

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0252                      RULE TITLE: Use of Prescribed Pancreatic Enzyme Supplements

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to address self-administration of pancreatic enzyme medication by students diagnosed with pancreatic insufficiency or cystic fibrosis enrolled in the public school system.

**SUBJECT AREA TO BE ADDRESSED:** The self-administration of pancreatic enzyme medication by students diagnosed with pancreatic insufficiency or cystic fibrosis.

**RULEMAKING AUTHORITY:** 1002.20(3)(k) FS.

**LAW IMPLEMENTED:** 1002.20(3)(k), 1006.062(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Monica Verra-Tirado, Chief, Bureau of Exceptional Education and Student Services, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399, (850)245-0475. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to: <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0252 Use of Prescribed Pancreatic Enzyme Supplements.

(1) Definitions.

(a) Emergency Care Plan (ECP). An ECP is a child-specific action plan to facilitate quick and appropriate responses for an individual emergency in the school setting. The ECP may be a component of the Individualized Healthcare Plan (IHP) that is developed consistent with Sections 1002.20(3)(k) and 1006.062(4), F.S. The ECP shall specify when the emergency number (911) will be called and describe a plan of action when the student is unable to self-administer medication or self-manage treatment as prescribed.

(b) Individualized Health Care Plan (IHP). An IHP is a written plan of care developed at the local level to outline the provision of student healthcare services intended to achieve specific student outcomes. The IHP is part of the nursing process that is detailed in the National Association of School Nurses Position Statement: Individualized Healthcare Plans (2008), as incorporated by reference in Rule 6A-6.0253, Diabetes Management and available online at <http://nasn.org/Portals/0/positions/2008psindividualized.pdf>. The IHP is developed by a registered nurse (RN) in collaboration with the family, student, student’s health care providers, and school personnel for the management of pancreatic insufficiency or cystic fibrosis while in school, participating in school-sponsored activities, and in transit to or from school or school-sponsored activities. The IHP is child-specific and includes a written format for nursing assessment (health status, risks, concerns, and strengths), nursing diagnoses, interventions, delegation, training, expected outcomes, and goals to meet the health care needs of a student with pancreatic insufficiency or cystic fibrosis and to protect the safety of all students from the misuse or abuse of medication.

(c) Pancreatic Insufficiency. Pancreatic insufficiency is a disorder of the digestive system. Pancreatic insufficiency includes the diagnosis of cystic fibrosis, a chronic disease that affects the lungs and digestive system.

(d) Self-Administration. Self-Administration means that a student diagnosed with pancreatic insufficiency or cystic fibrosis is able to self-manage prescribed pancreatic enzyme therapy in the manner directed by the licensed healthcare provider without additional assistance or direction.

(2) With written authorization from the healthcare provider and parent, a student with pancreatic insufficiency or cystic fibrosis shall be allowed to carry and self-administer prescribed pancreatic enzymes.

Rulemaking Authority 1002.20(3)(k) FS. Law Implemented 1002.20(3)(k), 1006.062(4) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO. 6A-10.0315                      RULE TITLE: College Preparatory Testing, Placement, and Instruction

**PURPOSE AND EFFECT:** The purpose of the rule development is to eliminate the restriction on the allowed number of testing attempts for public high school students, by ensuring student privacy protection of their educational records under federal and state laws, and by recognizing the public high school transcript as an official transcript for college applications. The effect is to accommodate the expanding uses of PERT at the public high school level for demonstrating college readiness, for meeting initial eligibility for Dual Enrollment status, and for initial qualifying for Florida Gold

Seal Vocational Scholarships; to ensure the protection of public student privacy rights; and to allow public high school transcripts to serve as official documents for submitting test scores to colleges and universities.

SUBJECT AREA TO BE ADDRESSED: Public high school P.E.R.T administration and test records.

RULEMAKING AUTHORITY: 1001.02(6), 1008.30(3) FS.

LAW IMPLEMENTED: 1001.02, 1008.30 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction, and Student Services, Department of Education, 325 West Gaines Street, Room 1502, Tallahassee, FL 32399. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>.

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

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.: 6A-14.0581                      RULE TITLE: Sponsorship of Athletic Activities

PURPOSE AND EFFECT: The purpose of this rule development is to ensure that policies and procedures are in place that determine sponsorship of athletic activities that are similar to scholarship sports offered at state universities and Florida College System institutions.

SUBJECT AREA TO BE ADDRESSED: Sponsorship of athletic activities.

RULEMAKING AUTHORITY: 1006.17(5), 1006.70(5) FS.

