

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.039 **RULE TITLE:** Supplemental Educational Services in Title I Schools

PURPOSE AND EFFECT: The proposed rule amends the requirements for approval to become a provider of supplemental educational services (SES). Proposed changes include limiting the student to teacher ratio, limiting the length of individual tutoring sessions, providing for a minimum number of hours of tutoring that must be provided, moving requirements to be approved from the application form to the rule text, and updates to Form SES 100, SES Provider Application, for the 2013-2014 school year. Additional amendments include clarification to definitions used for SES, requirements for the provision of SES, and the period of ineligibility to provide services.

SUMMARY: The rule is amended to update Form SES 100, Provider Application for the 2013-2014 school year, limiting the student to teacher ratio, limiting the length of individual tutoring sessions, and providing for a minimum number of hours of tutoring that must be provided.

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 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 agency’s experience in the area and including feedback from the SES Advisory Panel. Many of the changes are procedural by moving the requirements to become a state-approved provider from Form SES 100 to the rule text;

therefore, it is not anticipated that these changes will have any adverse impact on economic growth, business competitiveness, regulatory cost or other factors found in Section 120.541(2)(a), Florida Statutes. The Department intends to implement the proposed rule within its current workload with existing staff. The changes to the student to teacher ratio, length of individual tutoring sessions, and minimum number of hours of tutoring are designed to ensure quality services are provided to students with the greatest academic need. Since the reimbursement for SES providers is established by the per pupil allocation, these changes will not impact the amount SES providers receive for their services.

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: 1008.331(6) FS.

LAW IMPLEMENTED: 1008.331(6) FS.

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

DATE AND TIME: February 18, 2013, 10:30 a.m.

PLACE: Le Cordon Bleu College of Culinary Arts, 8511 Commodity Circle, Suite 100, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melvin Herring, Program Director, Bureau of Federal Educational Programs, 325 West Gaines Street, Suite 348, Tallahassee, FL 32399, Melvin.herring@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.039 Supplemental Educational Services in Title I Schools.

(1) Purpose. This rule implements supplemental educational services in Title I schools as authorized by Section 1008.331, F. S.

(2) Definitions. For the purpose of this rule, the following definitions shall be used:

(a) “District/provider contract” means the agreement for the provision of supplemental educational services between each school district and each state-approved supplemental educational services providers in the district.

(b) “Eligible school” is a Title I school ~~that is in year one or beyond of school improvement, corrective action, or restructuring.~~

(c) “Eligible student” means a student students enrolled in a Title I school who is performing at Level 1 or Level 2 on the Florida Comprehensive Assessment Test, as set forth under Section 1008.22, F.S. from low-income families, as determined by the school district consistent with 20 U.S.C. Section 6316, who are attending a Title I funded school that is in year one or beyond of school improvement, corrective action, or restructuring.

(d) "Hearing Officer" means an individual employed by the Department and appointed by the Commissioner of Education to hear disputes about the denial and removal of providers as well as the award of a service designation.

(e) "School district" for the purposes of this rule, refers to all local ~~educational~~ education agencies in the state of Florida.

(f) "State-approved supplemental educational services provider" means a provider that has been approved by the Florida Department of Education to provide supplemental educational services in one (1) or more school districts.

(g) "Student learning plan" means the document developed in consultation with the parent, school district, and state-approved provider, which is designed to improve academic achievement of a ~~student~~ child receiving supplemental educational services.

(h) "Supplemental educational services" means additional academic instruction, such as tutoring, remediation, and other supplemental academic enrichment services, that is provided by state-approved supplemental educational services providers outside of the regular school day, on weekends, or in the summer, and that are designed to increase the academic achievement of students ~~enrolled in from low-income families who are attending Title I schools in their first year of school improvement, corrective action, or restructuring.~~

(i) "Service designation" means a designation of excellent, satisfactory, or unsatisfactory assigned by the Department to each state-approved supplemental educational services provider.

(3) Roles and Responsibilities.

(a) The Department shall:

1. Provide annual notice of the process for obtaining approval to provide supplemental educational services.

2. Approve supplemental educational services providers based upon the application requirements set forth in Form SES 100, Supplemental Educational Services Provider Application 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02272> ~~<http://www.flrules.org/gateway/reference.asp?NO=Ref-00655>~~), which is hereby incorporated by reference. ~~Form SES 100 is effective March 2013 to become effective December 20, 2011.~~ Form SES 100 may be obtained from the Florida Department of Education, Bureau of Federal Educational Programs, 325 West Gaines Street, Suite 348, Tallahassee, Florida 32399-0400 or on the Department's website at <http://www.fldoe.org/flbpso>.

3. Maintain a list of state-approved providers.

(b) School districts providing supplemental educational services shall:

1. Identify eligible students and develop equitable procedures for prioritizing services if demand exceeds available funding.

2. Notify eligible families prior to and after the start of the school year regarding the availability of services and the process for obtaining supplemental educational services in an understandable and uniform format. This notice shall include:

a. Contact information for state-approved providers serving the school district, including providers that are able to serve students with disabilities or English Language Learners and accessible through technology, such as computer assisted instruction ~~distance learning~~;

b. A description of services, tutor qualifications, and evidence of effectiveness as determined by the Department's evaluation of academic proficiency of each provider;

c. A description of the procedures and timelines for selecting a provider and the commencement of services;

d. The enrollment form with clear instructions;

e. An offer to assist parents in choosing a provider; and

f. An explanation of the benefits of receiving SES.

3. Unless a waiver is granted by the State Board of Education, pursuant to Section 1008.331(3)(a), F.S., hold open student enrollment for supplemental educational services until the school district has obtained a written election to receive or reject services from the parents of at least a majority of eligible students or until the school district has expended all available funds.

4. Make available the supplemental educational services enrollment forms to the parents of eligible students and providers prior to and after the start of the school year.

5. Provide enrollment lists, parent contact information, and available student diagnostic data to supplemental educational services providers sufficiently in advance of October 15 so that eligible students may begin receiving supplemental educational services no later than October 15.

6. Enter into a district/provider contract with each approved supplemental educational services provider approved to serve the school district; the school district is responsible for ensuring services are consistent with the district/provider contract.

7. Notify the Department when a district/provider contract is terminated with cause due to a breach by the provider where the termination is based upon a failure to comply with ~~Form or meet provider assurances set forth in SES Form 100 or SES district contract.~~ Notification shall occur within fifteen (15) days of the date of the termination of the contract. Notification shall include the name of the company or organization, the date the contract was terminated, the reason for termination ~~assurance the provider failed to comply with~~, and the factual basis which resulted in a breach of contract.

8. Develop in consultation with the parent and the provider a student learning plan. The plan shall be consistent with the student's individual education plan, English language learner plan, or the plan developed under Section 504 of the Rehabilitation Act. The plan shall include the following:

a. A statement of specific achievement goals for the student; these goals shall be aligned with student performance standards as incorporated by reference in Rule 6A-1.09401, F.A.C., as approved by the State Board of Education;

b. An explanation of how the student's progress will be measured;

c. A timetable for improving achievement; and

d. An explanation describing how the student's parents and teacher(s) will be regularly informed of the student's progress.

