Number 13960, for utilization of Works or Lands of the District known as the C-51 Canal to allow existing palm trees, utility services with above-ground pedestal and junction box and pavers located within the District's northerly right of way of C-51 to remain; Section 15, Township 44 South, Range 43 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works and Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC #1414, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Bay Terrace, filed November 4, 2011 and advertised in Vol. 37, No. 47 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-377).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from 723 Whiskey Bravo Bldg., filed October 27, 2011 and advertised in Vol. 37, No. 45 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1 and 2.20.1 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and that governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-362).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from 1707 Building, filed October 21, 2011 and advertised in Vol. 37, No. 44 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 31, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-357).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from John Knox Village, filed November 3, 2011 and advertised in Vol. 37, No. 47 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.1.4 ASME A17.1, 2004 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires hoistway venting until December 31, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-372).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Department issued a Final Order that was in response to a Petition for Variance from News Press Publishing Co., filed October 28, 2011 and advertised in Vol. 37, No. 45 of the Florida Administrative Weekly. No comments were received in

response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.3.2, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires platform guards because the features required under the new rules will not be installed within a reasonable time period and the proposed time frame is not reasonable given the cost of the modification (VW 2011-367).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 29, 2011, the Department issued a Final Order that was in response to a Petition for Variance from News Press Publishing Co., filed October 28, 2011, and advertised in Vol. 37, No. 45 of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.3.2 and 3.9.1, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires platform guards and normal terminal stopping devices because the features required under the new rules will not be installed within a reasonable time period and the proposed time frame is not reasonable given the cost of the modification (VW 2011-368).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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NOTICE IS HEREBY GIVEN that on November 30, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for USF 2 Apartments. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18.5.1 and 2.20.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and that governor ropes be no less than 9.5mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-394).

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

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NOTICE IS HEREBY GIVEN that on December 1, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Holiday Inn Maingate East. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-395).

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

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NOTICE IS HEREBY GIVEN that on December 2, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Southbridge Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.10.4(t), as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), and of the requirements of and subsection 61C-5.0051(1), Florida Administrative Code, that requires keyed and emergency stop switches which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-396).

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

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NOTICE IS HEREBY GIVEN that on December 5, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for College Studios. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-398).

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

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NOTICE IS HEREBY GIVEN that on November 28, 2011, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a) and subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Alebrije Gourmet Window, Miami, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share bathroom facilities located within an adjacent establishment for use by both customers and employees.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN that on November 22, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1), 61C-4.010(6), Florida Administrative Code, from El Primo Catering, Orlando, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on November 3, 2011 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph

6-202.15, 2001, FDA Food Code, Paragraph 6-202.16, 2001, FDA Food Code, subsections 61C-4.010(1), (6), Florida Administrative Code, from Good For Less, West Palm Beach, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 37, No. 46 on November 18, 2011. The Order for this Petition was signed on November 28, 2011, and 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 that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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

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NOTICE IS HEREBY GIVEN that on December 2, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Leslie Hotel Restaurant, Miami Beach, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers. They are requesting to utilize public bathrooms located on a different level than the food service establishment for customer use only.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on December 6, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from N.W. Florida Community Hospital, filed November 4, 2011, and advertised in Vol. 37, No. 47, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-378).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on October 21, 2011, the Division of Hotels and Restaurants received a Petition for a routine Variance for paragraph 61C-1.004(2)(a) and subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code, from Regency Club, Bonita Springs, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize bathrooms located on a different level.

The Petition for this variance was published in Vol. 37, No. 44 on November 4, 2011. The Order for this Petition was signed on November 21, 2011, and 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 public bathrooms located in the main lobby are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, handwash sign and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed on the concierge floor clearly stating the location of the bathrooms.

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on December 1, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Riverside National Bank, filed November 3, 2011, and advertised in Vol. 37, No. 47, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-373).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN that on November 30, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Sofrito Mama's located in Sarasota. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another nearby business.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection hereby gives notice that on December 7, 2011, the Department issued an order granting a variance to the City of Alachua. The petition was received on October 5, 2011, and the notice of receipt of the petition for variance was published in the Florida Administrative Weekly, on November 4, 2011. The petition requests a variance from the paragraph 62-503.430(9)(a),

F.A.C., which requires that construction loans for projects sponsored by local governments be repaid within 20 years. The City of Alachua requested that their loans, No. CS79008P, WW790080 and WW790081, repayment be extended from 20 years to 30 years due to financial hardship. No public comment was received. The Order, OGC #11-1404, granted the Petition for variance from paragraph 62-503.430(9)(a), F.A.C., and extended the loan repayment period from 20 years to 30 years, based on a showing that the City of Alachua demonstrated that a strict application of the rule would result in substantial hardship to the City of Alachua and because the City of Alachua had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order or additional information may be obtained by contacting: Bhupendra Vora, Department of Environmental Protection, Bureau of Water Facilities Funding, MS #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8380, bhupendra.vora@dep.state.fl.us.

#### DEPARTMENT OF HEALTH

The Department of Health, Bureau of Radiation Control hereby gives notice that on December 1, 2011, pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order.

The Order grants a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., for Palm Beach County Sheriff's Office. The petition for a variance was received by the Department on October 19, 2011. Notice of receipt of the petition was published in the Florida Administrative Weekly on November 4, 2011. Subparagraph 64E-5.502(1)(a)6., F.A.C., prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided. The Palm Beach County Sheriff's Office has been granted a variance to subparagraph 64E-5.502(1)(a)6., F.A.C., allowing the intentional exposure of individuals to ionizing radiation for the specific purpose of screening inmates at the Palm Beach County Sheriff's Office and under the condition that the machine or any future machines and their use meet ANSI/HPS 42.17-2009. The variance is in effect until such time as the Department promulgates rules specific to ionizing radiation machines for personnel security purposes.

A copy of the Order or additional information may be obtained by contacting: Don Steiner, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Suite 300, Orange Park, FL 32073 or (904)278-5730.

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

#### DEPARTMENT OF STATE

The **Friends of Mission San Luis** announces a public meeting to which all persons are invited.

DATE AND TIME: January 6, 2012, 8:30 a.m.

PLACE: Mission San Luis, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: An ad hoc committee of FOMSL board members will discuss a Policy and Procedures manual and Board Development.

A copy of the agenda may be obtained by contacting: Cookie Stevens, (850)245-6388.

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: Cookie Stevens at (850)245-6388 or email: [cookie.stevens@dos.myflorica.com](mailto:cookie.stevens@dos.myflorica.com).

The **Division of Cultural Affairs and Citizens for Florida Arts, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 9, 2012, 10:00 a.m.

PLACE: This meeting will take place via teleconference. To obtain teleconference instructions, visit the Division's website: [www.florida-arts.org](http://www.florida-arts.org)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review, and take action on funding and any other business that may appropriately come before the board.

A copy of the agenda may be obtained by contacting: Morgan Lewis, Division of Cultural Affairs at (850)245-6470 or email: [mblewis@dos.state.fl.us](mailto:mblewis@dos.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Laura Blischke, Division of Cultural Affairs, (850)245-6470. 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 you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



For more information, you may contact: Morgan Lewis, Division of Cultural Affairs at (850)245-6470 or email: [mblewis@dos.state.fl.us](mailto:mblewis@dos.state.fl.us).

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Florida Forest Service (FFS)** and the **Cary State Forest (CSF) Management Plan Advisory Group** announces two public meetings and a public hearing to which all persons are invited.

#### MPAG MEETING

DATE AND TIME: Wednesday, January 11, 2012, 6:00 p.m.

PLACE: Jacksonville District Office, 7247 Big Oaks Road, Bryceville, FL 32009

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the CSF Management Plan Advisory Group to prepare for a public hearing later in the evening which will provide recommendations to the FFS to help in preparation of a management plan for the CSF.

#### PUBLIC HEARING

DATE AND TIME: Wednesday, January 11, 2012, 6:30 p.m.

PLACE: Jacksonville District Office, 7247 Big Oaks Road, Bryceville, FL 32009

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit comments from the public on the management of the CSF. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the FFS's CSF, 7465 Pavilion Road, Bryceville, FL 32009, Attention: Devon McFall and should be mailed so as to arrive at the office by the date of the public hearing.

#### MPAG MEETING

DATE AND TIME: Thursday, January 12, 2012, 9:30 a.m.

PLACE: Jacksonville District Office, 7247 Big Oaks Road, Bryceville, FL 32009

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the CSF Management Plan Advisory Group to review comments from the public hearing of January 11, 2011 and provide recommendations to the FFS to help in preparation of a management plan for the CSF.