LAW IMPLEMENTED: 1006.65, 1006.70 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shanna Autry, Coordinator of Academic Program Success, Division of Florida Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9472 or [shanna.autry@fldoe.org](mailto:shanna.autry@fldoe.org). To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk,

Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

## DEPARTMENT OF ELDER AFFAIRS

### Federal Aging Programs

RULE NO.: 58A-1.010                      RULE TITLE: Program Forms

PURPOSE AND EFFECT: The purpose of this rule development is to continue revision of existing screening and assessment forms, including a Screening Form that is separate from the current practice of Form 701A, Department of Elder Affairs Prioritization Form, September 2008, and Form 701T, Department of Elder Affairs CARES Mini Assessment, to bring these forms up to date. Interested persons may review and comment on the proposed forms at <http://elderaffairs.state.fl.us/does/701t.php>.

SUBJECT AREA TO BE ADDRESSED: Amendments to the forms will address the data elements to be collected from persons seeking certain services coordinated through the Department of Elder Affairs.

RULEMAKING AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 430.04(1), 430.101 FS.

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

DATE AND TIME: January 22, 2013, 10:00 a.m. – 12:00 p.m.  
PLACE: Department of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, Florida 32399-7000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jessica Tice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone: (850)414-2453, Email: [ticej@elderaffairs.org](mailto:ticej@elderaffairs.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jessica Tice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone: (850)414-2453, Email: [ticej@elderaffairs.org](mailto:ticej@elderaffairs.org)

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

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE NOS.:	RULE TITLES:
58A-6.002	Definitions
58A-6.003	Licensure Application Procedures
58A-6.006	Governing Authority, Administration and Staffing
58A-6.007	Participant Care Standards
58A-6.008	Program Requirements
58A-6.009	Basic Services
58A-6.010	Optional Supportive Services
58A-6.011	Participant and Program Data, Emergency Management Plan
58A-6.012	Fiscal Standards
58A-6.013	Physical Plant, Sanitary Conditions, Housekeeping Standards and Maintenance
58A-6.015	Adult Day Care Center Employee Training Requirements
58A-6.016	Adult Day Care Center Training Provider and Curriculum Approval

**PURPOSE AND EFFECT:** The purpose of this rule development is to implement certain statutory requirements as prescribed in Chapter 2012-43, Laws of Florida. Additionally, the Department intends to propose amendments to Chapter 58A-6, Florida Administrative Code, deemed necessary to clarify, streamline, and in some cases delete entirely those portions of existing rule determined to be obsolete or wholly duplicative of Part II, Chapter 408, Florida Statutes; Part III, Chapter 429, Florida Statutes; and Chapter 59A-35, Florida Administrative Code.

**SUBJECT AREA TO BE ADDRESSED:** Recent amendments made by Section 429.918, Florida Statutes, the "Specialized Alzheimer's Services Adult Day Care Act" (Chapter 2012-43, Laws of Florida).

**RULEMAKING AUTHORITY:** 429.918 FS.

**LAW IMPLEMENTED:** Part III, Adult Day Care Centers, Chapter 429, Florida Statutes, with specific sections to be determined during this Development of Rulemaking.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Anthony J. DePalma, Assistant General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida, 32399, depalmaa@elderaffairs.org

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

**RULE NO.:** 60Y-2.005  
**RULE TITLE:** General Information  
**PURPOSE AND EFFECT:** The proposed rule amendment seeks to delete unnecessary information from rule Title 60Y and clarify other phrases within the rule because it is not necessary to name a particular person as the Clerk of the Commission. The effect will be to eliminate all personal identifications within the rules.  
**SUBJECT AREA TO BE ADDRESSED:** The proposed rule simplifies and clarifies the general information about the Florida Commission on Human Relations.  
**RULEMAKING AUTHORITY:** 760.06(12) FS.  
**LAW IMPLEMENTED:** 120.54, 760.06 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Cheyanne Costilla, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Cheyanne.Costilla@fchr.myflorida.com

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

60Y-2.005 General Information.

(1) through (4) No change.

(5) All complaints, petitions and appeals from Commission action may be filed electronically by facsimile or at the Commission's website found at <http://fchr.state.fl.us>. The original physically signed document shall be sent the same day by U.S. Mail. The party who elects to file a document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and must accept full risk that the document may not be properly filed with the Commission as a result. The filing date for an electronically transmitted document shall be the date the Commission receives the complete document. All complaints may be sent by facsimile to ~~the Manager of Customer Service at~~ (850)488-5291. All petitions and appeals from Commission action may be sent by facsimile to ~~the Clerk at~~ (850)487-4957.