9. Reassign students to another provider for the remainder of the students funding allocation if the providers services do not begin by the timelines established in this rule, or if the providers district/provider contract is terminated, provider withdraws or if the provider is removed from the state-approved list.

10. Display on its Web site the following information:

a. Beginning with the data from the 2007-2008 school year, and for each subsequent school year, the number of students who were eligible for and the number of students who participated in SES; and

b. For the current year, a list of state-approved providers serving the school district and the locations where services are provided.

(c) State-approved supplemental educational services providers shall:

1. Be capable of delivering supplemental educational services in the school districts where approved by the Department.

2. Provide services that are secular, neutral, and nonideological.

3. Provide services outside of the regular school day, such as before or after school, on weekends, or in the summer.

a. Cumulative supplemental educational services tutoring sessions shall not exceed four (4) hours per week.

b. Supplemental educational services tutoring sessions provided Monday through Friday shall not exceed one and one-half (1.5) hours per day.

c. Supplemental educational services tutoring sessions provided Saturday and Sunday shall not exceed three (3) hours per day and must include at least one (1) fifteen (15) minute break.

d. Applicant shall provide professional development to tutors. Applicant shall supervise and monitor its tutors.

4. Provide supplemental educational services where the student to tutor ratio is no more than seven (7) students per tutor.

5. Establish a maximum billing rate per hour per student not to exceed \$65 for individual tutoring, \$55 for small group and \$45 for large group.

6. Provide supplemental educational services by tutors that are Title I paraprofessionals as provided in 20 U.S.C. § 6319 or current State of Florida certified teachers.

7. Provide supplemental educational services that are consistent with the instructional program of the school district and aligned with State academic content and student academic achievement standards.

~~8.4.~~ Unless a prior agreement has been made with the local school district, conduct a pre-assessment to determine student's gaps in knowledge and skills prior to beginning services.

~~9.5.~~ Consult with the school district and the parents to develop the student learning plan.

~~10.6.~~ Provide educational services designed to enable the student to attain achievement goals specified in the student learning plan.

~~11.7.~~ Measure the student's progress and ~~regularly~~ report progress at least monthly to the student's parents and teachers.

~~12.8.~~ Adhere to the timetable in the student learning plan for improving the student's achievement.

~~13.9.~~ Provide services consistent with health, safety, and civil rights laws.

~~14.10.~~ Abide by school district policies and procedures on criminal background checks and the provisions of Section 1012.465, F.S.

~~15.11.~~ Refrain from altering, completing, or submitting enrollment forms on behalf of a parent.

~~16.12.~~ Provide services to eligible students no later than October 15 of each school year contingent upon receipt of the district-approved student enrollment lists at least twenty (20) days prior to the start date. In the event that a contract with a state-approved provider is signed fewer than twenty (20) days prior to October 15, the provider shall have no fewer than twenty (20) days from the date the contract is executed to begin delivering services.

(4) Supplemental Educational Services Provider Approval.

(a) Application for approval by the Department for the provision of supplemental educational services shall be made on Form SES 100, Supplemental Educational Services Provider Application.

(b) All portions of the application ~~Except for that portion of the application submitted in hard copy as set forth in Form SES 100, applications shall be submitted online on-line at <http://www.fldoe.org/flbpo>. The hard copy documentation shall be delivered to the following address: Florida Department of Education, Bureau of Federal Educational Programs, 325 West Gaines Street, Suite 348, Tallahassee, Florida 32399-0400.~~

(c) Applications submitted by means other than those set forth above and applications received after the deadline for submission, ~~set forth in Form SES 100~~, regardless of the cause or nature of the delay, will not be accepted or considered for approval by the Department.

1. Notice of the application deadline will be posted online at <http://www.fldoe.org/flbpos>. Applicants will be provided a minimum of thirty (30) days to submit an application.

2. Applicants who submitted a completed application, except for the Business and Financial Requirements portion of the application, will be given one opportunity to correct deficiencies associated with the Business and Financial Requirements. Any Business and Financial Requirement deficiency must be corrected within five business days of the date the notice of deficiency is sent to the applicant by electronic mail.

(d) Approval requires that the applicant attain at least eighty (80) percent of the total possible points on Form SES 100 and at least seventy (70) percent of the possible points in the Demonstrated Record of Effectiveness and the High Quality, Research-Based Instructional Services portions of SES Form 100, meet the requirements of Form SES 100 and the following additional requirements: ~~the timely submission of all documents and meeting the requirements set forth in Form SES 100.~~

1. Demonstrate that the applicant has increased the academic achievement of students for a period of one (1) or more years within the last three (3) years to a minimum of ten (10) students.

2. Provide high-quality, research-based instructional services that address student weaknesses while still addressing required grade level curriculum.

3. Provide the type of student-tutor interaction when using technology.

4. Applicant must be legally qualified to do business in Florida and shall provide the following:

a. Articles of Incorporation, Articles of Organization or Partnership Agreement, as applicable.

b. A Florida business license, Florida Certificate of Status or an Internal Revenue Services Opinion Letter under 26 U.S.C. Section 501 (c)3, as applicable.

c. A statement attesting that applicant will operate as a sole proprietorship under the applicant's legal name, as applicable.

d. A Fictitious Name filing, as applicable.

5. Demonstrate Financial Soundness by submitting the following:

a. Certified Public Accountant (CPA) audited balance sheet in United States dollars performed within the closing of the applicant's last fiscal year; and,

b. Six (6) month operating budget that includes expenses for insurance policies, salaries, marketing, instructional materials, facility rental fees, professional development, fingerprinting/background screening, transportation and servicing debt.; and,

c. If the applicant is unable to demonstrate financial soundness under the provision of sub-subparagraph (4)(d)5.a.-d. of this rule, FDOE will accept a line of credit from

a financial institution in the amount to increase current assets. Line of credit issued within the last calendar year demonstrating access to funds for the first six (6) months of the school year or a bank statement issued within the past three (3) months from a financial institution showing evidence of available and sufficient resources equal to or greater than the required budget to operate for six (6) months.

6. Applicant shall provide a complete list of any board of directors, managing members or chief officers of the organization and corresponding titles, as applicable.

7. Applicant assures to the following:

a. Applicant has not been disbarred. "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its members are not disbarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency from doing business with the federal government.

b. Applicant has not been terminated for cause in the district(s) which the applicant selects to offer SES. Districts are not required to contract with providers who were terminated for cause within the last two (2) years.

d. Applicant agrees to indemnify, defend and hold harmless FDOE, the State of Florida, and their respective agents, officers and employees from and against any and all claims, demands, suits, liabilities, injuries (personal or bodily), property damage, causes of action, losses, costs, expenses, damages, or penalties, including without limitation reasonable defense costs and legal fees arising or resulting from, or occasioned by or in connection with:
c. Applicant agrees to abide by ethical business practices, as adopted by the Education Industry Association in its Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers <http://www.educationindustry.org/assets/2010-eia-code-of-ethics.pdf>.

