

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.044
 RULE TITLE: Residency for Tuition Purposes
 PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise provisions relating to establishing residency for tuition purposes in light of the final judgment entered in Ruiz v. Robinson, Case Number 1:11-cv-23776-KMM, in the U.S. District Court, Southern District of Florida.

SUBJECT AREA TO BE ADDRESSED: Required documentation for residency for tuition purposes.

RULEMAKING AUTHORITY: 1009.21 FS.

LAW IMPLEMENTED: 1009.21 FS.

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

DATE AND TIME: January 21, 2013, 10:00 a.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1532E, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Alexander, Division of Florida Colleges, 325 W. Gaines Street, Suite 1532, Tallahassee, FL 32399, (850)245-9523 or Julie.Alexander@fldoe.org. To comment on this rule development, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS Available at: <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-42.001, 64B8-42.002
 RULE TITLES: Licensure by Endorsement, Licensure by Examination
 PURPOSE AND EFFECT: The Board proposes the rule amendment to update online application and means of access to the application.

SUBJECT AREA TO BE ADDRESSED: Online applications.
 RULEMAKING AUTHORITY: 468.507, 456.017(1) FS.
 LAW IMPLEMENTED: 468.507, 468.513, 456.027, 468.509 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: Allen Hall, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-0797
 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 Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-228.180	Forms
69B-228.220	Licensee Compliance; Requirements; Penalties for Non-Compliance

PURPOSE AND EFFECT: The purpose of the proposed amendments is to implement changes made by Chapter 2012-209, Laws of Florida, to Section 626.2815, F.S. Effective October 1, 2014, licensees will be required to complete a 5-hour update course every 2 years which is specific to the license held by the licensee and cover insurance law updates, premium discounts, ethics, disciplinary trends, industry trends, and suitability of insurance products. Since all licensees have 24 months to complete their continuing education requirements, the new law will affect those licensees who began their continuing education cycle on November 1, 2012 and will complete the cycle in October, 2014. The proposed rule amendments will allow continuing education providers to develop appropriate course materials, submit them for approval by the Department, and then offer the courses to licensees.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for licensees.

RULEMAKING AUTHORITY: 624.308, 648.26(1)(a) FS.
 LAW IMPLEMENTED: 624.307(1), 626.221(2)(d), 626.2815, 626.611, 626.621, 626.681, 626.691, 626.869(5), 648.385 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 11, 2013, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Jeune at (850)413-5411 or

Jean.Jeune@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: Jean Jeune, Senior Management Analyst Supervisor, Bureau of Licensing, Room 419, Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399-0318 Phone (850)413-5411 or Jean.Jeune @MyFloridaCFO.com. The text of the proposed rules is also available on the Department's website @ http://www.MyFloridaCFO.com/LegalServices/ruleHearing/ THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that 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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.086, 373.709 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: Sonya White, SWFWMD, 7601 Highway 301 North, Tampa, FL, 33637-6759, (813)985-7481 (4660) (OGC #2012028)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Section II Proposed Rules

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.624 RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-8.624, F.A.C., to add guidance and minimum levels for Tooke Lake and Whitehurst Pond in Hernando County.

SUMMARY: Establish guidance and minimum levels for Tooke Lake and Whitehurst Pond pursuant to Section 373.042, 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.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) – (e) No change.					
(f) In Hernando County Within the Coastal Rivers Basin	Hunters, Lake S-32, T-23S, R-17E	19.3'	19.3' (CAT 3)	17.1' (CAT 3)	13.7'
	Tooke Lake S-13 & 24, T-22S, R-17E	21.2'	20.4' (CAT 3)	16.3' (CAT 3)	14.2'

	<u>Whitehurst Pond</u> S-13 & 24, T-22S, R-17E	<u>23.0'</u>	<u>22.4'</u> (CAT 3)	<u>17.5'</u> (CAT 3)	<u>14.6'</u>
	Weekiwachee Prairie, Lake (Lake Theresa) S-23, T-23S, R-17E	22.6'	21.4' (CAT 3)	18.3' (CAT 3)	17.5'
(g) – (cc)	No change.				

(13) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History–New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Laura J. Donaldson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 29, 2012

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-3.001
RULE TITLE: General Requirements of Clinical Laboratory Personnel Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the Application for Clinical Laboratory Training Program.

SUMMARY: The application form will be incorporated into 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 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: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 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: Sharon Guilford, Program Operations Administrator, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.