A copy of the agenda may be obtained by contacting: CSF, 7465 Pavilion Road, Bryceville, FL 32009, online: [http://www.fl-dof.com/calendar/public\\_notices.html](http://www.fl-dof.com/calendar/public_notices.html) or contacting: Devon McFall at (904)266-5021.

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: FFS's CSF office at the above listed address. 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 EDUCATION

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

DATES AND TIMES: Coordination Committee, January 12, 2012, 9:30 a.m. – 11:30 a.m.; Evaluation Committee, January 5, 2012, 9:30 a.m. – 11:30 a.m.; Executive Committee, January 4, 2012, 9:00 a.m. – 11:00 a.m.; Legislative Committee, January 10, 2012, 9:30 a.m. – 11:30 a.m.; Planning Committee, January 11, 2012, 9:30 a.m. – 11:30 a.m.; Public Awareness Committee, January 3, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: VR Headquarters, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any interested parties that need further information may contact: Paige Sharpton at (850)245-3397.

For appeal process see Section 286.0105, Florida Statutes.

Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at: [www.rehabworks.org](http://www.rehabworks.org) at least seven days before the meeting. Persons who want to be notified of such meetings may request to be put on a mailing list by writing: Paige Sharpton, 2001-A Old St. Augustine Rd., Tallahassee, Florida 32301-4862.

A copy of the agenda may be obtained by contacting: The FRC at (850)245-3397.

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 3-5 days before the workshop/meeting by contacting: The FRC at (850)245-3397. 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 LAW ENFORCEMENT

The **Region XIV Trust Fund Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 11, 2012, 10:00 a.m.

PLACE: Miami Dade College, North Campus, Room 9118, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Region XIV reports and other Region XIV business matters.

A copy of the agenda may be obtained by contacting: Maevis Manoly, Interim, Region XIV, Secretary, (305)237-1327, email: [mmanoly1@mdc.edu](mailto:mmanoly1@mdc.edu).

**DEPARTMENT OF REVENUE**

The Florida **Department of Revenue** announces a hearing to which all persons are invited.

DATE AND TIME: January 12, 2012, 2:00 p.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed changes to Rule 12B-4.003, F.A.C. (Public Use Forms) and proposed Rule 12B-4.060, F.A.C. (Tax on Transfers of Ownership Interest in Legal Entities), as published in Vol. 37, No. 39, pp. 2985-2988, September 30, 2011, issue of the Florida Administrative Weekly. A Notice of Change is published in this issue of the Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: Tammy Miller at (850)617-8346 or by going to the Department's Internet site at: <http://dor.myflorida.com/dor/rules>.

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: Kim Hancock, (850)922-4700. 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 TRANSPORTATION**

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

DATE AND TIME: January 10, 2012, 5:30 p.m.

PLACE: First Baptist Church of Navarre, 9302 Navarre Parkway, Gulf Breeze, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public information meeting concerning upcoming improvements to State Road (S.R.) 30/US 98 from the Gulf Breeze Zoo Entrance to the Okaloosa County line. The purpose of the meeting is to afford interested persons an opportunity to express their views concerning the upcoming resurfacing project on US 98. The meeting will be conducted in an open house format, no formal presentation is scheduled. FDOT representatives will be available to discuss the project, answer questions and receive comments.

A copy of the agenda may be obtained by contacting: Ray Corbitt, FDOT, Project Manager, toll-free at 1(888)638-0250, ext. 425 or by email: [ray.corbitt@dot.state.fl.us](mailto:ray.corbitt@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: Ray Corbitt, at the number listed above or by

email: [ray.corbitt@dot.state.fl.us](mailto:ray.corbitt@dot.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Ray Corbitt at the number or email address listed above.

The Florida **Department of Transportation**, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: January 12, 2012, 4:30 p.m. – 6:30 p.m.

PLACE: St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design and social, economic and environmental effects of Financial Project ID Number 210230-2, otherwise known as SR 313 from SR 207 to SR 16 in St. Johns County. The SR 313 project is planned as a western bypass of St. Augustine from the end of the existing SR 312 at SR 207, north to US 1. This public hearing is being held to discuss the segment of SR 313 from SR 207 to SR 16 only. The proposed new construction for this segment will provide a six-lane urban roadway from SR 207 to CR 214 with a 22 foot median, curb & gutter and shoulders within 200-250 feet of controlled access right of way. From CR 214 to SR 16 the roadway will be a six-lane rural facility with a 40 foot median and shoulders within 250 feet of controlled access right of way. Additional right of way may be required for the proposed improvements. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 South Marion Avenue, MS #2007, Lake City, Florida 32025-5874, (386)961-7873 or 1(800)749-2967 extension 7873. 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 workshop to which all persons are invited.

DATE AND TIME: Thursday, January 19, 2012, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: Electric utility requirements concerning notification of accidents, safety standards for construction on new transmission and distribution facilities, and meter tests.

The contact person for this rule development workshop is: Kathryn G. W. Cowdery, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6216.

A copy of the agenda and materials for the workshop will be posted on the Commission's website: [www.floridapsc.com](http://www.floridapsc.com), January 5, 2012.

One or more Commissioners may be in attendance and participate in the workshop.

In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact: Office of Commission Clerk, no later than five days prior to the workshop: 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. Docket No. 110313-PU

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, January 19, 2012, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: Safety of gas transportation by pipeline.

The contact person for this rule development workshop is: Kathryn G. W. Cowdery Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6216.

A copy of the agenda and materials for the workshop will be posted on the Commission's website: [www.floridapsc.com](http://www.floridapsc.com), January 5, 2012.

One or more Commissioners may be in attendance and participate in the workshop. In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact: Office of Commission Clerk, no later than five days prior to the workshop: 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. Docket No. 110313-PU.

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, January 19, 2012, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: Use of meters, location of meters and associated appurtenance, meter testing equipment, meter test records, periodic meter

tests, meter test by request, meter test-referee, sealing meters, measuring customer service, and meter readings. Chapter 25-7, F.A.C.

The contact person for this rule development workshop is: Kathryn G. W. Cowdery, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6216.

A copy of the agenda and materials for the workshop will be posted on the Commission's website: [www.floridapsc.com](http://www.floridapsc.com), January 5, 2012.

One or more Commissioners may be in attendance and participate in the workshop.

In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact: Office of Commission Clerk no later than five days prior to the workshop: 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. Docket No. 110313-PU

## REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: January 5, 2012, Planning & Growth Management Committee, 8:30 a.m.; Personnel, Budget & Finance Committee, 9:00 a.m.; Strategic Regional Policy Planning Committee, 9:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Policy Committee immediately following the Board meeting

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde, (904)279-0880 or [sforde@nefrfc.org](mailto:sforde@nefrfc.org).

The **Tampa Bay Regional Planning Council**, Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 26, 2011, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: Mr. Avera Wynne at (727)570-5151, ext. 30 or [avera@tbrpc.org](mailto:avera@tbrpc.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 4 days before the workshop/meeting by contacting: Ms. Wren Krahl, Director of Administration, Public Information at (727)570-5151, ext. 22. 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. Avera Wynne at (727)570-5151, ext. 30 or [avera@tbrpc.org](mailto:avera@tbrpc.org).

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 9, 2012, 10:30 a.m.

PLACE: 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting. Any Generally Consistent Comprehensive Plan Amendment Review received prior to the meeting; Generally Consistent Comprehensive Plan Amendment reviews for Marathon (proposed); Any Generally Inconsistent Comprehensive Plan Amendment Review received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location. Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

A copy of the agenda may be obtained by contacting: (954)985-4416.

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: (954)985-4416. 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: (954)985-4416.

The **South Florida Local Emergency Planning Committee**, District XI announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 25, 2012, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 11-12.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to: Manny Cela, [celam@sfrpc.com](mailto:celam@sfrpc.com), visiting the LEPC website: [www.sfrpc.com/lepc.htm](http://www.sfrpc.com/lepc.htm) or by calling (954)985-4416 in Broward or 1(800)985-4416 toll-free statewide.

## REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: January 18, 2012; February 15, 2012; March 21, 2012; April 18, 2012; May 16, 2012; June 20, 2012; July 18, 2012; August 15, 2012; September 19, 2012; October 17, 2012; November 21, 2012; December 19, 2012, 4:30 p.m.

PLACE: All meetings of the WRWSA will be held at the Lecanto Government Building, Room 166, 3600 W. Sovereign Path, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meetings of the Withlacoochee Regional Water Supply Authority Board of Directors.