(6) ~~Requests for information or any questions are to be directed The Clerk to the Commission at is Violet Crawford, Clerk to the Commission, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301-4857, or call phone number (850)488-7082.~~

Rulemaking Specific Authority 760.06(12) FS. Law Implemented 120.54, 760.06 FS. History—New 11-2-78, Formerly 22T-6.05, 22T-6.005, Amended 12-31-03, \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NO.: 60Y-7.001  
 RULE TITLE: Complaints

PURPOSE AND EFFECT: The proposed rule amendment seeks to clarify that the Florida Commission on Human Relations does not require an aggrieved persons under the Florida Fair Housing Act to file a complaint. The effect will be to make it clear that the act of filing a complaint is permissive rather than mandatory.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment seeks to clarify the permissive administrative rights under the Florida Fair Housing Act.

RULEMAKING AUTHORITY: 760.31(5) FS.

LAW IMPLEMENTED: 760.34 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cheyanne Costilla, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Cheyanne.Costilla@fchr.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-7.001 Complaints.

(1) Who may file. An aggrieved person may, but is not required to, file a complaint with the Commission alleging a discriminatory housing practice. A complaint may be filed by any person who claims to have been injured by a discriminatory housing practice or any person who believes that he will be injured by a discriminatory housing practice that is about to occur.

(2) Time for Filing. A complaint may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, be filed with the Commission at any time within one year of the occurrence of the alleged discriminatory housing practice. If the alleged discriminatory housing practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the discriminatory housing practice up to and including the date on which it shall have ceased.

Rulemaking Specific Authority 760.31(5) FS. Law Implemented 760.34 FS. History—New 1-25-90, Amended 11-20-91, Formerly 22T-21.001, Amended 9-17-98, 12-31-03, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-1.011  
 RULE TITLE: License Fees and Examination Fees  
 PURPOSE AND EFFECT: The Commission proposes the rule amendment to delete reference to “Chief Administrative Person” to bring the rule into compliance with the changes to Section 475.451, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: License and examination fees.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 68.065(2), 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juana Watkins, Executive Director, Florida Real Estate Commission, 400 West Robinson Street, Suite N801, Orlando, Florida 32801 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.: 5E-2.041  
 RULE TITLE: Materials Incorporated by Reference  
 PURPOSE AND EFFECT: The purpose of this rulemaking is to provide notice of revisions to a form incorporated by reference in the rule and to incorporate two Department forms that were not previously adopted by Department rule. The effect of this rulemaking will be to bring the forms into compliance with Section 120.55(1)(a)4., Florida Statutes.

SUMMARY: The proposed rule incorporates by reference the forms entitled Affidavit – Compliance Monitoring Program, (FDACS-13319 Rev. 08/12), Field Advisory Notice, (FDACS-13374 Rev. 08/12), Notification of Claim for Damages from Pesticide Application (FDACS-13375 Rev. 08/12, Notice of Inspection (FDACS-13316 Rev. 08/12), Pesticide Sample Collection Report (DACS-13234 Rev. 08/12) and Worker Protection Standard Inspection Form (FDACS-13240 Rev. 08/12).

**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 rulemaking revises and adopts forms used by the Department to enforce statutes and rules under its jurisdiction. The Department’s economic analysis of the adverse impact of potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon Department’s experiences with form adoption rules of this nature. Additionally, no interested party submitted additional information regarding the economic impact.

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: 570.07(23) FS.

LAW IMPLEMENTED: 487.031, 487.048, 487.071, 487.081, 487.159, 487.2041, 504.14, 576.051, 578.11, 580.36 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Kelly Friend, Chief of Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399, (850)617-7850; Kelly.Friend@FreshFromFlorida

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.041 Materials Incorporated by Reference.

(1) The Department will use the following materials in performance of its inspection, sampling, analysis, and enforcement duties prescribed in Chapter 487, Florida Statutes. The following documents are hereby adopted and incorporated by reference. These documents may be obtained by contacting the Florida Department of Agriculture and Consumer Services, Pesticide Compliance Section, 3125 Conner Boulevard, Building 8, L-29, Tallahassee, Florida 32399-1650 and are available online as indicated.