(i) any bodily injury or property damage resulting or arising from any act or omission to act (whether negligent, willful, wrongful or otherwise) by the applicant or its organization, its subcontractors, anyone directly or indirectly employed by them or anyone for whose acts they may be liable;

(ii) failure by the applicant and its organization or its subcontractors to comply with any laws or regulations applicable to the performance of SES;

(iii) the breach of any representation or assurance provided by the applicant and its organization in this application; or

(iv) any act of infringement of any existing patent or copyright or any unauthorized use of any trade secret.

e. Applicant agrees to attend a mandatory SES meeting sponsored by FDOE. Applicant will be notified of the meeting date, time and location at least fifteen (15) business days prior to the meeting. Failure to attend meeting may result in Applicant being removed from the state-approved

supplemental educational services provider list unless the applicant is able to demonstrate, in writing, unforeseen and uncontrollable circumstances that prohibited the applicant from attending the mandatory meeting.

f. Abide by Rules 6A-1.039 and 6A-1.0391, F.A.C., and Section 1008.331, Florida Statutes.

(e) Approval shall be for one (1) year. Approval is non-transferable and valid only for the person or entity named by the Department in its notice of approval.

(f) ~~Applicant~~ ~~An applicant~~ is ineligible to ~~re-apply~~ ~~apply~~ for approval to provide supplemental educational services for the following two (2) year period ~~next school year~~ subsequent to any of the following:

1. Termination of a supplemental educational services contract with a school district with cause in fifty (50) percent or more of the districts served in the previous school year, where the termination is based upon the provider's failure to comply with, or meet, the requirements ~~provider assurances~~ set forth in Form SES Form 100; or

2. The award of an unsatisfactory service designation for two (2) consecutive years, beginning with the service designation awarded in the 2010-2011 school year.

(5) through (7) No change.

(8) Removal from the State-Approved Supplemental Educational Services Provider List. A provider shall be removed from the approved list, and the provider and any related organizations shall be ineligible to re-apply during the following two (2) year period, following the process established in subsection (7) of this rule, for the following reasons:

(a) The failure to deliver services as provided in Section 1008.331(3)(b), F.S.;

(b) The award of an unsatisfactory service designation for two (2) consecutive years, beginning with the service designation awarded in the 2010-2011 school year;

(c) When the investigation reveals that a school district has been fraudulently invoiced; or

(d) When the Department determines that the matter is of such magnitude that it cannot be addressed by the school district through its enforcement mechanisms, the failure to comply with provider responsibilities and assurances, the failure to meet and maintain the eligibility application requirements found in Form SES 100, the Supplemental Educational Services Provider Application ~~Providers Request for Applications~~, and the failure to comply with the requirements established for providers in this rule.

(9) through (11) No change.

Rulemaking Authority 1008.331 FS. Law Implemented 1008.331 FS. History--New 4-14-08, Amended 5-24-09, 12-15-09, 3-20-11, 12-20-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Stewart, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tony Bennett, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 21, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.030
RULE TITLE: Instruction and Awards in Community Colleges

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to align terms and definitions with terminology used in practice and in Florida Statutes, add definitions for Bachelor's degree and English for Academic Purposes, and to provide clarity for credit type.

SUMMARY: This rule defines the types of instruction provided and awards conferred by Florida College System institutions.

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: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; (2) based on past experiences with rules that effect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, does not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1001.02(1), (6)(c), (d), 1001.03(12), 1008.41 FS.

LAW IMPLEMENTED: 1001.03(12), 1004.02, 1004.91, 1004.93 FS.

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

DATE AND TIME: February 18, 2013, 10:30 a.m.

PLACE: Le Cordon Bleu College of Culinary Arts, 8511 Commodity Circle, Suite 100, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Abbey Cunningham, Coordinator of Baccalaureates and Common Prerequisites, Division of Florida Colleges, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9492, abbey.cunningham@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.030 Instruction and Awards in Florida College System Institutions ~~Community Colleges~~.

Florida College System institutions ~~Community colleges~~ are authorized to provide instruction and to confer degrees, certificates, and diplomas only as prescribed herein. Any Florida College System institution degree program, certificate, or diploma program offered at a ~~community college~~ shall be offered at the established standard credit hour length, established and ~~Revisions to the standard credit hour lengths and the lengths of new programs added to the Statewide Program Inventory list must be approved by the State Board of Education Division of Community Colleges. The courses within the programs identified in the subsections below shall be submitted to the Division of Accountability, Research, and Measurement in the Department of Education.~~

(1) Bachelor's degree. Each Florida College System institution is authorized to seek State Board of Education approval to provide programs of instruction consisting of upper division college credit courses as defined in Rule 6A-10.033(1)(a), F.A.C., to prepare for entry into employment, pursuant to Section 1007.33, Florida Statutes. The bachelor's degree shall be awarded upon satisfactory completion of a planned program of one hundred and twenty (120) college credits, unless otherwise approved by the State Board of Education, after demonstration of the attainment of predetermined and specified performance requirements. The bachelor's degree must include thirty-six (36) college credits of general education coursework and foreign language competence.

(2)(4) Associate in arts degree. Each Florida College System institution ~~community college~~ shall provide the programs of arts or general instruction consisting of lower division college credit courses as defined in paragraph 6A-10.033(1)(a), F.A.C. offered to freshmen and sophomores in baccalaureate programs. The associate in arts degree is a transfer degree and a basis for admission to a bachelor's degree. The courses shall be classified in the Community College Management Information System as advanced and professional courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. The associate in arts degree shall be awarded upon satisfactory completion of a planned program of sixty (60) college credits, unless otherwise provided by law,

after demonstration of the attainment of predetermined and specified performance requirements. The associate in arts degree must include thirty-six (36) college credits of general education coursework. Courses not accepted in the State University System shall not be included in the sixty (60) credits required for the degree.

(3)(2) Associate in science degree. Each Florida College System institution ~~community college~~ is authorized to provide programs of career and technical instruction consisting of lower division college credit ~~college-level~~ courses as defined in Rule 6A-10.033(1)(a), F.A.C., to prepare for entry into employment. The associate in science degree is a transfer degree and a basis for admission to a related bachelor's degree. The courses shall be based in theory and of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. The associate in science degree shall be awarded upon satisfactory completion of a planned program of instruction study comprised of the standard credit hour length established, after including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. Courses not accepted in the State University System shall not be included in the general education core required for the degree. Associate in science degrees that articulate with baccalaureate degrees under the provisions of paragraph 6A-10.024(6)(c), F.A.C., shall meet the specific provisions contained therein. The standard credit hour length of all associate in science degree programs shall be maintained kept according to the Department of Education publication 2012-2013 – AS/AAS/CCC/ATD Program Length Document (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02268>) available at <http://www.fldoe.org/workforce/dwdframe/2006-2007-Community-College-Programs-with-Standard-Program-Length> which is hereby incorporated herein by reference to become effective with the effective date of this rule. Copies may be obtained through the Division of Florida Community Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. The associate in science degree must include a minimum of fifteen (15) college credits of general education coursework.