A copy of the agenda may be obtained by contacting: [www.wrwsa.org](http://www.wrwsa.org) or email: [nsmithnhs@aol.com](mailto:nsmithnhs@aol.com).

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

For more information, you may contact: Jackson Sullivan, Executive Director or Nancy H. Smith, Administrative Assistant, 3600 W. Sovereign Path, Suite 228, Lecanto, Florida 34461, telephone: (352)527-5795 or (352)527-5796, email: [nsmithnhs@aol.com](mailto:nsmithnhs@aol.com).

## AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 22, 2011, 10:00 a.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room "A", Tallahassee, FL 32308. Any person interested in participating by telephone may dial: 1(888)808-6959, Participant Code: 8509223803. If you have any difficulty accessing the teleconference, please call the Florida Center's Main Number at (850)412-3730

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Commission on Review of Taxpayer Funded Hospital Districts. The commission was created by Governor's Executive Order Number 11-63, to assess and make recommendations on the role of hospital districts, whether it is in the public's best interest to have government entities operating hospitals and what is the most effective model for enhancing health-care access for the poor.

A copy of the agenda may be obtained by contacting: Beth Eastman, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5407. The agenda will also be posted at the Agency website: <http://ahca.myflorida.com/mchq/FCTFH/fctfh.shtml>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Beth Eastman, Bureau of Health Facility Regulation, Florida Center, email: [Beth.Eastman@ahca.myflorida.com](mailto:Beth.Eastman@ahca.myflorida.com) or (850)412-3746. 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: Beth Eastman, Bureau of Health Facility Regulation, Florida Center at email: [Beth.Eastman@ahca.myflorida.com](mailto:Beth.Eastman@ahca.myflorida.com) or call: (850)412-3746.

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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

DATE AND TIME: January 12, 2012, 8:00 a.m.

PLACE: DBPR, Professions Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Amendment to Rule 61A-4.0501, F.A.C., discussion will allow for input from interested parties.

A copy of the agenda may be obtained by contacting: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.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 14 days before the workshop/meeting by contacting: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.state.fl.us).

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

DATE AND TIME: January 12, 2012, 8:00 a.m.

PLACE: DBPR, Professions Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed amendments to Rule 61A-3.0305, F.A.C., and discussion will allow for input from interested parties.

A copy of the agenda may be obtained by contacting: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.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 14 days before the workshop/meeting by contacting: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.state.fl.us).

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The **Department of Business and Professional Regulation, Division of Hotels and Restaurants** announces a workshop to which all persons are invited.

DATE AND TIME: January 9, 2012, 2:00 p.m. – 4:00 p.m. or upon conclusion of business, whichever occurs first

PLACE: Professions Board Room, Department of Business and Professional Regulation, 1940 North Monroe St., Tallahassee, FL 32399; Conference Call: 1(888)808-6959, Conference Code: 9225046

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of the 2009 Food Code. The workshop to consider adoption of the 2009 Food Code that was scheduled for December 12, 2011, was cancelled.

A copy of the agenda may be obtained by contacting: Michelle Comingore, Division of Hotels and Restaurants, 1940 N. Monroe Street, Tallahassee, Florida 32399-1011, email: [Michelle.Comingore@dbpr.state.fl.us](mailto:Michelle.Comingore@dbpr.state.fl.us), (850)488-1133.

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: Michelle Comingore, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399-1011, [Michelle.Comingore@dbpr.state.fl.us](mailto:Michelle.Comingore@dbpr.state.fl.us), (850)488-1133. 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: Michelle Comingore, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399-1011, Michelle.Comingore@dbpr.state.fl.us, (850)488-1133.

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

DATE AND TIME: Friday, January 27, 2012, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Northwood Centre, Professions' Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1982

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762, (850)717-1982.

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: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762, (850)717-1982. 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: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762, (850)717-1982.

The **Florida Barbers' Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 5, 2012, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business.

A copy of the agenda may be obtained by contacting: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (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 5 days before the workshop/meeting by contacting: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (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: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 10, 2012, 10:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808.6959, Conference Code: 4879516

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (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 7 days before the workshop/meeting by contacting: Amanda Wynn, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (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: Amanda Wynn, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, January 11, 2012, 12:00 Noon; Thursday, January 12, 2012, 8:00 a.m.; Friday, January 13, 2012, 8:00 a.m. or soon thereafter

PLACE: Embassy Suites Orlando – North, 225 Shorecrest Drive, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (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 7 days before the workshop/meeting by contacting: Amanda Wynn, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (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: Amanda Wynn, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

The **Board of Pilot Commissioners** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 12, 2012, 1:00 p.m.; January 13, 2012, 9:00 a.m.

PLACE: Residence Inn Marriott, 2301 Sadler Road, Fernandina Beach, FL 32034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel, portions of which may be closed to the public, tour of the port (no official board business will be conducted), general board business.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

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

The **Board of Veterinary Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 25, 2012, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting re-scheduled from December 14, 2011. Portions are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399. 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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

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

DATES AND TIMES: Monday, January 23, 2012, 1:00 p.m., Probable Cause; Tuesday, January 24, 2012, Board Meeting, 9:00 a.m. – until all business is concluded

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports, rules, and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607.

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: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607. 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: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 5, 2012, 9:00 a.m. (Eastern Time)

PLACE: Division of Real Estate, Room N901, North Tower, 400 W. Robinson St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson St., Suite N801, Orlando, FL 32801-1772. 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 five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection**, Clean Boating Partnership announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, January 18, 2012, 9:30 a.m. – 12:00 Noon

PLACE: Department of Environmental Protection, Orlando District Office, Conference Room A, 3319 Maguire Blvd., Suite 232, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Clean Marina and Clean Vessel Act Program Workshop for new and existing marine and freshwater marinas, boatyards, and retailers. Participants can learn how to apply for grant funding to install and operate a pumpout at their facility and how to qualify for designation as a clean facility.

A copy of the agenda may be obtained by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brenda Leonard, (850)245-2847.

The **Department of Environmental Protection**, Clean Boating Partnership announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, January 18, 2012, 1:30 p.m. – 4:30 p.m.; Thursday, January 19, 2012, 8:30 a.m. – 12:00 Noon

PLACE: Department of Environmental Protection, Orlando District Office, Conference Room A, 3319 Maguire Blvd., Suite 232, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to review discussion items and recommendations concerning the Department of Environmental Protection’s Clean Marina Program and Clean Vessel Act Program.

A copy of the agenda may be obtained by contacting: Brenda Leonard, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brenda Leonard, (850)245-2847.

**DEPARTMENT OF HEALTH**

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

DATE AND TIME: January 18, 2012, 6:00 p.m.

PLACE: Conference Call: 1(888)808-6959 when prompted, enter Conference Code: 2453454



GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster at (850)245-4474.

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

DATE AND TIME: February 3, 2012, 8:00 a.m.

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, St. Augustine, FL 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster at (850)245-4474.

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The Florida **Board of Nursing**, Central Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 22, 2011, 2:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 0109310

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

DATE AND TIME: Every Tuesday, January 3, 10, 17, 24, 31, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Line: 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Repermitting update.

A copy of the agenda may be obtained by contacting: Board of Pharmacy at (850)245-4292.

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: Board of Pharmacy at (850)245-4292. 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: Board of Pharmacy at (850)245-4292.

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The **Department of Health, Board of Physical Therapy Practice** announces a public meeting to which all persons are invited.

DATES AND TIMES: May 3, 2012, 6:30 p.m. (EST) or soon thereafter; May 4, 2012, 8:00 a.m. (EST) or soon thereafter

PLACE: Wyndham Jacksonville Riverwalk, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3472 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are

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

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

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The **Department of Health, Board of Physical Therapy Practice** announces a public meeting to which all persons are invited.

DATES AND TIMES: August 2, 2012, 6:30 p.m. (EST) or soon thereafter; August 3, 2012, 8:00 a.m. (EST) or soon thereafter

PLACE: Hilton UF Conference Center, 1714 S.W. 34th Street, Gainesville, FL 32607, (352)371-3600

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3472 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Department of Health, Board of Physical Therapy Practice** announces a public meeting to which all persons are invited.