(1) Each clinical laboratory personnel training program, hereinafter referred to as program, shall apply to the board on Form #DH-MQA 3007 (10/12) “Application for Clinical Laboratory Training Program”, http://www.flrules.org/Gateway/reference.asp?No=Ref_____, which is incorporated by reference herein and be approved by the Board of Clinical Laboratory Personnel and pay the fee set forth in subsection 64B3-9.001(8), F.A.C.

(2) through (6) No change.

~~Rulemaking Specific~~ Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History–New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 590-3.001, Amended 1-11-99, 11-15-99, 9-29-02, 2-2-04, 12-5-04, 2-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 11, 2012

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.001
RULE TITLE: Renewal of Active License

PURPOSE AND EFFECT: The Board proposes the rule amendments to include the requirement that after every third biennium after initial licensure, a licensee must complete three hour of laws and rules continuing education credits.

SUMMARY: The requirement will be added that after every third biennium after initial licensure, a licensee must complete three hours of laws and rules continuing education credits.

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: 491.004(5) , 491.007(1) FS.
LAW IMPLEMENTED: 456.013(1)(a), 491.007(2) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.001 Renewal of Active License.

(1) through (3) No change.

(4) Every third biennium after initial licensure, a licensee must complete 3 hour laws and rules continuing education units.

~~(5)~~(4) Continuing education hours earned by a licensee to satisfy any disciplinary action shall be in addition to those required for renewal for each biennium.

Rulemaking Authority 491.004(5), 491.007(1) FS. Law Implemented 456.031(1)(a), 491.007(2) FS. History–New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06, 12-17-06, 6-13-07, 9-13-07, 12-3-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 11, 2012

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.020
RULE TITLE: Disciplinary Guidelines

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. 38, No. 71, November 14, 2012 issue of the Florida Administrative Register.

61C-5.020 Disciplinary Guidelines.

(1) This rule sets out the disciplinary guidelines for imposing penalties upon elevator owners or operators, elevator companies, elevator inspectors, elevator technicians, or certificate of competency holders guilty of violating Chapter 399, F.S. The purpose of this rule is to notify licensees and other persons under the jurisdiction of Chapter 399, F.S., of the standard range of penalties routinely imposed unless the department ~~division~~ finds it necessary to deviate from the standard penalties for the reasons stated within this rule.

(2) These disciplinary guidelines are descriptive in nature and do not use the language used to formally allege a violation in a specific case. This rule is not intended to specifically describe all possible violations of law that may be committed by a licensee or certificate holder and that may be subject to penalty imposed by the department division.

(3) The department division may impose penalties against a licensee or certificate holder for a specific violation not included in the language of this rule. If a specific violation is not included in the language of this rule, the department division shall impose a penalty corresponding to the most similar violation listed in this rule.

(4) These disciplinary guidelines do not limit the department's division authority to order a licensee or certificate holder to cease and desist from any unlawful practice or other administrative action authorized by law.

(5) No change.

(6) Standard penalties. This section specifies the penalties routinely imposed for violations of law subject to a penalty under Chapter 399, F.S. If the same ASME code is cited multiple times on the same elevator during a single inspection, the multiple code violations shall be considered one violation for the purpose of the administrative complaint and penalties.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Making a false statement as to a material matter in an application for registration, certification, or any permit or certificate issued under Chapter 399, F.S. (Section 399.049(1)(a), F.S.)		
First offense	\$250 fine	\$500 fine, suspension or revocation
Second offense	\$500 fine	\$1,000 fine, suspension or revocation
Third and any subsequent offense	\$750 fine or suspension	\$1,000 fine and suspension or revocation
(b) Fraud, misrepresentation, or bribery in the practice of the profession. (Section 399.049(1)(b), F.S.)		
First offense	\$250 fine	\$500 fine, suspension or revocation
Second offense	\$500 fine	\$1,000 fine, suspension or revocation
Third and any subsequent offense	\$750 fine or suspension	\$1,000 fine and suspension or revocation
(c) Failure by a certified elevator inspector to provide the department and the certificate of operation holder with a copy of the inspection report within five days after the date of any inspection performed after the initial certificate of operation is issued. (Section 399.049(1)(c), F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	\$750 fine or suspension	\$1,000 fine and suspension or revocation
(d) Violation of any provision of Chapter 399, F.S., not otherwise identified in this subsection. (Section 399.049(1)(d), F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine or suspension
Third and any subsequent offense	\$750 fine or suspension	\$1,000 fine, suspension, or revocation
(e) Failure by a certified elevator inspector to maintain his or her qualified elevator inspector credential in good standing (Section 399.049(1)(e), F.S.)		
First offense	Revocation	Revocation
Second offense	Revocation	Revocation
Third and any subsequent offense	Revocation	Revocation