(4)(3) Associate in a Applied sScience dDegree. Each Florida College System institution ~~community college~~ is authorized to provide programs of career and technical instruction consisting of lower division college credit ~~college-level~~ courses as defined in paragraph 6A-10.033(1)(a), F.A.C., to prepare for entry into employment. The courses shall be based in theory and be of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational

~~courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. The associate in applied science degree shall be awarded upon satisfactory completion of a planned program of instruction study comprised of the standard credit hour length established, after including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. The standard credit hour length of all associate in applied science degree programs shall be maintained kept according to the Department of Education publication 2012-2013 -AS/AAS/CCC/ATD Program Length Document available at <http://www.fldoe.org/workforce/dwdframe/> 2006-2007 Community College Programs with Standard Program Length. The associate in applied science degree must include a minimum of fifteen (15) college credits of general education coursework.~~

~~(5)(4) A Technical Certificate (College Credit Certificate). Each Florida College System institution is authorized to provide programs of career and technical instruction consisting of a program of instruction of less than sixty (60) college credits as defined in paragraph 6A-10.033(1)(a), F.A.C. of college-level courses, which are is part of an associate in science degree (A.S.) or an associate in applied science degree (A.A.S.) program offered in the State of Florida and which prepares students for entry into employment, may be awarded to students who evidence satisfactory completion of the program. The standard credit hour length of all technical certificate programs shall be maintained according to the Department of Education publication 2012-2013 - AS/AAS/CCC/ATD Program Length Document available at <http://www.fldoe.org/workforce/dwdframe/>.~~

~~(6)(5) An Applied Technology Diploma. Each Florida College System institution is authorized to provide programs of career and technical instruction consisting of a course of study that are is part of an associate in science degree (A.S.) or an associate in applied science degree (A.A.S.), that are is less than sixty (60) credit hours, and leads to employment in a specific occupation may be awarded to students who have met the requirements of that diploma. An applied technology diploma program may consist of either clock hours technical credit or college credit as defined in paragraphs 6A-10.033(1)(a), (b), F.A.C. The standard credit hour length of all applied technology diploma programs shall be maintained according to the Department of Education publication 2012-2013 - AS/AAS/CCC/ATD Program Length Document available at <http://www.fldoe.org/workforce/dwdframe/>.~~

~~(7)(6) An Advanced Technical Certificate. Each Florida College System institution is authorized to provide programs of career and technical instruction consisting of a program of instruction of nine (9) hours or more but less than forty-five (45) college credits hours of lower division and/or upper division college-level courses as defined in Rule~~

~~6A-10.033(1)(a), F.A.C. Florida College System institutions offering advanced technical certificates with upper division courses must be approved to offer baccalaureate programs containing those courses. An advanced technical certificate may be awarded to students who have already received an associate in science degree or an associate in applied science degree and are seeking an advanced specialized planning program of instruction study to supplement their associate degree.~~

~~(8)(7) Certificate of Professional Preparation. Each Florida College System institution is authorized to Community colleges may provide college-level professional instruction, consisting of not less than nine (9) and not more than thirty (30) college or institutional credits hours of courses and course equivalent modules as defined in paragraphs 6A-10.033(1)(a), (d), F.A.C., to prepare baccalaureate degree holders for licensure, certification, credentialing, examinations, or other demonstrations of competency necessary for entry into professional occupations. Satisfactory completion of these courses and modules shall be recognized by the award of units of measure called institutional credit. Institutional credit is postsecondary credit that is competency-based and has been assigned an instructional level of zero. Institutional credit is not intended for transfer outside of the Florida Community College System. Upon satisfactory completion of a planned program that has been approved by the Department of Education, including the demonstration of competencies and the attainment of predetermined and specific performance requirements, and subject to law and rule, the certificate of professional preparation shall be awarded. If a community college is authorized to award a baccalaureate degree in the subject area of the certificate of professional preparation, then the college may award upper division college credit for such instruction in lieu of institutional credit.~~

~~(9)(8) Career and Technical Certificate. Each Florida College System institution is authorized to community college and postsecondary technical center may provide programs of career and technical instruction consisting of clock hour non college-level courses as defined in paragraph 6A-10.033(1)(b), F.A.C., to prepare for entry into employment. The courses shall be classified in the Community College Management Information System as postsecondary adult career and technical courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called technical credit. Upon satisfactory completion of a planned program of instruction, after including the demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule, the career and technical certificate shall be awarded. The standard clock hour length of all career and technical certificate programs shall be maintained according to the Department of Education publication 2012-2013 PSAV Program Length Document (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02269>) available at~~

http://www.fldoe.org/workforce/dwdframe/ which is hereby incorporated herein by reference to become effective with the effective date of this rule. Copies may be obtained through the Division of Florida Colleges, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

~~(10)(9) Continuing Workforce Education. Each Florida College System institution community college may provide noncredit continuing workforce education instruction as defined in subsection 6A-10.033(2), F.A.C., tailored to individual needs and designed to improve job performance. Such instruction shall be classified in the Community College Management Information System as continuing workforce education, a noncredit classification.~~

~~(11)(10) High school diploma. Each Florida College System institution community college with responsibility for adult basic and adult secondary instruction, shall provide adult basic and adult secondary instruction as defined in Section 1004.02, Florida Statutes. Such instruction shall be classified in the Community College Management Information System as adult basic and secondary, a noncredit classification. Upon satisfactory completion of a planned high school program, after including the demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule, the high school diploma shall be awarded.~~

~~(12)(11) Developmental Preparatory instruction. Each Florida College System institution community college shall provide, according to the needs of its students, basic instruction to provide degree seeking students who wish to enroll in college credit courses with additional academic preparation determined to be needed pursuant to Rule 6A-10.0315, F.A.C. remedy deficiencies in the knowledge and skills judged necessary upon entry into a degree or certificate program of instruction in order to progress satisfactorily through the program. Such instruction shall be classified in the Community College Management Information System as preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called developmental preparatory credit as defined in paragraph 6A-10.033(1)(c), F.A.C.~~

~~(a) College preparatory. Preparatory instruction for students to enroll in college credit instruction shall be classified in the Community College Management Information System as college preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called college preparatory credit.~~

~~(b) Vocational preparatory. Preparatory instruction for students to enroll in technical credit instruction shall be classified in the Community College Management Information System as vocational preparatory. Satisfactory completion of such instruction shall be recognized by the award of units of measure called vocational preparatory credit.~~

(13) English for Academic Purposes. Each Florida College System institution is authorized to provide, according to the needs of its students, instruction that provides English Language Learners with essential language and academic preparation necessary to enroll in college credit instruction in Communications. Satisfactory completion of such instruction shall be recognized by the award of units of measure called institutional credit (0100-0400 series pursuant to the Statewide Course Numbering System EAP taxonomy) or college credit (1500-1600 series pursuant to the Statewide Course Numbering System EAP taxonomy) as defined in paragraphs 6A-10.033(1)(a), (d), F.A.C.