DATES AND TIMES: November 1, 2012, 6:30 p.m. (EST) or soon thereafter; November 2, 2012, 8:00 a.m. (EST) or soon thereafter

PLACE: Wyndham Tampa Westshore, 700 N. Westshore Blvd., Tampa, FL 33609, (813)289-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3472 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2012, 8:00 a.m. (EST) or soon thereafter

PLACE: Wyndham Jacksonville Riverwalk, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3482 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATE AND TIME: July 20, 2012, 8:00 a.m. (EST) or soon thereafter

PLACE: Grand Hyatt Tampa Bay, 2900 Bayport Drive, Tampa, FL 33607, (813)874-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3482 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2012, 8:00 a.m. (EST) or soon thereafter

PLACE: Hyatt Place Ft. Lauderdale Plantation, 8530 W. Broward Blvd., Plantation, FL 33324, (954)370-2220

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3482 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Department of Health, Board of Respiratory Care Practice** announces a public meeting to which all persons are invited.

DATE AND TIME: April 13, 2012, 8:30 a.m. (EST) or soon thereafter

PLACE: Wyndham Jacksonville Riverwalk, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Respiratory Care Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3476 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Department of Health, Board of Respiratory Care Practice** announces a public meeting to which all persons are invited.

DATE AND TIME: July 13, 2012, 8:00 a.m. or soon thereafter

PLACE: Grand Hyatt Tampa Bay, 2900 Bayport Drive, Tampa, FL 33607, (813)874-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Respiratory Care Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3476 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Department of Health, Board of Respiratory Care Practice** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2012, 8:30 a.m. (EST) or soon thereafter

PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, FL 32809, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Respiratory Care Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, by calling the Board Office at (850)245-4373, ext. 3476 or by visiting our website: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

The **Children's Medical Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 20, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: Wilson T. Sowder Public Health Museum, 1217 Pearl Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Genetics and Newborn Screening Advisory Council will be meeting to discuss topics relevant to genetics and newborn screening in Florida, Chapter 64C-7, F.A.C.

A copy of the agenda may be obtained by contacting: Laura Coleman, Department of Health at (850)245-4672, email: [laura\\_coleman@doh.state.fl.us](mailto:laura_coleman@doh.state.fl.us). An agenda will be available one week prior to the meeting.

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: Laura Coleman, Department of Health at (850)245-4672, [laura\\_coleman@doh.state.fl.us](mailto:laura_coleman@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Laura Coleman, Department of Health at (850)245-4672, email: [laura\\_coleman@doh.state.fl.us](mailto:laura_coleman@doh.state.fl.us).

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children & Families** announces a public meeting to which all persons are invited.

DATES AND TIME: January 19, 2012; April 19, 2012; August 19, 2012; October 18, 2012, 9:00 a.m.

PLACE: United Way of Charlotte County, 17831 Murdock Circle, Suite A, Port Charlotte, Florida 33948

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Circuit 20 Charlotte Community Alliance.

A copy of the agenda may be obtained by contacting: Robert McHarry at (239)338-1431.

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: Robert McHarry at (239)338-1431. 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 **Department of Children & Families** announces a public meeting to which all persons are invited.

DATES AND TIME: January 23, 2012; March 19, 2012; May 21, 2012; July 16, 2012; September 17, 2012; November 26, 2012, 12:00 Noon

PLACE: Collier County Government Complex, 3301 Tamiami Trail, East, 5th Floor, Court Administration Conference Room, Naples, Florida 34112

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Circuit 20 Collier County Community Alliance.

A copy of the agenda may be obtained by contacting: Robert McHarry at (239)338-1431.

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: Robert McHarry at (239)338-1431. 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 **Department of Children & Families** announces a public meeting to which all persons are invited.

DATES AND TIME: January 27, 2012; April 27, 2012; July 27, 2012; October 26, 2012, 8:30 a.m.

PLACE: Department of Children & Families, Room 124, 2295 Victoria Avenue, Ft. Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lee County Community Alliance.

A copy of the agenda may be obtained by contacting: Robert McHarry at (239)338-1431.

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: Robert McHarry at (239)338-1431. 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 **Department of Children & Families** announces a public meeting to which all persons are invited.

DATE AND TIME: February 10, 2012; May 11, 2012; August 10, 2012; November 9, 2012, 10:00 a.m.

PLACE: Hendry County Health Department, Conference Room, 1140 Pratt Boulevard, LaBelle, FL 33935

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hendry/Glades Community Alliance.

A copy of the agenda may be obtained by contacting: Robert McHarry at (239)338-1431.

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: Robert McHarry at (239)338-1431. 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).

NOTICE OF CHANGE – The **Department of Children and Families**, Council on Homelessness announces a change in the date and time of one of its noticed committee calls. The Children’s Committee Call previously noticed for Thursday, January 19, 2012, 2:00 p.m. – 3:00 p.m. will now be held on:  
DATE AND TIME: Thursday, February 2, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Conference call: 1(888)808-6959, code 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will address the committee’s’ continued development of policy recommendations and work tasks to address the Council’s Annual Report on recommendations to end homelessness in Florida.

For more information or a copy of the agenda for this call, contact: Office on Homelessness, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)922-4691.

A copy of the agenda may be obtained by contacting: Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691.

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

For more information, you may contact: Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact: Office on Homelessness, (850)922-4691 at least 48 hours in advance of the meeting.

#### FLHMOCAP

The **Florida Health Maintenance Organization Consumer Assistance Plan (FLHMOCAP)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 5, 2012, 9:30 a.m. (EST)

PLACE: Conference Call: 1(877)434-2293, Passcode: 8504251634

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meeting.

When available, a copy of the agenda may be obtained by contacting: Terri Jay at [terri.jay@akerman.com](mailto:terri.jay@akerman.com) or by visiting the website: [www.fhmocap.com](http://www.fhmocap.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: Terri Jay at [terri.jay@akerman.com](mailto:terri.jay@akerman.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).

#### SOIL AND WATER CONSERVATION DISTRICTS

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 21, 2011, 7:30 a.m.

PLACE: This is a Breakfast meeting at Shelby's, US 90 E. across from USDA Service Center

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Doris Newman, (850)973-6595.

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office, Board of Governors'** announces a telephone conference call to which all persons are invited.

DATES AND TIME: January 3, 5, 10, 12, 17, 19, 26, 31, 2012, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Contract review.

A copy of the agenda may be obtained by contacting: Georgie Barrett at 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 2 days before the workshop/meeting by contacting: Jessica Brown at jbrown@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).

The **Florida Surplus Lines Service Office, National Clearinghouse Committee** announces a telephone conference call to which all persons are invited.

DATES AND TIME: January 3, 5, 10, 12, 17, 19, 26, 31, 2012, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General matters to come before the Committee.

A copy of the agenda may be obtained by contacting: Georgie Barrett at 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 2 days before the workshop/meeting by contacting: Jessica Brown at jbrown@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).

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

DATE AND TIME: January 23, 2012, 1:00 p.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 at gbarrett@fslso.com or 1(800)562-4496.

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: Jessica Brown at jbrown@fslso.com or 1(800)562-4496. 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).

**ATKINS – TAMPA**

The Florida **Department of Transportation**, District Seven, announces a Virtual Public Hearing to which all persons are invited.

DATE AND TIME: Tuesday, January 10, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Online at: <https://www2.gotomeeting.com/register/618662386> OR one of the following viewing locations: Treasure Island Community Center, 1 Park Place (106th Avenue & Gulf Boulevard), Treasure Island, FL 33761 OR the Florida Department of Transportation, District Seven Auditorium, 11201 N. McKinley Drive, Tampa, FL 33612.

GENERAL MATTER TO BE CONSIDERED: A Virtual Public Hearing (VPH) for the SR 699 (Gulf Boulevard) proposed median changes at 100th Avenue, 108th Avenue, 125th Avenue, 130th Avenue, Madeira Way, 155th Avenue, 157th Avenue, 158th Avenue, 160th Avenue, 162nd Avenue, 163rd Avenue, and 164th Avenue, FPN: 254677-2-52-31.

You may participate in the VPH in several ways: 1) From any computer with an internet connection by registering at: <https://www2.gotomeeting.com/register/618662386>, or 2) Attend in person at one of the locations listed above. If you plan to participate over the internet, advance registration is required. Once registered, you will receive a confirmation email containing information about joining the hearing. The

VPH will open at 10:00 a.m. and presentation will start promptly at 10:15 a.m. Please allow adequate time for log-in. This public hearing is being conducted to afford affected property and business owners, interested persons, local governments, and organizations the opportunity to provide comments to the Florida Department of Transportation, District Seven (Department) regarding the potential impacts of the proposed median changes on SR 699 (Gulf Boulevard) at 100th Avenue, 108th Avenue, 125th Avenue, 130th Avenue, 155th Avenue, 157th Avenue, 158th Avenue, 160th Avenue, 162nd Avenue, 163rd Avenue, and 164th Avenue. Proposed changes include the construction of raised median islands for pedestrian refuge that will change existing turning movements at the above locations on SR 699 (Gulf Boulevard) between 100th Avenue and SR 688 (Walsingham Road). Improvements also include milling and resurfacing to correct pavement markings, modifications to existing pedestrian facilities along the corridor, and the addition of a left-turn lane at Madeira Way.