(f) Having a license to install, inspect, maintain, or repair any vertical conveyance revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or county (Section 399.049(1)(f), F.S.)		
First offense	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. <u>Fines shall not exceed \$1000.</u>	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. <u>Fines shall not exceed \$1000.</u>
Second offense	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. <u>Fines shall not exceed \$1000.</u>	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. <u>Fines shall not exceed \$1000.</u>
Third and any subsequent offense	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. <u>Fines shall not exceed \$1000.</u>	The usual penalty shall be commensurate with the penalty imposed by the other jurisdiction or a penalty consistent with these guidelines for the underlying offense committed in the other jurisdiction. <u>Fines shall not exceed \$1000.</u>
(g) Engaging in fraud or deceit, negligence, incompetency, or misconduct in the practice of the profession (Section 399.049(1)(g), F.S.)		
First offense	\$250 fine	\$1,000 fine
Second offense	\$500 fine	Suspension or Revocation
Third and any subsequent offense	\$1,000 fine or suspension	Revocation
(h) Commencing the installation, relocation, or alteration of any elevator for which a permit is required by Chapter 399, F.S., without having obtained from the department the permit. (Section 399.03(1), F.S.)		
First offense	\$250 fine	\$250 fine
Second offense	\$500 fine	\$500 fine
Third and any subsequent offense	If violation committed by a license, registration, or certificate holder, \$1,000 fine or suspension. Otherwise, \$1,000 fine	If violation committed by a license, registration, or certificate holder, suspension or revocation. Otherwise, \$1,000 fine
(i) Allowing the operation of any elevator for which a certificate is required by Chapter 399, F.S., without having obtained from the department the certificate (Section 399.07(5), F.S.)		

First offense	\$250 fine	\$250 fine
Second offense	\$500 fine	\$500 fine
Third and any subsequent offense	\$1,000 fine	\$1,000 fine
(j) Allowing the operation of an elevator with an expired certificate of operation (Section 399.07(1), F.S.)		
First offense	\$250 fine	\$250 fine
Second offense	\$500 fine	\$500 fine
Third and any subsequent offense	\$1,000 fine	\$1,000 fine
(k) Allowing the temporary operation of an elevator without having obtained from the department a temporary operating permit (Section 399.03(10), F.S.)		
First offense	\$250 fine	\$250 fine
Second offense	\$500 fine	\$500 fine
Third and any subsequent offense	\$1,000 fine	\$1,000 fine
(l) Performing or offering to perform the inspection, construction, installation, maintenance, or repair of any elevator unless such person holds an active certification under Chapter 399, F.S., (Section 399.01(13) or 399.01(14), F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	If violation committed by a license, registration, or certificate holder, \$1,000 fine or suspension. Otherwise, \$1,000 fine	If violation committed by a license, registration, or certificate holder, suspension or revocation. Otherwise, \$1,000 fine
(m) Employing persons to construct, install, inspect, maintain, or repair any elevator unless such business holds an active registration under Chapter 399, F.S. (Section 399.01(12), F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	\$750 fine	\$1,000 fine
(n) Violating a provision of Section 399.105, F.S.		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	\$750 fine	\$1,000 fine
(o) Failing to report any accident occurring in or upon any elevator within 5 working days (Section 399.125, F.S.)		
First offense	\$250 fine	\$500 fine
Second offense	\$500 fine	\$1,000 fine
Third and any subsequent offense	\$750 fine	\$1,000 fine

(7) Aggravating or mitigating factors.

The ~~department division~~ may deviate from the standard penalties in this section, based upon the consideration of aggravating or mitigating factors present in a specific case. The ~~department division~~ shall consider the following aggravating and mitigating factors in determining the appropriate disciplinary action to be imposed and in deviating from the standard penalties:

(a) Aggravating factors.

1. Possible danger to the public.
2. Severity of violations in the current administrative complaint.
3. The current administrative complaint alleges a violation for obstruction of division personnel.

4. Actual physical damage or bodily harm caused to persons or property by the violation.

5. Any other aggravating factors, as relevant under the circumstances.

(b) Mitigating factors.

1. Violation resulted from a natural disaster, civil disturbance or other emergency situation.

2. Length of time since the violation occurred.

3. Attempts by the licensee to correct the violation.

(8) through (10) No change.

Rulemaking Authority 399.02, 399.10, 455.2273 FS. Law Implemented ~~386.207~~, 399.049, 399.105, 399.125 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NOS.:	RULE TITLES:
64B1-2.001	Biennial Renewal Fee
64B1-2.004	Application Fee
64B1-2.011	Initial Biennial License Fee

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 48, October 11, 2012 issue of the Florida Administrative Register.