~~(14)(12) Lifelong learning instruction. Each Florida College System institution community college shall provide noncredit instructional activities as defined in subsection 6A-10.033(2), F.A.C., to address community social and economic issues related to health and human relations, government, parenting, consumer economics, and senior citizens. Such instructional activities shall be classified in the Community College Management Information System as lifelong learning, a noncredit classification.~~

~~(15)(13) Recreational and leisure time instruction. Each Florida College System institution community college shall provide noncredit instructional activities as defined in subsection 6A-10.033(2), F.A.C., to develop recreational or leisure time skills. Such instructional activities shall be classified in the Community College Management Information System as recreational and leisure time, a noncredit classification.~~

~~(16)(14) These provisions shall not prevent Florida College System institutions community colleges from conferring honorary degrees, certificates, or diplomas, in accordance with the Florida College System board of trustees policy.~~

Rulemaking Specific Authority 1001.02(1), (6)(9)(c), (d), 1001.03(12), 1008.41 1004.02 FS. Law Implemented 1001.03(12), 1004.02, 1004.91, 1004.93 FS. History—Formerly 6A-8.50, Repromulgated 12-19-74, Amended 8-27-84, 8-29-85, Formerly 6A-14.30, Amended 5-14-91, 11-10-92, 5-2-95, 2-13-96, 12-30-99, 5-3-01, 7-20-04, 6-20-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Randy Hanna, Chancellor, Division of Florida Colleges

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 4, 2013

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-1.002	Definitions
18-1.006	Appraisal Procedures, Report Requirements and Determining Maximum Amounts
18-1.007	Appraiser Eligibility and Selection

PURPOSE AND EFFECT: PURPOSE AND EFFECT: The purpose of this amendment is to change subsections 18-1.002(4), (6), (7), and (27), to: remove reference to the Uniform Standards of Professional Appraisal Practice “USPAP” and replace such reference with the Supplemental Appraisal Standards for the Board of Trustees (“ Supplemental Standards”) ; qualify the definition of “Appraisal Service(s)” as one performed by a “State Certified Appraiser”; add the Appraisal Institute as an “Approved appraisal organization”; and amend the effective date of the “Supplemental Standards.” Subsection 18-1.006 (1) will also be revised to remove reference to USPAP. Finally, subsection 18-1.007 F.A.C. (1)(b) 4., 5., (5), (5)(a), and (6) will remove reference to USPAP and add reference to the Supplemental Standards.

SUMMARY: The rule amendments will do the following: remove reference to “USPAP” throughout the rule and replace that reference with the Supplemental Standards, as compliance with USPAP standards is required by the more comprehensive Supplemental Standards for state lands acquisition; add the qualification that “Appraisal Service(s)” be done by a “State Certified Appraiser”; include the Appraisal Institute as an “Approved appraisal organization” ; and amend the effective date of the Supplemental Standards.

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.

There is no economic impact to small business for the rules proposed herein.

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: After reviewing the proposed rule amendments, the Board found the proposed rule amendments would not result in an adverse economic impact. The Board found the proposed rule amendments would not result in increased regulatory costs to small businesses. The goal of the proposed amendments is to streamline appraisal procedures. After specific review of the proposed rule language and determination the amendments would not directly or indirectly have an adverse impact or

regulatory costs in excess of \$1 million it was determined that legislative ratification is not required because the proposed rule amendments will not 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 rule is implemented; nor will the proposed rule amendments have an adverse impact on business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; nor will the proposed rule amendments increase regulatory costs in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

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

RULEMAKING AUTHORITY: 253.03, 253.025, 259.041 FS.

LAW IMPLEMENTED: 253.025, 259.041, 373.139 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME:

PLACE:

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: Mike Herran, DEP, Division of State Lands, Bureau of Appraisal, 3900 Commonwealth Blvd., MS 110, Tallahassee, FL 32399-3000, (850)245-2658, mike.herran@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Herran, DEP, Division of State Lands, Bureau of Appraisal, 3900 Commonwealth Blvd., MS 110, Tallahassee FL 32399-3000, (850)245-2658, mike.herran@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

18-1.002 Definitions.

When used in this chapter, the following shall have the indicated meaning unless the context clearly indicates otherwise:

(1) No change.

(2) “Appraisal foundation” means the non-profit, educational corporation established in Washington, D. C. by the American appraisal industry to foster professionalism by promoting uniform appraisal standards, ~~the Uniform Standards of Professional Appraisal Practice.~~

(3) No change.

(4) “Appraisal service(s)” means valuation work in the form of an appraisal, appraisal review or appraisal consulting assignment performed by a State Certified Appraiser, in accordance with the Supplemental Standards as outlined in the USPAP.

(5) No change.

(6) “Approved appraisal” means an appraisal service that has been approved by the Chief Appraiser, Bureau of Appraisal, Division of State Lands, or designee. ~~that is in compliance with USPAP, the Supplemental Standards, this chapter, and the specific assignment requirements~~

(7) “Approved appraisal organization” means an organization that is a member of the Appraisal Foundation, a foundation authorized by the United States Congress as the source of appraisal standards and appraiser qualifications, or the Appraisal Institute, a professional organization.

(8) through (26) No change.

(27) “Supplemental standards” means the Supplemental Appraisal Standards for ~~the Board of Trustees Land, adopted December 2012 dated June 15 2010~~, hereby adopted by reference, which contains appraisal requirements that establish public policy and add to the standard appraisal procedures and practices of the appraisal profession for the development and reporting of all appraisal services, including those outlined in Chapters 253 and 259, F.S., adopted by the Board of Trustees of the Internal Improvement Trust Fund, available on the internet at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02187> or by sending a request to: Department of Environmental Protection, Bureau of Appraisal, 3900 Commonwealth Boulevard, M.S. 110, Tallahassee, Florida 32399-3000 or by phone at (850)245-2658 or by fax at (850)245-2668.

(28) No change.

~~(29) “USPAP” means the Uniform Standards of Professional Appraisal Practice, effective January 1, 2010, which contains the generally accepted standards of the appraisal profession that deal with the procedures to be followed in developing an appraisal, analysis, or opinion and the manner in which such appraisal, analysis, or opinion is communicated, as promulgated by the Appraisal Foundation, available on the internet at: <http://www.appraisalfoundation.org> or by directing your request to: The Appraisal Foundation, 1155 15th Street, N. W., Suite 1111, Washington, DC 20005.~~

Rulemaking Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History–New 6-16-86, Amended 4-6-89, 1-29-90, 10-30-91, 4-14-08, 6-15-10,_____.