(a) Affidavit – Compliance Monitoring Program (FDACS-13319 Rev. 08/12), <http://www.flrules.org/Gateway/reference>

(b) Field Advisory Notice (FDACS-13374 Rev. 08/12), <http://www.flrules.org/Gateway/reference>

(c) Notification of Claim for Damages from Pesticide Application (FDACS-13375 Rev. 08/12), <http://www.flrules.org/Gateway/reference>

(d) Notice of Inspection (FDACS-13316 Rev. 08/12), <http://www.flrules.org/Gateway/reference>

(e) Pesticide Sample Collection Report (FDACS-13234 Rev. 08/12), <http://www.flrules.org/Gateway/reference>

(f) Worker Protection Standard Inspection Form (FDACS-13240 Rev. 08/12), <http://www.flrules.org/Gateway/reference>.

Rulemaking Authority 570.07(23) FS. Law Implemented 487.03, 487.048, 487.071, 487.081, 487.159, 487.2041, 504.14, 576.051, 578.11, 580.36 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H, Rackley, Director of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 14, 2012

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.: 5E-3.020  
 RULE TITLE: Commercial Feed Sales Quarterly Reporting

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement recent statutory revisions to Section 580.041, F.S. See Section 30 of 2012 HB 7021 (2012-190, Laws of Florida), effective July 1, 2012. The effect will be to institute record keeping and reporting requirements for the type and tonnage of commercial feeds sold in Florida.

SUMMARY: The proposed rule incorporates by reference the form entitled Quarterly Report of Commercial Feeds Distributed in the State of Florida, FDACS-13206, (Rev 07/10), that will be used to comply with new statutorily mandated reporting requirements. The proposed rule also defines penalties against distributors who violate such requirements.

**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 rulemaking revises and adopts forms used by the Department to enforce statutes and rules under its jurisdiction. The Department’s economic analysis of the adverse impact of potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon Department’s experiences with form adoption rules of this nature. Additionally, no interested party submitted additional information regarding the economic impact.

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: 570.07(23), 580.036(2) FS.

LAW IMPLEMENTED: 580.041 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Kelly Friend, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650, (850)617-7850; Kelly.Friend@FreshFromFlorida

THE FULL TEXT OF THE PROPOSED RULE IS:

5E 3.020 Commercial Feed Sales Quarterly Reporting.

(1) In accordance with Section 580.041(1)(c)3., Florida Statutes, each Distributor of commercial feed shall report to the Department the number of tons of feed distributed in Florida within thirty (30) days after the end of each of the following quarterly reporting periods:

<u>Quarter</u>	<u>Reporting Period</u>
<u>1st Quarter</u>	<u>July 1 – September 30</u>
<u>2nd Quarter</u>	<u>October 1 – December 31</u>
<u>3rd Quarter</u>	<u>January 1 – March 31</u>
<u>4th Quarter</u>	<u>April 1 – June 30</u>

(2) If a Distributor does not sell any feed during a reporting period, a “zero” report shall be made in accordance with subsection (1).

(3) Distributors shall report the quarterly tonnage distribution required by subsection (1) using either of the following methods:

(a) Through the Department’s Feed, Seed, and Fertilizer Regulatory Website which can be located online at <http://lims.flacs.org/HomeNew.aspx>; or

(b) Written reports may be submitted by completing the Quarterly Report of Commercial Feeds Distributed in the State of Florida, FDACS-13206, (Rev 07/10), which is hereby adopted and incorporated by reference and is available from and shall be submitted to the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, Feed, Seed and Fertilizer Section, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650 or online at <http://www.flrules.org/Gateway/reference>.

(4) A Distributor who fails to timely file a quarterly tonnage distribution report required by (1) or that makes false statements on a report submitted to the Department is subject to one or more of the penalties provided in Section 580.121, Florida Statutes.

Rulemaking Authority 570.07(23), 580.036(2) FS. Law Implemented 580.041 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H, Rackley, Director of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 14, 2012

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-29.001  
 RULE TITLE: Definition

PURPOSE AND EFFECT: The Board proposes the rule amendment pursuant to legislative changes.

SUMMARY: The proposed rule amendment is necessary pursuant to legislative changes to Section 828.055(1), F.S.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and

experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 465.005, 828.055 FS.

LAW IMPLEMENTED: 828.055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-29.001 Definition.

An "animal control shelter" is a county or municipal animal control agency or Humane Society registered with the Secretary of State which holds a modified Class II Institutional Pharmacy permit issued by the Department of Health pursuant to certification of compliance with Rule 64B16-29.002, F.A.C., by the Board of Pharmacy. An animal control shelter is issued a pharmacy permit for the sole purpose of obtaining the drugs, sodium pentobarbital and sodium pentobarbital with lidocaine, tiletamine hydrochloride, alone or combined with 91 zolazepam (including Telazol), xylazine (including Rompun), 92 ketamine, acepromazine maleate (also acetylpromazine, and 93 including Atravet or Acezine), alone or combined with etorphine 94 (including Immobilon), and yohimbine hydrochloride, alone or 95 combined with atipamezole (including Antisedan), for euthanization or chemical immobilization of animals of animals within their lawful possession.