This VPH is being held pursuant to Chapter 120, Sections 335.18 and 335.199, Florida Statutes. The Department will receive verbal and written comments online and at each VPH location. Written comments not received at the hearing can be emailed to [roadwork@dot.state.fl.us](mailto:roadwork@dot.state.fl.us) or mailed to Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, MS 7-600, ATTN: VPH #: 254677-2, Tampa, FL 33612. All comments must be emailed or postmarked by January 20, 2011 to become part of the official VPH record.

Pursuant to the provisions of the Americans with Disabilities Act, person requiring special accommodations to participate in this workshop/meeting, or persons who require translation services (free of charge) are asked to advise the agency at least seven (7) days before the workshop/meeting by contacting: [roadwork@dot.state.fl.us](mailto:roadwork@dot.state.fl.us) or by calling Pamela Sherman, at (813)281-8311 or [pamela.sherman@atkinsglobal.com](mailto:pamela.sherman@atkinsglobal.com).

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. 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**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has declined to rule on the petition for declaratory statement filed by Jaime Zelaya, Unit Owner, In Re: The Hamptons at

Brandon Condominium Association, Inc., Docket No. 2011046970, on September 26, 2011. The following is a summary of the agency's declination of the petition:

The Division declined to issue a Declaratory Statement because it cannot issue a declaratory statement concerning events that have already taken place; or determine the rights of third parties who are not party to the declaratory statement; or when the parties are in court litigating the issues.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF HEALTH**

The Department of Health gives notice that the Petition for Declaratory Statement filed on August 26, 2011, by Collier HMA Physician Management, LLC, seeking the agency's interpretation of Section 458.3265(1)(a)2.c., Florida Statutes, has been withdrawn pursuant to Petitioner's request. The Notice of Petition was published in Vol. 37, No. 36 of the September 9, 2011, Florida Administrative Weekly.

Copies of the withdrawn petition may be obtained from: Joy Tootle, Executive Director, Board of Medicine, Department of Health, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399.

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

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

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices 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 AGRICULTURE AND CONSUMER  
SERVICES**

REQUEST FOR STATEMENTS OF INTEREST  
ANNOUNCEMENT 2013-2014

FLORIDA AQUACULTURE REVIEW COUNCIL

NOTICE OF CORRECTION – This notice was published in Vol. 37, No. 48, December 2, 2011 issue of the F.A.W. The last paragraph had a typo in the website, it should have read:

Description of the Council’s scope and intent, instructions to prepare and submit a Statement of Interest, list of research and development topics, and associated forms are available from: Paul Zajicek, Division of Aquaculture, 1203 Governor’s Square Blvd., Suite 501, Tallahassee, Florida 32301-2961, (850)488-5471, email: Paul.Zajicek@FreshfromFlorida.com or can be viewed or downloaded from: <http://www.FloridaAquaculture.com>. The deadline for submitting a completed Statement of Interest is January 13, 2012 at 5:00 p.m. (Local Time).

**DEPARTMENT OF EDUCATION**

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the disciplines of architecture and engineering will be required for the project listed below:

Project: UF-366, Auxiliary and High-Density Library Storage Facility (Gainesville, FL)

The project consists of the renovation of an existing offsite library storage facility, the addition of a high-density storage facility, the creation of a new main facility entry, and associated sitework and utilities infrastructure.

The estimated construction budget is approximately \$12.4M, including mechanical and electrical upgrades, repairs and upgrades to the existing building envelope, site hardscape and landscape work, and other scopes of work as outlined in the Facilities Program. The project will be delivered using the Construction Manager At-Risk method, but construction funds have not been appropriated at this time. Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory, at least for the new high-density storage addition.

The selected firm will provide program verification via interactive workshops with the University and other stakeholders, site planning, conceptual studies, design, renderings, energy modeling, life cycle cost analyses, construction documents, plus – if/when construction funds become available – construction administration services. The use of Building Information Modeling (BIM) software is mandatory, and plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection and structural engineering sub-consultants for this project and will be provided as a part of Basic Services.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant’s understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.



2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant and all engineering and landscape architecture consultants from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant 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 professional 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.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, Facilities Program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), Wednesday, January 18, 2012. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction  
 232 Stadium / P.O. Box 115050  
 Gainesville, FL 32611-5050  
 Telephone: (352)273-4000; Fax: (352)273-4034  
 Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

#### NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees announces that construction management services are required for the project identified below:

PROJECT NAME & NUMBER: Mixed Use Building, BT-886  
 PROJECT LOCATION: Modesto A. Maidique  
 Campus (MMC), Miami,  
 Florida

PROJECT DESCRIPTION: The new building will include the following:

College of Business Administration

- R. Kirk Landon Undergraduate School of Business office suite
- Undergraduate Advising (offices for 24 advisors)
- Student Services, including Student Organization Room
- PhD student offices
- Professional BBA program staff
- Center for International Business and Research office suite
- Classrooms (2) and break out rooms (8)

FIU Online

- FIU Online Staff (64 offices and call center)
- Collaboration Space (2 Training Rooms and 5 conference rooms)
- Recording Studio (3 rooms and large office)
- Testing Center (150 Seat Testing Lab)
- Multimedia Editing Labs

Business Services

- A retail food court featuring three to four food venues
- A full service catering kitchen with prep area and cooking equipment
- An upscale seating area designed to be closed off when needed for a private catering event or private party
- A general seating area featuring a mix of high quality movable low and high top tables and chairs, soft/lounge seating with coffee and side tables and bar type countertops with stools

The total building construction cost is approximately \$22,500,000 and the total project cost is approximately \$29,500,000. The University is committed to producing buildings that comply with sustainable energy conservation strategies and standards (minimum LEED Silver Certification). Applicants are hereby notified that in the event the University is unable to secure full funding for the project, the University intends to proceed only with design and construction of fully funded project phase(s), if any.

INSTRUCTIONS: Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Construction Manager Qualifications Supplement (CMQS) form. Proposals must not exceed 80 pages, including the CMQS and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

Submit eight (8) bound copies of the required proposal data and one CD copy of the complete proposal in Adobe Acrobat PDF format of the above requested data bound in the order listed. 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 Construction Manager Qualifications Supplement (CMQS) form and 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 web-site: <http://facilities.fiu.edu/projects/BT-886.htm>. Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to: FIU, Facilities Planning at (305)348-4090 or via email: [griffith@fiu.edu](mailto:griffith@fiu.edu).

**GENERAL REQUIREMENTS:** All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm 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 construction management firm 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 STANDARD CONTRACT FORMS, GENERAL TERMS AND CONDITIONS OF THE CONTRACT FOR CONSTRUCTION AND STANDARD INSURANCE REQUIREMENTS APPLICABLE TO CM SERVICES 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.**

**SUBMIT QUALIFICATIONS TO:** Selection Committee, Florida International University, Facilities Planning, Campus Support Complex, 11555 S.W. 17th Street, Room #142, Modesto A. Maidique Campus, Miami, Florida 33199.

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), Tuesday, January 3, 2012.

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.

Florida International University, Purchasing Services Department will receive sealed bids for the following: ITB12-006 Chemistry and Physics Building Toilet Rooms Renovations, FM 100419, to be publicly opened and read aloud on January 19, 2012, 2:00 p.m. (EST), in the Purchasing Services, 11200 S.W. 8 Street, CSC #410, Miami, Florida 33199.

**SCOPE OF WORK:** The project consist of the interior demolition and complete new architectural, plumbing, mechanical and electrical layout and redesign of the Chemistry and Physics Building Ground Floor thru Third Floor Existing Toilet rooms. The new layout consists of the complete re-configuration of all the toilet rooms, primarily through the "switching" of the Men's and Women's Toilet rooms from their current location to side of building directly across center circulation area – where the Men's Toilet Room Locations become the Women's Toilet Room locations and vice-versa. Additionally, the new toilet room layouts are configured to meet handicap accessibility code requirements.