18-1.006 Appraisal Procedures, Report Requirements and Determining Maximum Amounts.

(1) The development and reporting of all appraisal services by the fee appraiser shall be consistent with the USPAP, Supplemental Standards, this chapter and the specific assignment.

(2) through (9) No change.

Rulemaking Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041, 373.139 FS. History–New 6-16-86, Amended 4-6-89, 1-29-90, 1-2-91, 10-30-91, 4-14-08, 6-15-10,_____.

18-1.007 Appraiser Eligibility and Selection.

(1) Approved Appraiser List – Eligibility and Selection.

(a) No change.

(b) An appraiser shall be considered eligible and will be placed on the list when he has complied with all the following criteria:

1. through 3. No change.

4. The appraiser demonstrates a level of general appraisal competence through past appraisal experience. An acceptable level of general appraisal competence and quality shall be demonstrated by the submission of an appraisal report prepared for a business client within the previous two years ~~that substantially complies with the USPAP.~~

5. The appraiser identifies any specialty property types, as outlined in the Supplemental Standards, for which he professes appraisal expertise and competence ~~in accordance with the USPAP.~~

(c) through (d) No change.

(2) through (4) No change.

(5) Appraisal reviews are appraisal services that will be conducted for each assignment by qualified review appraisers in accordance with the Supplemental Standards USPAP competency requirements. Appraisal review reports shall be submitted to the Chief Appraiser or his designee for approval.

(a) For acquisition parcels with values greater than \$500,000 an appraisal review will be developed and reported according to the requirements of ~~Standard 3 of the USPAP~~, the Supplemental Standards, this chapter, and the specific requirements of the assignment. For acquisition parcels with values of \$500,000 or less, a cursory review by the Bureau of Appraisal will be conducted for assurance that requirements of the assignment were met. For every 20th appraisal for conservation land acquisition with a value of \$500,000 or less, a ~~Standard 3~~ review, as described above, will be developed and reported for quality assurance purposes.

(b) No change.

(6) Appraisers to be solicited for appraisal review assignments, as identified in paragraph (5)(a), above, will be from those on the approved appraiser list, under a multiple year contract and who possess competency for review work in accordance with the Supplemental Standards USPAP.

Rulemaking Authority 253.03, 259.041 FS. Law Implemented 259.041 FS. History--New 6-16-86, Amended 1-29-90, 10-30-91, 4-14-08, 6-15-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Herran

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 4, 2012

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the language regarding the passing score on the FLEX examination.

SUMMARY: The proposed rule amendment deletes the language regarding the passing score on the FLEX examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.072(2)(f), (g), 456.50(2), 458.303(1)(b), (i), 458.309, 458.311, 458.313(3), 458.315(1), 458.317(1)(c), (g), 458.319(1), 458.331(1)(w), 766.314(4) FS. LAW IMPLEMENTED: 456.072(2)(g), 456.50(2), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

IF REQUESTED 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: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-2.001 Definitions.

(1) No change.

~~(2) The phrase “has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX) or on the examination of the National Board of Medical Examiners” as used in Section 7, Ch. 86-245, Laws of Florida, and the phrase “has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX) or on Part III of the examination of the National Board of Medical Examiners” shall mean a FLEX weighted average of no less than 75 percent from one complete sitting on the FLEX taken in the organization and format used prior to 1985; a score of no less than 75 on both Part I and Part II on the FLEX taken in the new organization and format in 1985 or later, both of which parts shall have been passed within a five year period; an average score of no less than 75 on the National Board examination; or a score of no less than 75 on Part III of the National Board examination.~~

(3) through (12) renumbered (2) through (11) No change.

Rulemaking Authority 456.072(2)(f), (g), 456.50(2), 458.303(1)(b), (i), 458.309, 458.311, 458.313(3), 458.315(1), 458.317(1)(c), (g), 458.319(1), 458.331(1)(w), 766.314(4) FS. Law Implemented 456.072(2)(g), 456.50(2), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS. History--New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99, 10-2-01, 11-10-02, 1-30-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 4, 2013

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-3.002
RULE TITLES: Application, Certification, Registration, and Licensure Fees

PURPOSE AND EFFECT: The rule currently cites an old version of the statute and is being corrected to be consistent with the current statute.

SUMMARY: The proposed rule amendment changes the time frame from 30 days to 180 days to be consistent with the statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 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: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees

The following fees are prescribed by the Board:

(1) through (8) No change.

(9) The registration fee of a physician providing medical care and treatment in connection with the education of students, residents, or faculty for not more than 180 ~~30~~ consecutive days in a calendar year pursuant to ~~Chapter 90-30, Laws of Florida~~, shall be \$100.00.

Rulemaking Authority 456.013, 456.025, 458.309, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345 FS. Law Implemented 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. History—New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01, 11-20-01, 10-19-03, 12-2-03, 1-26-04, 4-12-04, 12-17-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 4, 2013

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.004
RULE TITLE: Approved Residency or Fellowship; Definitions

PURPOSE AND EFFECT: The proposed rule amendment is intended to add the American Board of Oral and Maxillofacial Surgery to the rule regarding approved residencies.

SUMMARY: The proposed rule amendment adds the American Board of Oral and Maxillofacial Surgery to the rule regarding approved residencies.

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: 458.309, 458.311(1)(f) FS.

LAW IMPLEMENTED: 458.311(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.004 Approved Residency or Fellowship; Definitions.

(1) An approved residency of at least one year constitutes a course of study and training in a single program for a period of not less than twelve calendar months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited for the training and teaching of physicians by the Accreditation Council for Graduate Medical Education (ACGME), College of Family Physicians of Canada (CFPC) or Royal College of Physicians and Surgeons of Canada (RCPSC) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME, CFPC or RCPSC. Fellowship training or residency training in a non-slotted position shall be considered approved residency training only in the instance when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties or the American Board of Oral & Maxillofacial Surgery.

(2) No change.

Rulemaking Specific Authority 458.309, 458.311(1)(f) FS. Law Implemented 458.311(1) FS. History--New 3-31-80, Amended 11-10-82, Formerly 21M-22.04, Amended 9-7-88, 11-30-92, Formerly 21M-22.004, 61F6-22.004, Amended 11-15-94, Formerly 59R-4.004, Amended 6-15-98, 10-1-98, 7-10-01, 9-16-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 4, 2013

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-5.001 Examinations

PURPOSE AND EFFECT: The proposed rule amendment is intended to add language to the examination rule regarding the passing score on the FLEX examination.

SUMMARY: The proposed rule amendment adds language regarding the appropriate passing score on the FLEX examination.

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.

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: 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS.

LAW IMPLEMENTED: 456.017(1), (2), 458.311, 458.313 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: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-5.001 Examinations.