Rulemaking Specific Authority 465.005, 828.055 FS. Law Implemented 828.055 FS. History—New 10-17-79, Formerly 21S-14.01, Amended 4-24-88, Formerly 21S-14.001, 21S-29.001, 61F10-29.001, 59X-29.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 15, 2012

## DEPARTMENT OF HEALTH

### Council of Medical Physicists

RULE NO.: 64B23-2.001  
RULE TITLE: Documentation for Licensure

PURPOSE AND EFFECT: To update the material incorporated by reference to comply with the requirements in Chapter 2012-64, L.O.F., and to amend the items that are required to be submitted with each application.

SUMMARY: The rule is updated to reflect the current application form for medical physicists and to remove the requirement that applicants submit a passport style photograph with the application submission.

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: This rulemaking updates application questions and removes requirements for application submission. This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as 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: 456.004, 456.013, 483.901(6)(b) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-2.001 Documentation for Licensure.

Each applicant for licensure shall make application on incorporated by reference Form DH 1274 (effective 6/2012 10/1/2009), Application for Licensure as a Medical Physicist, which is available from the department at www.FLHealthSource.com, or online at \_\_\_\_\_, or by calling (850)245-4910. The following items must be submitted with each application:

~~(1) One passport style photograph of applicant taken within the last six months;~~

~~(1)(2) Official documentation of board certification;~~

~~(2)(3) Licensure verification sent directly from the agency that issued the license; and~~

~~(3)(4) Proof of completion of a two (2) hour course relating to the prevention of medical errors pursuant to the requirements of Section 456.013, F.S.~~

Rulemaking Authority 456.004, 456.013, 483.901(6)(b) FS. Law Implemented 456.013, 483.901(6)(b) FS. History—New 6-10-99, Amended 8-21-02, 5-10-09, 12-28-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Deterding

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, M.D., FACS, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 6, 2012

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.020  
RULE TITLE: Granting High School Credits and Diplomas to Adults

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 69, November 9, 2012 issue of the Florida Administrative Register.

In response to comments by the Joint Administrative Procedures Committee, the Department corrects the statement relating to the reason no legislative ratification is necessary with the following: “the rule addresses only the graduation requirements for an adult high school diploma and does not impose any regulatory costs, nor are any costs anticipated in complying with the rule. The rule does not increase the course requirements for graduation beyond that required by statute. Therefore, the rule is not likely to 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, and it is not likely to have an adverse impact on business competitiveness, nor will it likely increase regulatory costs in excess of \$1 million within 5 years after implementation of the rule, and legislative ratification is not required.”

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

**NONE**

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

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice that on December 14, 2012, it issued an order.

Petitioner’s Name: Stephanie C. Archer

Date Petition Filed: November 5, 2012

Rule No.: 40D-22.201(4), F.A.C.

Nature of the rule for which variance or waiver is sought: Lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: November 20, 2012

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, x.2298, water.variances@watermatters.org.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-6.011: Policy and Purpose

The South Florida Water Management District (District) hereby gives notice:

On December 13, 2012, the District's Governing Board issued SFWMD Order No. 2012-139-DAO-ROW to Martha Rodriguez Garrido (Application No. 12-0829-2M). The petition for waiver was received by the District on June 28, 2012. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 38, No. 38, on September 21, 2012. No public comment was received. This Order provides a waiver of the District's criteria to allow existing landscaping (trees and shrubs) within the south right of way of C-51 located adjacent to 2613 Georgia Lane, which is downstream of District Water Control Structure S-155 and adjacent to the east end of the District's bulkhead to remain; Section 152, Township 44 South, Range 43 East; Palm Beach County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Fla. Admin. Code, and the Basis of



Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsections 40E-6.011(4) & (6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40' of the top of the canal bank within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the existing landscaping will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship and principles of fairness.

A copy of the Order or additional information may be obtained by contacting Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 10, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Clearwater Clinical. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.2.2.5, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators sump pump 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 2012-394).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 10, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 601 Copeland Building. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, and 2.24.2.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm and sheaves and drums 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 2012-395).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.018: International Medical Graduates; Qualification Requirements

NOTICE IS HEREBY GIVEN that on December 11, 2012, the Board of Medicine, received a petition for waiver or variance filed by Uy Thi Hoang, M.D., from Rule 64B8-4.018, F.A.C., with regard to the core clinical clerkships. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

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

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: January 10, 2013, 8:30 a.m.