Date Notice of Proposed Rule Development Published in FAR: October 11, 2012

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.:	RULE TITLE:
64B1-2.011	Initial Biennial License Fee

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 48, October 11, 2012 issue of the Florida Administrative Register has been withdrawn.

**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

NOTICE IS HEREBY GIVEN that on December 17, 2012, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner's Name: Stephen and Polly Greene. Subsection 40D-22.201(4), F.A.C. Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation. Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, x2298, water.variances@watermatters.org.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-6.013 Construction Materials and Standards for Treatment Receptacles

NOTICE IS HEREBY GIVEN that on December 21, 2012, the Department of Health, received a petition for variance from Martha Harrell Chumbler, representing Infiltrator Systems, Inc. Specifically, the petitioner seeks a variance from 64E-6.013(10)(d), Florida Administrative Code, which requires tanks with seams below the invert of the outlet to be watertightness tested in accordance with ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2.2, after installation in the field.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

**Section VI
Notices of Meetings, Workshops and Public
Hearings**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Building Commission

The Florida Building Commission, "the Commission", announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2013, 1:30 p.m. – until completion.

PLACE: Meeting to be conducted using communications media technology, specifically teleconference/webinar. You must access the teleconference for audio connection only and webinar for video connection only.

Teleconference number: (888)670-3525; access code: 2977013986

Webinar: Go to <https://suncom.webex.com/suncom/j.php?ED=166944672&UID=1302731262&RT=MiMxMQ%3D%3D>

If requested, enter your name and email address. No password is required to enter the meeting. Click "Join". You will get a screen with a dialogue box to enter your phone number. The system will call you back at that number to ensure you are tied to your web access.

Public Point of Access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting serves as an orientation session for newly appointed Commissioners and will specifically provide a background of the code modification process in preparation for the Committee meetings during January; identification of staff contacts; and general information pertaining to budget, travel reimbursement processes, public records and open meetings requirements, and ethics. Additionally, the Commission chair may announce appointments to Committees. No action will be undertaken that requires a vote of the Commission.

A copy of the agenda may be obtained at http://www.floridabuilding.org/fbc/meetings/1_meetings.htm, or contact Mr. Jim Richmond or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824.

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: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 25555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or fax (850)414-8436. 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 refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm; contact Mr. Jim Richmond or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824, fax (850)414-8436, website: www.floridabuilding.org.

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: MEETING TIME CORRECTION:
January 3, 2013, 10:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Mobile Home Relocation Corporation has a meeting time correction: The meeting noticed for January 3, 2013 for 2:00 p.m. will be held January 3, 2013 at 10:00 a.m. The Florida Mobile Home Relocation Corporation announces a telephone conference meeting of its Board of Directors. The

board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use. General subject matter to be discussed: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting Janet Compton at (888)862-7010.

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 at (888)862-7010. 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.

DEPARTMENT OF HEALTH

Board of Dentistry

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

DATE AND TIME: February 22, 2013, 7:30 a.m.

PLACE: Wyndham Tampa Westshore Hotel, 700 N. Westshore Blvd., Tampa, FL 33609; (813)289-8200.

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 (800) 955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850) 245-4474.

DEPARTMENT OF HEALTH

Board of Nursing

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

DATE AND TIME: Monday, January 7, 2013, 3:00 p.m. EST.

PLACE: Department of Health, Tallahassee at Meet Me Number (888)670-3525 code 4764781998.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Centennial Committee Planning Discussion.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (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 CHILDREN AND FAMILY SERVICES
Refugee Services

The Department of Children and Family, Refugee Services announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 11, 2013, 10:00 a.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd, Bldg. 5, Rm. 202, Tallahassee, FL 32399-0700.

Conference call #: (888)670-3525, conference code: 3082681153#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to review the scoring, criteria and ranking instructions with the evaluators who have been selected to evaluate the proposals that have been received as provided for in Section 2.5 of RFP # 10K12BS1, Customer Survey and Evaluation of Comprehensive Refugee Services in Orange, Osceola, and Seminole Counties, published on the Vendor Bid System (VBS) on November 1, 2012.

A copy of the agenda for this meeting may be obtained by contacting: Tammie Kuhn, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Rm. 203, Tallahassee, FL, 32399-0700, or Tammie_Kuhn@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 5 days before the meeting by contacting: Tammie Kuhn, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd, Bldg 5, Rm. 203, Tallahassee, FL 32399-0700, or Tammie_Kuhn@dcf.state.fl.us. 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: Tammie Kuhn, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd, Bldg 5, Rm. 203, Tallahassee, FL 32399-0700, or Tammie_Kuhn@dcf.state.fl.us.