(1) through (4) No change.

(5) A passing score on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX) or on the examination of the National Board of Medical Examiners" as used in Sections 458.311(1)(h) and 458.313(1)(b), Florida Statutes, shall mean a FLEX weighted average of no less than 75 percent on the FLEX taken in the organization and format used prior to 1985; a score of no less than 75 on both Part I and Part II on the FLEX taken in the new

organization and format in 1985 or later, both of which parts shall have been passed within a five-year period; an average score of no less than 75 on the National Board examination; or a score of no less than 75 on Part III of the National Board examination.

Rulemaking Authority 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS. Law Implemented 456.017(1), (2), 458.311, 458.313 FS. History--New 12-5-79, Amended 11-10-82, 11-28-84, 3-13-85, 8-11-85, 12-4-85, Formerly 21M-21.01, Amended 2-16-86, 12-16-86, 5-10-89, Formerly 21M-21.001, Amended 5-9-94, Formerly 61F6-21.001, Amended 10-18-94, 1-2-95, Formerly 59R-5.001, Amended 8-18-98, 2-3-00, 8-20-02, 6-9-05, 3-12-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Credentials Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 4, 2013

**DEPARTMENT OF HEALTH
 Board of Osteopathic Medicine**

RULE NOS.:	RULE TITLES:
64B15-12.003	Applications for Licensure
64B15-12.005	Limited Licensure
64B15-12.009	Osteopathic Faculty Certificate
64B15-12.010	Temporary Certificate to Practice in an Area of Critical Need

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the various revised application forms for licensure into the appropriate rules.

SUMMARY: The proposed rule amendments incorporate the revised application forms into the appropriate rules regarding licensure.

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: 459.005, 459.0055, 459.0075, 459.0077 FS.

LAW IMPLEMENTED: 456.013, 459.0055, 459.006, 459.0075, 459.0076, 459.0077, 459.0085, 459.0092 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination must include a completed application form and appropriate fee as set forth in Section 459.0055, F.S., and subsection 64B15-10.002(1), F.A.C. The instructions and application form, DH-MQA 1029, (Revised 11/12 05/14), entitled "Application For Licensure" is hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-00961>, from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or from the Board's website at: www.doh.state.fl.us/mqa/osteopath/index.html. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

(2) through (3) No change.

Rulemaking Authority 459.005, 459.0055 FS. Law Implemented 459.0055, 459.006, 459.0092 FS. History--New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended 9-26-00, 3-9-03, 6-1-09, 5-4-10, 9-16-10, 2-14-12, 7-3-12,_____.

64B15-12.005 Limited Licensure.

(1) Each applicant for limited licensure pursuant to Section 459.0075, F.S., shall file board approved application form, DH-MQA 1171 (Revised 11/12 2/10), Application for Limited License, which is hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?>, from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by web at www.doh.state.fl.us/mqa/osteopath/index.html. For purposes

of this rule, retired means previously separated or withdrawn from the practice of Osteopathic Medicine, as distinguished from a relocation of the applicant's practice to a different geographic area.

(2) through (4) No change.

Rulemaking Authority 459.005, 459.0075 FS. Law Implemented 459.0075 FS. History--New 10-28-93, Formerly 61F9-12.005, Amended 10-15-95, Formerly 59W-12.005, Amended 11-27-97, 6-28-09, 3-25-10, 6-23-10,_____.

64B15-12.009 Osteopathic Faculty Certificate.

(1) An Osteopathic Faculty Certificate may be issued by the Department to a faculty member of a school accredited by the American Osteopathic Association upon the request of the dean of the school if the faculty member has demonstrated to the Board that:

(a) through (b) No change.

(c) Files an application on board approved application form, DH-MQA 1193 (Revised 11/12 5/49), Application for Osteopathic Medical Faculty Certificate, which is hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?>_____ , from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or by web at www.doh.state.fl.us/mqa/osteopath/index.html, and otherwise meets the requirements contained in Section 459.0055, F.S.; and

(d) No change.

(2) through (3) No change.

Rulemaking Authority 459.005, 459.0077 FS. Law Implemented 459.0077 FS. History--New 2-26-02, Amended 6-28-09, 3-11-10, 9-20-10,_____.

64B15-12.010 Temporary Certificate to Practice in an Area of Critical Need.

Applications for Temporary Certificate to Practice in an Area of Critical Need must include a completed application form and appropriate fee as set forth in Section 459.0076, F.S. and Rule 64B15-10.002, F.A.C. The instructions and application form, DH-MQA 1249, (11/12 05/44), entitled "Application For Temporary Certificate for Practice in an Area of Critical Need" is hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-00979>, from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or from the Board's website at: www.doh.state.fl.us/mqa/osteopath/index.html. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

Rulemaking Authority 459.005 FS. Law Implemented 456.013, 459.0055, 459.0076, 459.0085 FS. History--New 2-28-12, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 4, 2013

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-14.007	Standard of Care for Office Surgery
64B15-14.0076	Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The proposed rule amendments are intended to implement the statutory mandate set forth in subsection 459.005(2), F.S., with regard to the requirement for registration in facilities in which more than 1000 cc's of supernatant fat is removed in liposuction procedures.

SUMMARY: The proposed rule amendments require logs to be maintained which document the removal of more than 1000 cc's of supernatant fat is removed and requires those facilities to register with the Department.

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.

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: 459.005, 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 456.069, 459.005(2), 459.015(1)(g), (x), (z), (aa), 459.026 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.007 Standard of Care for Office Surgery.
 NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) No change.
- (2) General Requirements for Office Surgery.
- (a) through (b) No change.
- (c) The surgeon must maintain a log of all liposuction procedures where more than 1,000 cubic centimeters of supernatant fat is removed, and Level II and Level III surgical procedures performed, which must include a confidential patient identifier, time of arrival in the operating suite, the surgeons name, diagnosis, patient ASA classification, the type of procedure, the level of surgery, the anesthesia provider, the type of anesthesia used, the duration of the procedure, the type of post-operative care, duration of recovery, disposition of the patient upon discharge, during surgery, and recovery. The log and all surgical records shall be provided to investigators of the Department of Health upon request.
- (d) through (m) No change.
- (3) through (6) No change.

Rulemaking Authority 459.005(4), 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g), (x), (z), (aa), 459.026 FS. History—New 11-29-01, Amended 2-23-03, 11-2-05, 6-4-09, 8-30-10,_____.

64B15-14.0076 Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation.

- (1) Registration.
- (a) Every Florida licensed osteopathic physician who holds an active Florida license and performs liposuction procedures where more than 1,000 cubic centimeters of supernatant fat is removed, Level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any Level III office surgery, as fully defined in Rule 64B15-14.007, F.A.C., shall register with the Department of Health. It is the osteopathic physician’s responsibility to ensure that every office in which he or she performs liposuction procedures where more than 1,000 cubic centimeters of supernatant fat is removed, Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.
- (b) through (d) No change.
- (2) through (3) No change.