PLACE: Embassy Suites, 10220 Palm River Road, Tampa, Florida 33619

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights or to violations of safety regulations. A copy of the agenda may be obtained by contacting: Sharon Day, Executive Assistant, Commercial Vehicle Review Board, Rhyne Building, Traffic Engineering and Operations Office, 2740 Centerview Drive, Tallahassee, Florida 32301.

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 (800)955-8771 or (800)955-8770 (voice). If you are

hearing impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

**REGIONAL PLANNING COUNCILS**

**Southwest Florida Regional Planning Council**

The Southwest Florida Regional Planning Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, January 7, 2013, 10:00 a.m.

**PLACE:** Southwest Florida Regional Planning Council, 1926 Victoria Avenue in Fort Myers

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The SWFRPC's Executive Committee will be holding its meeting to discuss policies of the SWFRPC.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at ngwinnett@swfrpc.org or (239)338-2550 #232.

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 offices of the SWFRPC at (239)338-2550. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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, visit the SWFRPC's website at [www.swfrpc.org](http://www.swfrpc.org).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

The Board of Professional Geologists announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Wednesday, January 23, 2013, 8:30 a.m.; Thursday, January 24, 2012, 8:30 a.m.

**PLACE:** Embassy Suites – Tampa Airport/Westshore, 555 North Westshore Blvd., Tampa, Florida 33609.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Board Business and application review.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Mobile Home Relocation Corporation**

The Florida Mobile Home Relocation Corporation announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, December 20, 2012, 10:00 a.m.

**PLACE:** Telephone Conference Call

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is to discuss FMHRC's current office lease which expires on December 31, 2012. FMHRC has received different options to renew its current lease for 3 months, 6 months, or 1 year.

To attend the meeting by telephone, please call (888)909-7654 and enter passcode 128126 when prompted.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that such person will need a record of the proceedings and, accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

A copy of the agenda may be obtained by contacting: Janet Compton, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315, (888)862-7010. Ms. Compton may be reached by email at [jcompton@fmhrc.org](mailto:jcompton@fmhrc.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 48 hours before the workshop/meeting by contacting: Janet Compton, Executive Director, (888)862-7010. Ms. Compton may be reached by email at [jcompton@fmhrc.org](mailto:jcompton@fmhrc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Janet Compton, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315, (888)862-7010. Ms. Compton may be reached by email at [jcompton@fmhrc.org](mailto:jcompton@fmhrc.org).

## DEPARTMENT OF HEALTH

## Board of Osteopathic Medicine

The Probable Cause Panel of the Board of Osteopathic Medicine announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 9, 2013, 1:00 p.m.

PLACE: Conference call number: (888)670-3525; participant pass code: 6558995979.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850) 245-4161.

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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

## DEPARTMENT OF HEALTH

## Division of Environmental Health

## RULE NO.: RULE TITLE:

64E-9.001: General

The Department of Health, Water & Onsite Sewage Section announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 9, 2013, 10:30 a.m. – 3:00 p.m.

PLACE: Conference Room N101, N. Tower, 1st Floor, Hurston Building, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be for the board to make recommendations to the department for agency action on variance requests, rule and policy development, and other technical review problems.

A copy of the agenda may be obtained by contacting: Robert Pryor, Department of Health, Water and Onsite Sewage Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710; bob\_pryor@doh.state.fl.us; (850)245-4444, ext. 2369.

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 10 days before the workshop/meeting by contacting: Robert Pryor, Department of Health, Water and Onsite Sewage Section, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710; bob\_pryor@doh.state.fl.us; (850)245-4444, ext. 2369. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Robert Pryor, Department of Health, Water and Onsite Sewage Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710; bob\_pryor@doh.state.fl.us; (850)245-4444, ext. 2369.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## Substance Abuse Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: December 20, 2012, 9:00 a.m. – 12:00 Noon

PLACE: Dept of Children & Families, 1317 Winewood Blvd, Bldg 2, Conference Room 103, (888)670-3525, Participant Code 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #01H12GC2-Behavioral Health Training Services: Individual Negotiation Meeting – The purpose of this meeting will be to negotiate with the Respondents for the delivery of services outlined in the solicitation document.

PLEASE NOTE: THIS IS A NOTICE OF CANCELTION FOR THIS MEETING.