**A MANDATORY PRE-BID CONFERENCE AND SITE VISIT** will be held: 10:30 a.m., Tuesday, December 20, 2011, Room CSC #1123, FIU Modesto Maidique Campus, 11200 S.W. 8 Street, Miami, FL 33199. Bidders are required to attend in order to be eligible to submit a bid. A walk thru will follow after the meeting. Bid Documents are available on the FIU Purchasing Services website at: <http://bids.fiu.edu/Lists/Currently%20Available/Public.aspx>.

**AMERICANS WITH DISABILITY ACT OF 1990:** If special accommodations are needed in order to attend the pre-bid meeting or bid opening, contact: Purchasing at (305)348-2161.

#### ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the School Board of Pinellas County, Florida 301 – Fourth Street S.W., Largo, Florida 33770-3536 until 3:00 p.m. (Local Time), January 18, 2012, for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

SEALED BID NO.: 12-968-147

BID TITLE: HVAC Renovations

DUE DATE/TIME: January 18, 2012, 3:00 p.m. (ET)

SCOPE OF PROJECT: This bid will select a "General Contractor". The work shall consist of furnishing all materials, labor, tools, equipment and supervision required to provide the detailed the abstract scope below. The contractor needs to pick-up the CD of the plans and specifications from the document center, info provided in this bid.

General Scope:

- Removal of asbestos shall be the responsibility of the owner via separate contractor within the stipulated time table.
- Salvage all controls and deliver to owner.
- Salvage ±170 ton Carrier chiller and deliver to the owner (Walter Pownall Service Center, 11111 S. Belcher Road, Largo, FL 33773-5210).
- Temporary portable classrooms shall be provided by the owner. Owner is responsible for wiring, plumbing, and other required installations.
- All removed equipment such as AHUs, FCUs, dedicated outdoor air rooftop units, pumps, smaller tonnage Carrier chiller, piping, ductwork, VAV boxes, etc. shall be piled up at an area on campus designated by the owner; the District will be responsible for the removal from the site.
- Test and Balance provided by the District. Contractor to coordinate the work and implement any generated punch list.

General Scope for Existing Work and Demolition:

- Removal of lay-in ceiling in designated areas.
- Removal of above the ceiling fan coil units.
- Removal of designated AHUs in the mezzanine (serving the administration and media center) and the AHU in mechanical room 015 (serving the multipurpose/stage area).
- Removal of rooftop outdoor air units serving classrooms.
- Removal of air handling units and fan coils includes removal of all associated VAV boxes, ductwork, chilled water piping, condensate drain, air devices, sensors, controllers, communication wiring, heating elements, dampers, smoke detectors, supports, etc.
- Removal of the hard ceiling in designated areas (refer to drawings).
- Removal of designated exhaust fans.
- Removal of chiller CH-3 and CH-4 and associated controls.
- Removal of concrete housing pads.
- Removal of associated pumps.
- Removal of designated chilled water piping in buildings and chiller enclosure, along with all associated valves.
- Removal of hydronic specialties in chiller enclosure and pump room.

General Scope for New Work for Mechanical, Electrical and Structural:

- Installation of new chilled water rooftop unit.
- Installation of package self contain dehumidifier to serve the media center during the weekend or after hours.
- Installation of floor mounted chilled water AHU.
- Installation of suspended, all exposed fan coil unit.
- Installation of all related supply and return air duct work. Outdoor air duct work on AHU.
- Installation of all VAV boxes with electric heat.
- Installation of duct heater.
- Installation of pumps.
- Installation of chiller.
- Installation of ductless split system (heat pump) for the Principal's office.
- Installation of ductless split system (straight cool) for the skills lab computer room #021.
- Installation of variable frequency drive.
- Installation of all related underground, above ground, and above ceiling pipes.
- Installation of controls.
- Installation of lay-in ceiling, hard ceiling.
- Installation of all related electrical, including new lighting.
- Provision and modification to the structural.
- Provision of Test and Balance. Test and balance by owner, coordination and any implementation of any punch list by the mechanical and control contractor.

Bid Alternates

There are (3) three bid alternates that need to be added on your bid proposal, here is a brief abstract of those alternates.

1. WARRANTY (Bid Alternate #1)

Provide four years extended warranty on the chiller, including all parts, labor, refrigerant, and condenser coils.

2. MAINTENANCE SERVICE (Bid Alternate #2)

Manufacturer shall provide an OEM full maintenance warranty in accordance with annual OEM service agreement. Agreement shall be for 5 years and shall include but not be limited to the following:

1. Three (3) operating inspections per year and (1) annual shutdown inspection for each of 5 years.
2. Report of work performed.
3. Oil analysis every 6 months.
4. Oil analysis report.
5. Repair work including parts and labor such as belts, filters, seals, etc.
6. Emergency service, 24 hours a day, 365 days per year. Response time shall be no more than 2 hours for emergency calls.
7. Coil cleaning of airside surface of coil.
8. Preventative maintenance as recommended by factory.
9. Lubricate as necessary.

**PAINTING (Bid Alternate #3)**

Contractor shall provide price for provision of painting in accordance to the requirements of specifications provided by the owner within this specification booklet. Contractor shall fully concentrate on this item since there are NO drawings provided for painting purposes.

**BID & PERFORMANCE SECURITY:** Bid and Performance Security is required with this bid.

**LICENSING REQUIREMENTS:** General Contractor

**PRE-BID CONFERENCE:** A pre-bid conference will be held at the Main Offices of Southern Oaks Elementary School, 9101 Walsingham Rd., Largo, FL 33773, January 4, 2012, 9:00 a.m. (Sign-in at the front desk, and you will be escorted to the pre-bid room for the “official” sign-in). Attendance at this pre-bid conference is **MANDATORY** in order for all potential bidders to receive the benefit of answers to theirs and other’s technical questions first hand. If you are not the prime bidder but are attending on behalf of someone else, please make note of this when signing the attendance roster where indicated. We apologize for any inconvenience this may cause you, but it is imperative that all information be disseminated in a public forum with all potential bidders present to minimize confusion or misunderstandings. Additions or changes to the original bid documents resulting from this conference of a material nature, will be documented in the form of written addenda and distributed to all attendees. Please note that if you are late to this mandatory pre-bid conference you will not be eligible to sign the attendance roster and therefore may not submit a bid. You may still, however, attend the conference if you wish.

Purchasing Department  
 301 Fourth Street, S.W.  
 Largo, Florida 33770  
 (727)588-6149  
 (727)588-6129 (Fax)

The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

DR. JULIE M. JANSSEN, ED. D SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	CAROL J. COOK CHAIRMAN  LINDA BALCOMBE DIRECTOR, PURCHASING
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**DUVAL COUNTY PUBLIC SCHOOLS ADVERTISEMENT**

**FOR BIDS – Invitation To Bid For a General Contractor**

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board

Building, 5th Floor, Room 513D, 1701 Prudential Drive, Jacksonville, Florida. BIDS ARE DUE ON OR BEFORE JANUARY 17, 2012 AND WILL BE ACCEPTED UNTIL 2:00 p.m.

**OFFICIAL PROJECT TITLE:** Window Replacements at Duncan U. Fletcher High School No. 223/DCSB Project No. M-84410/OFDC – ITB-006-12.

**SCOPE OF WORK:** The project consists of replacement of various windows throughout the school per plans and specifications. Estimated construction cost is not to exceed \$60,000. Contract documents for bidding may be obtained at the office of: LDI Repro Printing Centers, 806 Roselle St., Jacksonville, FL 32204, (904)381-0777. Name of A/E Firm: Bhide & Hall Architects, PA, 1329 Kingsley Avenue, Suite C, Orange Park, FL 32073, (904)264-1919. DCSB Point of Contact: Alonza Anderson, (904)390-2504. Contract documents for bidding may be examined at: Duval County Public Schools Administration Building, 1701 Prudential Drive, Jacksonville, FL 32207. MBE Participation Goal: Sheltered. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on December 7, 2011, 2:00 p.m., 1701 Prudential Drive, Room 513D, Jacksonville, FL. Failure to attend the pre-bid conference shall result in disqualification of that firm’s proposal. Attendees will be required to sign an attendance register. All contractors submitting proposals and bids must be pre-qualified with Duval County Public Schools at the time of the ITB Response Due Date. No proposals or bids will be accepted from Contractors who are not pre-qualified at that time. Prequalification forms and information may be obtained at: [www.duvalschools.org](http://www.duvalschools.org) under [http://www.duvalschools.org/static/aboutdcps/departments/facilities/general\\_documents.asp](http://www.duvalschools.org/static/aboutdcps/departments/facilities/general_documents.asp). The Bid Award Recommendation will be posted on the: First Floor, Bulletin Board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

**REGIONAL PLANNING COUNCILS**

**REQUEST FOR PROPOSALS FOR GILCHRIST COUNTY COMMUNITY TRANSPORTATION COORDINATOR**

The North Central Florida Regional Planning Council is accepting proposals from qualified agencies or firms for the award of a contract to coordinate transportation services for the transportation disadvantaged in Gilchrist County, Florida. The selected contractor will be the designated Community Transportation Coordinator under Florida’s Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2, Florida Administrative Code.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes, as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), Florida Statutes.