DISABILITY RIGHTS FLORIDA

The Disability Rights Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 11, 2013, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites Fort Lauderdale, 1100 Southeast 17th Street, Fort Lauderdale, FL 33316; (954)527-2700.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disability Rights Florida, Florida's Protection and Advocacy Programs Annual/Quarterly Meeting of the Board of Directors; the Annual Board of Directors Election of Officers.

A copy of the agenda may be obtained by contacting: Paige Morgan, (850)488-9071, ext. 9721.

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: Disability Rights Florida, 2728 Centerview Drive, Suite 102, Tallahassee, FL 32301, (800)342-0823, (800)346-4127 (TDD). 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).

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

OUR CHILDREN'S ACADEMY & REHAB
PUBLIC ANNOUNCEMENT OF ANNUAL FINANCIAL AUDIT SERVICES FOR OUR CHILDREN'S ACADEMY & REHAB

The project includes performing the annual audit of Federal, State and local allocations received by the State of Florida and as authorized through federal and state legislation which specifies the required activities for an ESE Charter School. Our Children's Rehab Center and Our Children's Charitable Fund also receives private donations. Proposal deadline: January 11, 2013, 4:00 p.m.

Entities to Audit: 1. Our Children's Academy. 2. Our Children's Rehab Center. 3. Our Children's Middle Academy. 4. Our Children's Charitable Funds

For an audit packet, contact: kay.west@ourchildrens.org.

Section XII
Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
Division of Motor Vehicles

Holman Automotive, Inc. d/b/a Lauderdale BMW of Fort Lauderdale relocation of the service facility BMW line.

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 BMW of North America, LLC, intends to allow the relocation of the service facility for the service of BMW Passenger Cars and BMW Light Trucks, of Holman Automotive, Inc. d/b/a Lauderdale BMW of Fort Lauderdale from its current location at 1812 South Andrews Avenue, Ft. Lauderdale, Broward County, Florida 33316 to a new location at 2627 South Andrews Avenue, Ft. Lauderdale, Broward County, Florida 33316. This relocation may also be considered the establishment of a service-only facility on or after January 27, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Holman Automotive, Inc. d/b/a Lauderdale BMW of Fort Lauderdale are dealer operator(s): Glenn A. Gardner, 10801 Blue Palm Street, Plantation, Florida 33324; principal investor(s): Steven P. Holman, 169 Dogpatch Lane, Dorset, Vermont 05251, Melinda K. Holman, 14 Kendles Run Road, Moorestown, New Jersey 08057, Joseph S. Holman, 309 Bridgeboro Road, Apt. 1231, Moorestown, New Jersey 08057, Katherine A. Mullin, 757 Paddock Path, Moorestown, New Jersey 08057, Jeffrey S. Holman, 700 Clinton Avenue, Haddonfield, New Jersey 08033 and Susan A. Moonan, 4 Rustic Drive, Pennington, New Jersey 08534.

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 US Mail to: Gregory J. Marks, BMW of North America, LLC, 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677.

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 HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Holman Automotive, Inc. d/b/a Lauderdale MINI relocation of the service facility MINC line.

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 MINI Division of BMW of North America, LLC, intends to allow the relocation of the service facility for the service of MINI Passenger Cars, of Holman Automotive, Inc. d/b/a Lauderdale MINI from its current location at 1812 South Andrews Avenue, Ft. Lauderdale, Broward County, Florida 33316 to a new location at 2627 South Andrews Avenue, Ft. Lauderdale, Broward County, Florida 33316. This relocation may also be considered the establishment of a service-only facility on or after January 27, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Holman Automotive, Inc. d/b/a Lauderdale BMW of Fort Lauderdale are dealer operator(s): Glenn A. Gardner, 10801 Blue Palm Street, Plantation, Florida 33324; principal investor(s): Steven P. Holman, 169 Dogpatch Lane, Dorset, Vermont 05251, Melinda K. Holman, 14 Kendles Run Road, Moorestown, New Jersey 08057, Joseph S. Holman, 309 Bridgeboro Road, Apt. 1231, Moorestown, New Jersey 08057, Katherine A. Mullin, 757 Paddock Path, Moorestown, New Jersey 08057, Jeffrey S. Holman, 700 Clinton Avenue, Haddonfield, New Jersey 08033 and Susan A. Moonan, 4 Rustic Drive, Pennington, New Jersey 08534.

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DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On December 21, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Erica Lynn Przystas-Baker, R.N. License # RN 9255563. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