A copy of the agenda may be obtained by contacting: Michele Staffieri, Chief, Contract Management Unit, email: Michele\_Staffieri@dcf.state.fl.us.

## THE LPA GROUP

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

DATE AND TIME: January 17, 2013, 5:30 p.m.

PLACE: Bunnell City Hall, 200 South Church Street, Bunnell, Florida 32110

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 427118-1-22-01

Project Description: Commerce Parkway Project Development and Environment (PD&E) Study.

The FDOT is holding a public hearing regarding the Commerce Parkway Project Development and Environment (PD&E) Study which analyzes the construction of a new roadway from US 1 to SR 100, a distance of approximately 1.7 miles. This proposed connector road would serve as access to commercial, light industrial, and multi-family residential units within the Flagler Central Commerce Park and as secondary access to the Flagler County Government Services Center.

This hearing is being conducted to afford interested persons an opportunity to express their views concerning the location; conceptual design; and social, economic, and environmental effects of the proposed improvements.

The draft project documents and other information will be available for public review from December 21, 2012 through January 17, 2013 at the FDOT District 5 building located at 719 S. Woodland Blvd, DeLand, FL 32720. They will also be available at the Bunnell Branch Library, 103 E. Moody Blvd., Bunnell, FL 32110, and online at [commercepkwy.com](http://commercepkwy.com). Persons wishing to submit written statements, or other exhibits, in place of or in addition to oral statements, may do so at the hearing, or by sending them to Crista Storey-Belrose at the address below. All exhibits or statements postmarked on or before January 28 will become part of the public hearing record.

A copy of the agenda may be obtained by contacting: Ms. Crista Storey-Belrose, Public Information Coordinator, Michael Baker Jr., Inc., 615 Crescent Executive Boulevard, Suite 200, Lake Mary, Florida 32746, or by phone at (407)399-0078; or by email at [cstorey@mbakercorp.com](mailto:cstorey@mbakercorp.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ms. Crista Storey-Belrose at the phone number provided above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Services, (800)955-8771 (TDD) or (800)955-8770 (voice). Persons who require translation services (free of charge) should contact Ms. Crista Storey-Belrose at the phone number provided above.

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: David Cooke, the FDOT Project Manager, at (386) 943-5404 or by e-mail at [david.cooke@dot.state.fl.us](mailto:david.cooke@dot.state.fl.us); or Crista Storey-Belrose at the contact information shown above.

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

DEPARTMENT OF ELDER AFFAIRS  
 NOTICE IS HEREBY GIVEN that the Florida Department of Elder Affairs has received the petition for declaratory statement from Douglas D. Adkins, Director, Dayspring Village, Inc. The petition seeks the agency's opinion as to the applicability of Section 429.41, F.S., as it applies to the petitioner.

Petitioner seeks clarification relating to certain fire safety standards requiring automatic sprinklers in state-licensed assisted living facilities.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Anthony DePalma, Assistant General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida, 32399-7000; [depalmaa@elderaffairs.org](mailto:depalmaa@elderaffairs.org). Please refer all comments to: Anthony DePalma, Assistant General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; [depalmaa@elderaffairs.org](mailto:depalmaa@elderaffairs.org).

**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 ENVIRONMENTAL PROTECTION  
 BDC23-12/13 Myakka River State Park – Clay Gully Bridge Repairs-Rebid

NOTICE OF INVITATION TO BID  
STATE OF FLORIDA  
BID NO. BDC 23-12/13

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered Contractors licensed to work in the jurisdiction for the project listed below.

PROJECT NAME: Myakka River State Park – Clay Gully Bridge Repairs

SCOPE OF WORK: The Contractor shall provide the necessary labor, materials, equipment, and supervision required to provide stabilization and scour control of the Clay Gully Bridge and asphalt pavement repairs. Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$150,000.00

PARK LOCATION: Myakka River State Park, 13208 State Rd. 72, Sarasota, Florida (9 miles east of Sarasota on SR 72)

PROJECT MANAGER: Randall Strange, Bureau of Design & Construction, 3540 Thomasville Road, Tallahassee, Florida 32309; telephone number (850)488-5372, fax number (850)488-1141.

INSTRUCTIONS: Documents for this bid will be available for download on Tuesday, December 18, 2012. Any firm desiring a Project Manual for this project may obtain a directions by emailing [susan.maynard@dep.state.fl.us](mailto:susan.maynard@dep.state.fl.us) and [mike.renard@dep.state.fl.us](mailto:mike.renard@dep.state.fl.us). If preferred, a compact disk (CD) containing the plans and specifications can be obtained by calling the Contracts Section at (850)488-5372 or emailing the addresses above.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the

Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (voice).