The complete Request for Proposals (RFP) may be obtained by writing the contact listed below, or by calling: Ms. Lynn Godfrey, AICP, Senior Planner, (352)955-2200, extension 110. Experience with eligibility-based transportation services is required.

A mandatory pre-proposal conference will be held January 5, 2012, in the North Central Florida Regional Planning Council, Charles F. Justice Conference Room, 2009 N.W. 67th Place, Gainesville, Florida at 10:00 a.m. (Eastern Standard Time), to answer questions about the RFP. Inquiries about this Request for Proposals must be made in person at the pre-proposal conference. Firms and agencies represented will have an opportunity to clarify any information contained in the request for proposals at the pre-proposal conference.

Proposals must be received by 3:00 p.m. (Eastern Standard Time), January 26, 2012, at the office of the North Central Florida Regional Planning Council. Seven (7) copies of the proposal must be submitted to: North Central Florida Regional Planning Council, Attention: Scott R. Koons, AICP, Executive Director, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603. One of these copies must be a clean, single sided original that can be used to make additional copies. The outside of the envelope or box containing proposal must be marked "PROPOSAL FOR GILCHRIST COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Faxed and electronically mailed responses will not be accepted.

The North Central Florida Regional Planning Council will not accept responsibility for proposals that are not marked and submitted in this manner. Proposals are to remain in effect for ninety (90) calendar days from date of submission. The North Central Florida Regional Planning Council reserves the right to reject any or all proposals, to waive any formality concerning proposals or negotiate changes to the proposals whenever such rejection or waiver or negotiation is in the best interest of the State and transportation disadvantaged. Failure to file a protest

within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

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## DEPARTMENT OF MANAGEMENT SERVICES

### ADVERTISEMENT TO BID CONSTRUCTION PUBLIC ANNOUNCEMENT REQUESTING BIDS FROM QUALIFIED ROOFING CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED ROOFING CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM-11003240

PROJECT NAME: Roof Replacement, Record Processing/ Storage Facility, 4319 Shelfer Road, Tallahassee, FL

PROJECT LOCATION: Tallahassee, Florida

MANADATORY PRE-BID MEETING: Wednesday, January 4, 2012, 11:00 a.m.

BID OPENING: Wednesday, January 25, 2012, 2:00 p.m.

NOTE: The work consists of:

1. Metal roof restoration including surface preparation, repair, prime, seal seams, and protective coating system.
2. Perimeter metal gutter including surface preparation, repair, prime, seal seams, and protective coating system.

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$575,000.00

PREQUALIFIED BIDDERS: Refer to DMS Website (below) for further details:

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

Please visit the Department's Website: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu) and click on "Search Advertisements – Division of Real Estate Development and Management" Look for "Opportunities for Design and Construction Firms" and click on link.

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## Section XII Miscellaneous

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### Notice of Publication for a New Point

#### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Daimler Vehicle Innovations USA, LLC, intends to allow the establishment of Bill Ussery Motors of Cutler Bay, LLC, d/b/a Smart Center of Cutler Bay as a dealership for the sale of Smart passenger Cars (line-make SMRT) manufactured by Daimler Chrysler AG-Smart GMBH, Daimler AG at 10701 Southwest 211th Street, Miami (Miami-Dade County), Florida, 33189, on or after January 16, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Bill Ussery Motors of Cutler Bay, LLC, d/b/a Smart Center of Cutler Bay are dealer operator(s): Gregory W. Barnes, 7216 Southwest 146th Street Circle, Miami, Florida 33158; principal investor(s): Gregory W. Barnes, 7216 Southwest 146th Street Circle, Miami, Florida 33158.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Charles L. Shady, Daimler Vehicle Innovations USA, LLC, One Mercedes Drive, Montvale, New Jersey 07645.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

#### Notice of Publication for a New Point

#### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that The Vehicle Production Group, intends to allow the establishment of Fitzgerald Motors, Inc., as a dealership for the sale of automobiles manufactured by The Vehicle Production Group (line-make VHPG) at 27365 US Highway 19 North, Clearwater (Pinellas County), Florida 33761, on or after January 16, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Fitzgerald Motors, Inc., are dealer operator(s): James W. Cash, 27365 US Highway 19 North, Clearwater, Florida 33761; principal investor(s): John J. Fitzgerald, 2736 US Highway 19 North, Clearwater, Florida 33761.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: L. Lodge Weber, The Vehicle Production Group, 1395 Brickell Avenue, Suite 630, Miami, Florida 33131.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Garia, Inc., intends to allow the establishment of Suncoast Electric Vehicles, LLC, as a dealership for the sale of low-speed vehicles manufactured by Garia A/S (line-make GARI) at 2401 4th Street North, St. Petersburg (Pinellas County), Florida 33704, on or after January 16, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Electric Vehicles, LLC, are dealer operator(s): Richard A. Nimphie, 400 Beach Drive Northeast, # 802, St. Petersburg, Florida 33701; principal investor(s): Richard A. Nimphie, 400 Beach Drive Northeast, #802, St. Petersburg, Florida 33701.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Henrik Hansen, Garia, Inc., 18838 Stone Oak Parkway, Suite 201, San Antonio, Texas 78258.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

### INTERLOCAL AGENCIES

Section 120.745, F.S. (2011), Legislative Review of Agency Rules in Effect on or before November 16, 2010. Notice is hereby given that on November 23, 2011, the Lake Apopka Natural Gas District published the Sections 120.74(2) and 120.745(2), F.S., Agency Rules Report, pursuant to Section 120.745(3), F.S., on its website. The Internet address through which this publication may be accessed is: [http://www.langd.org/2011\\_Rule\\_review/Notices](http://www.langd.org/2011_Rule_review/Notices).

The person designated to receive all inquiries, public comments, and objections pertaining to the publication identified in this notice is as follows: Samuel Davis, Jr., Lake Apopka Natural Gas District, 1320 Winter Garden-Vineland Road, Winter Garden, Florida 34787, Fax: (407)614-5766, email: [sdavis@langd.org](mailto:sdavis@langd.org).

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### LAND AND WATER CONSERVATION FUND (LWCF)

The Department of Environmental Protection has established an application submission cycle and will accept grant applications for the Federal Land and Water Conservation Fund (LWCF) Program Fiscal Year 2011-2012 as follows:

**APPLICATION SUBMISSION CYCLE:** Thursday, March 1-Thursday, March 15, 2012 (applications will be available Friday, December 16, 2011). Applications must be postmarked before or on the last date of the program application submission cycle.

**ELIGIBLE APPLICANTS:** All county governments and incorporated municipalities of the State of Florida and other legally constituted local governmental entities with the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the public.

**MAXIMUM GRANT REQUEST:** The maximum grant request may not exceed \$200,000.00. An applicant's requested grant funds may be revised by the Department due to the availability of program funds. This submission is contingent upon the approval of federal allotments. The LWCF grant has a matching ratio of 50/50 (Grant/Local Share).

**TOTAL NUMBER OF ACTIVE PROJECTS ALLOWED:** Two (2)

**TOTAL NUMBER OF APPLICATIONS ALLOWED DURING EACH CYCLE:** One (1)

**APPLICATION INFORMATION:** LWCF grant application packets may be obtained by writing: Department of Environmental Protection, Division of Recreation and Parks, Office of Financial Management, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, FL 32399-3000 or via the following: Phone: (850)245-2501, Web Site: <http://www.dep.state.fl.us/parks/oirs>, email: [mary.ann.lee@dep.state.fl.us](mailto:mary.ann.lee@dep.state.fl.us) or [rita.ventry@dep.state.fl.us](mailto:rita.ventry@dep.state.fl.us).

**PROGRAM DESCRIPTION:** LWCF is a competitive grant program which provides financial assistance to local governmental entities for the development or acquisition of land for public outdoor recreational purposes.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/workshop/hearing is asked to advise the agency at least 5 days before the meeting/workshop/hearing by calling:

Bureau of Personnel Services at (850)245-2511 or by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via the Florida Relay Service.

Office of Intergovernmental Programs

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are 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.