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Tuesday, January 29, 2013, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 4:00 p.m. (ET), Tuesday, February 5, 2013 unless extended by the Department for good cause.

NOTICE OF RIGHTS; Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, fax (850)245-2303, [Lea.Crandall@dep.state.fl.us](mailto:Lea.Crandall@dep.state.fl.us) during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and

120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

## Section XII Miscellaneous

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Skipper Limited, Inc. for the DONF line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Sunny Powersports, Inc., intends to allow the establishment of Skipper Limited, Inc., as a dealership for the sale of motorcycles manufactured by Ningbo Dongfang Lingyun Vehicle Made Co. Ltd. (line-make DONF) at 990 White Avenue, Graceville, (Jackson County), Florida 32440, on or after January 17, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Skipper Limited, Inc., are dealer operator(s): Robert L. Skipper, 990 White Avenue, Graceville, Florida 32440, principal investor(s): Robert L. Skipper, 990 White Avenue, Graceville, Florida 32440.

The notice indicates intent to establish the new point location in a county of less 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 US Mail to: Lei Lu, Sunny Powersports, Inc., 12851 Reservoir Street, Chino, California 91710.

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.

### DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

#### NOTICE OF CONSIDERATION OF CEMETERY BYLAWS

The State of Florida, Board of Funeral, Cemetery and Consumer Services, will address approval of the amended bylaws of the following cemetery(s) at the regular Board meeting to be held on February 7, 2013:

All Faiths Memorial Park (Casselberry), Arlington Park Cemetery (Jacksonville), Chapel Hill Cemetery (Orlando), Florida Hills Memorial Gardens (Spring Hill), Forest Hills Memorial Park (Palm City), Garden of Memories Cemetery (Tampa), Glen Haven Memorial Park (Winter Park), Good Shepherd Memorial Gardens (Ocala), Highland Memory Gardens (Apopka), Memorial Park Cemetery (St Petersburg), Myrtle Hill Memorial Park (Tampa), Oaklawn Park Cemetery/Lake Mary (Sanford), Palms Woodlawn Cemetery (Naranja), Royal Palm Memorial Gardens (West Palm Beach), Sylvan Abbey Memorial Park (Clearwater), Woodlawn Memory Gardens (St Petersburg), Woodlawn Park Cemetery North & Crematory (Miami), Woodlawn Park Cemetery South (Miami), Woodlawn Park Cemetery West (Miami)

A file pertaining to the above is available for public inspection and copying by any person at the Pepper Building, 111 W Madison Street, Suite 336, Tallahassee, Florida 32399. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 69K-6.003, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral, Cemetery and Consumer Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department at least fourteen (14) days prior to the meeting.

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

RULES FILED BETWEEN December 10, 2012  
 and December 14, 2012

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CORRECTIONS**

33-104.101	12/10/12	12/30/12	38/39	
33-204.002	12/10/12	12/30/12	38/38	
33-204.003	12/10/12	12/30/12	38/38	
33-302.109	12/10/12	12/30/12	38/69	

**COMMISSION ON ETHICS**

34-12.200	12/12/12	1/1/13	38/52	
34-12.330	12/12/12	1/1/13	38/52	

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-2.321	12/12/12	1/1/13	38/60	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

61C-1.002	12/12/12	1/1/13	38/35	
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**Board of Employee Leasing Companies**

61G7-5.001	12/13/12	1/2/13	38/70	
61G7-5.0012	12/13/12	1/2/13	38/70	
61G7-10.003	12/12/12	1/1/13	38/70	

**Board of Pilot Commissioners**

61G14-19.001	12/12/12	1/1/13	38/67	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Staff Training**

63H-1.005	12/13/12	1/2/13	38/38	
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**DEPARTMENT OF HEALTH**

**Division of Disease Control**

64D-2.002	12/14/12	1/3/13	38/39	
64D-2.003	12/14/12	1/3/13	38/39	
64D-2.004	12/14/12	1/3/13	38/39	
64D-2.006	12/14/12	1/3/13	38/39	

**Division of Family Health Services**

64F-23.001	12/14/12	1/3/13	38/34	
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**LIST OF RULES AWAITING LEGISLATIVE APPROVAL  
 PURSUANT TO (CHAPTER 2010-279, LAWS OF  
 FLORIDA)**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-304.300	3/2/11	*****	38/3	
62-304.610	8/20/12	*****	35/31	38/23
62-304.900	11/21/12	*****	38/39	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

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