DEPARTMENT OF HEALTH

Order Lifting Emergency Suspension of License

On December 6, 2011, State Surgeon General, issued an Order Lifting Emergency Suspension Order with regard to the license of Fernando Jimenez, M.D., License #ME 31545. The Department orders that the emergency Suspension of License be lifted and your license be reinstated.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH NATIONAL GROUP INSURANCE COMPANY  
IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2011-CA-001476

In Re: The Receivership of NATIONAL GROUP INSURANCE COMPANY, a Florida corporation authorized to transact an insurance business in Florida.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH NATIONAL GROUP INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 10th day of October, 2011, the Department of Financial Services of the State of Florida was appointed as Receiver of NATIONAL GROUP INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of NATIONAL GROUP INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59:59 p.m., October 10, 2012, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for NATIONAL GROUP INSURANCE COMPANY, 2020 Capital Circle, S.E., Alexander Building, Suite 310, Tallahassee, Florida 32301. Additional information may be found at: [www.MyFloridaCFO.com/Receiver](http://www.MyFloridaCFO.com/Receiver).

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH HOMEWISE PREFERRED INSURANCE COMPANY  
IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2011-CA-002404

In Re: The Receivership of HOMEWISE PREFERRED INSURANCE COMPANY, a Florida Corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH HOMEWISE PREFERRED INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 4th day of November, 2011, the Department of Financial Services of the State of Florida was appointed as Receiver of HOMEWISE PREFERRED INSURANCE COMPANY and was ordered to liquidate the assets of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of HOMEWISE PREFERRED INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59:59 p.m., November 4, 2012, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for HOMEWISE PREFERRED INSURANCE COMPANY, 2020 Capital Circle, S.E., Alexander Building, Suite 310, Tallahassee, Florida 32301. Additional information may be found at: [www.MyFloridaCFO.com/Receiver](http://www.MyFloridaCFO.com/Receiver).

INTEREST RATE SET PURSUANT TO SECTION 55.03, FLORIDA STATUTES

Chapter 2011-169, Laws of Florida, amended Section 55.03(1), Florida Statutes (F.S.), to require the Chief Financial Officer to set the rate of interest that shall be payable on judgments and decrees on a quarterly basis rather than an annual basis. The



interest rate for the quarter beginning January 1, 2012, has been set at 4.75 percent per annum or a daily rate of .0129781 percent (.000129781 expressed as a decimal). The daily rate considers that 2012 is a leap year, and is calculated by dividing the annual rate by 366 days. Current and historical interest rates are available on the following website: <http://www.myfloridacfo.com/aadir/interest.htm>.

Please contact: Vendor Ombudsman Section at (850)413-5516, if you have any questions.

**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel's Office
Tallahassee, Florida 32314-8050		The Fletcher Building
Phone: (850)410-9800		Suite 118
Fax: (850)410-9548		101 East Gaines Street
		Tallahassee, Florida
		32399-0379
		Phone: (850)410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., January 6, 2012):

**APPLICATION TO MERGE**

Constituent Institutions: MIDFLORIDA Credit Union, Lakeland, Florida, and Space Coast Credit Union, Melbourne, Florida  
Resulting Institution: MIDFLORIDA Credit Union  
Received: December 7, 2011

**JACKSONVILLE TRANSPORTATION AUTHORITY**

The Federal Transit Administration and the Jacksonville Transportation Authority (JTA) are issuing a Notice of Opportunity to Hold a Public Hearing and Notice of Availability for the Environmental Assessment (EA) on the Bus Rapid Transit (BRT) Southeast Corridor project. The proposed project is located southeast of downtown Jacksonville, Florida and connects to the Downtown Rapid Transit System Phase One project and beyond to the BRT North Corridor project. The BRT system is being developed to support population and employment growth and improve mobility, transit travel times, passenger facilities and service reliability. The BRT Southeast Corridor Project is proposed to be 11.1 miles long and would operate from along Kings Avenue in downtown Jacksonville south along Philips Highway to Southside Boulevard. Six station areas have been recommended including enhanced passenger facilities and park and ride locations. The project may include one mile of dedicated bus lanes.

Information on the project can be found on the JTA website: [www.jtafla.com](http://www.jtafla.com), and a copy of the Environmental Assessment (EA) can be reviewed at the following locations:

Jacksonville Transportation Authority  
5711 Richard Street  
Jacksonville, FL 32216

Jacksonville Transportation Authority  
100 N. Myrtle Avenue  
Jacksonville, FL 32204

You may request that a public hearing be held for the EA by sending a written request on or before January 17, 2012 to:

Wendy Morrow  
Jacksonville Transportation Authority  
100 N. Myrtle Avenue  
Jacksonville, FL 32204  
wmorrow@jtafla.com  
Phone: (904)598-8733  
Fax: (904)630-3166

If a public hearing is held, then JTA will publish a notice of date, time and location for the hearing in the Florida Times Union, Legal Section and post on the JTA website: [www.jtafla.com](http://www.jtafla.com). You may also submit written comments on the EA to Wendy Morrow at the address above by January 17, 2012.

The Environmental Assessment and the opportunity for public hearing are being conducted in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. Persons wishing to express their concerns relative to adherence to Titles VI and VIII of the Civil Rights Act may do so by contacting: JTA's Contract Compliance Program Manager, Ken Middleton at (904)598-8728 or [kmiddleton@jtafla.com](mailto:kmiddleton@jtafla.com). Public participation is solicited without regard to race, color, religion, sex, age, national origin, handicap or familial status.

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

RULES FILED BETWEEN November 17, 2011  
 and November 23, 2011

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

5B-66.001	11/18/11	12/8/11	37/28	
5B-66.002	11/18/11	12/8/11	37/28	37/40
5B-66.003	11/18/11	12/8/11	37/28	37/40
5B-66.004	11/18/11	12/8/11	37/28	37/40
5B-66.005	11/18/11	12/8/11	37/28	
5B-66.006	11/18/11	12/8/11	37/28	37/40

**DEPARTMENT OF CORRECTIONS**

33-601.220	11/22/11	12/12/11	37/35	
33-601.225	11/22/11	12/12/11	37/35	

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-1.6051	11/22/11	12/12/11	37/41	
40D-1.659	11/22/11	12/12/11	37/41	
40D-2.091	11/22/11	12/12/11	37/41	
40D-2.101	11/22/11	12/12/11	37/41	
40D-3.101	11/22/11	12/12/11	37/41	
40D-3.321	11/22/11	12/12/11	37/41	
40D-3.502	11/22/11	12/12/11	37/41	
40D-3.517	11/22/11	12/12/11	37/41	
40D-4.042	11/22/11	12/12/11	37/41	
40D-4.091	11/22/11	12/12/11	37/41	
40D-4.101	11/22/11	12/12/11	37/41	
40D-4.331	11/22/11	12/12/11	37/41	
40D-40.044	11/22/11	12/12/11	37/41	
40D-40.302	11/22/11	12/12/11	37/41	
40D-400.500	11/22/11	12/12/11	37/41	

**South Florida Water Management District**

40E-1.6058	11/22/11	12/15/11	37/36	37/43
40E-1.607	11/22/11	12/15/11	37/36	
40E-1.659	11/22/11	12/15/11	37/36	37/43
40E-4.091	11/22/11	12/15/11	37/36	37/43
40E-40.042	11/22/11	12/15/11	37/36	37/43

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Condominiums, Timeshares, and Mobile Homes**

61B-24.003	11/22/11	12/12/11	37/38	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Division of Hotels and Restaurants**

61C-1.0021	11/18/11	12/8/11	37/36	
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**Florida Real Estate Appraisal Board**

61J1-4.010	11/21/11	12/11/11	37/41	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	11/17/11	12/1/11	37/42	
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**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

64B3-1.006	11/17/11	12/7/11	37/41	
64B3-1.008	11/17/11	12/7/11	37/41	
64B3-2.002	11/17/11	12/7/11	37/41	
64B3-3.002	11/17/11	12/7/11	37/41	

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

64B4-7.002	11/17/11	12/7/11	37/41	
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**Board of Dentistry**

64B5-14.002	11/21/11	12/11/11	37/40	
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**Board of Nursing**

64B9-8.001	11/23/11	12/13/11	37/41	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-9.015	11/22/11	12/12/11	37/36	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL  
 PURSUANT TO (CHAPTER 2010-279, LAWS OF  
 FLORIDA)

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

5F-11.002	7/7/11	*****	37/14	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-7.020	10/24/11	*****	37/24	37/36
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