Rulemaking Authority 459.005(1), (2) FS. Law Implemented 456.069, 459.005(2) FS. History—New 2-12-02, Amended 11-20-03, 6-4-09, 7-19-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 4, 2013

DEPARTMENT OF HEALTH
Board of Osteopathic Medicine

RULE NO.: 64B15-22.004
 RULE TITLE: Mandatory Registration of Unlicensed Physicians

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised registration application form into the rule.

SUMMARY: The proposed rule amendment incorporates the revised registration application form 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: 459.005, 459.021 FS.
 LAW IMPLEMENTED: 459.021 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

Rulemaking Authority 456.013(7), 468.1135(4) FS. Law Implemented 456.013(7), 468.1145(2), 468.1185 FS. History—New 3-14-91, Amended 5-25-92, Formerly 21LL-2.001, Amended 11-30-93, Formerly 61F14-2.001, 59BB-2.001, Amended 6-4-02, 5-18-04, 7-16-09, 4-18-10,_____.

64B20-2.003 Provisional License; Requirements.

(1) No change.

(2) Any person desiring to receive a provisional license to practice speech-language pathology or audiology shall apply to the Department of Health and pay the fee required by Rule 64B20-3.002, F.A.C. The application shall be made on Form SPA-2, Application for Provisional Licensure, which is incorporated by reference herein, revised October, 2012 ~~December, 2009~~, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or ~~on the Board's website~~ at <http://www.doh.state.fl.us/mqa/speech/index.html>. The Department shall notify the applicant by letter of any deficiencies in the application within 30 days after the application is filed. The applicant shall rectify all deficiencies in the application within one year from the date of such letter or the application will be processed as an incomplete application and the application file will be closed.

(3) No change.

(4) In addition to the application form, candidates for a provisional license shall also complete Form SPA-2A, Speech-Language Pathology and/or Audiology Verification of Employment for a Provisional Licensee, which is incorporated by reference herein, revised October, 2012 ~~August 2008~~, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, #C06, Tallahassee, Florida 32399-3256 or at <http://www.doh.state.fl.us/mqa/speech/index.html>. Said form shall provide the following:

(a) through (b) No change.

(5) No change.

Rulemaking Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155(4) FS. History—New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended 11-20-07, 6-1-09, 4-18-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 4, 2013

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: RULE TITLE:

64B20-3.007 Active Status License Fee

PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce the renewal active status license fee from \$125 to \$100.

SUMMARY: The proposed rule amendment reduces the renewal fee from \$125 to \$100.

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: 468.1145(1) FS.

LAW IMPLEMENTED: 456.036, 468.1145(8) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-3.007 Active Status License Fee.

The fee for biennial renewal of an active status license shall be one hundred ~~twenty five~~ dollars (\$100.00 ~~125.00~~).

Rulemaking Specific Authority 468.1145(1) FS. Law Implemented 456.036, 468.1145(8) FS. History—New 3-14-91, Amended 8-21-91, Formerly 21LL-3.007, 61F14-3.007, Amended 2-13-95, 8-17-95, Formerly 59BB-3.007, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Speech-Language Pathology
and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 24, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: January 4, 2013

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.001
RULE TITLE: Certification of Assistants
PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised assistant certification application into the rule.

SUMMARY: The proposed rule amendment incorporates the revised form into the Board’s 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: 468.1125(9), 468.1135(4) FS.
LAW IMPLEMENTED: 468.1125(3),(9), 468.1215 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-4.001 Certification of Assistants.

(1) Any person desiring to be certified as a speech-language pathology assistant or audiology assistant shall apply to the Department of Health. The application shall be made on Form SPA-3, Assistant Certification, which is incorporated by reference herein, revised October, 2012 ~~December, 2009~~, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256 or ~~on the Board’s website~~ at <http://www.doh.state.fl.us/mqa/speech/index.html>. Such application and application fee required pursuant to Rule 64B20-3.002, F.A.C., shall expire one year from the date on which the application and fee are initially received in the Board office. After the period of one year, a new application and application fee must be submitted.

(2) No change.

Rulemaking Authority 468.1125(9), 468.1135(4) FS. Law Implemented 468.1125(3), (9), 468.1215 FS. History—New 3-14-91, Amended 12-4-91, Formerly 21LL-4.001, Amended 10-12-93, Formerly 61F14-4.001, Amended 5-22-96, Formerly 59BB-4.001, Amended 7-16-09, 4-18-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Speech-Language Pathology
and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 24, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: January 4, 2013

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.: RULE TITLES:

61K1-3.001	Licenses, Permits; Requirement, Procedure and Period, Fee, Bout Card Approval	61K1-3.021	Post-Match Reports Required to be Filed; Penalty for Late Filing
61K1-3.002	Promoter and Matchmaker; Licensing and Bond; Duties and Conduct.	61K1-3.022	Unprofessional or Unethical Conduct Citations
61K1-3.003	Concessionaire; License; Bond.	61K1-3.023	Notices of Non-Compliance
61K1-3.004	Physician; License and Duties; Authority	61K1-3.024	Records
61K1-3.005	Manager; License	61K1-3.025	Disciplinary Guidelines
61K1-3.006	Contracts Between Manager and Participant	61K1-3.026	Boxing Weight Classes
61K1-3.007	Participant; License; Conduct and Other Requirements	61K1-3.027	Boxing Participants' Apparel
61K1-3.008	Judge; License and Duties	61K1-3.028	Boxing Bandages and Handwraps; Gloves
61K1-3.009	Announcer; License and Duties	61K1-3.029	Boxing Conduct of Bout; Rounds
61K1-3.010	Timekeeper or Knockdown Timekeeper; License and Duties	61K1-3.030	Boxing Scoring
61K1-3.011	Second; License and Duties	61K1-3.031	Kickboxing Weight Classes
61K1-3.012	Referee; License and Duties	61K1-3.032	Kickboxing Participants' Apparel
61K1-3.013	Trainer; License and Conduct	61K1-3.033	Kickboxing Bandages and Handwraps; Gloves
61K1-3.014	Booking Agent, Representative of Booking Agent; License	61K1-3.034	Kickboxing Conduct of Bout; Rounds
61K1-3.015	Insurance Requirements	61K1-3.035	Kickboxing Scoring
61K1-3.016	Pre-Match Physical of Participant and Referee	61K1-3.036	Mixed Martial Arts Weight Classes
61K1-3.0165	Weigh-In	61K1-3.037	Mixed Martial Arts Participants' Apparel
61K1-3.017	Drugs and Foreign Substances; Penalties	61K1-3.038	Mixed Martial Arts Bandages and Handwraps; Gloves
61K1-3.018	Emergency Equipment; Other Equipment and Services	61K1-3.039	Mixed Martial Arts Conduct of Bout; Rounds
61K1-3.020	Post-Match Physical Requirements; Suspensions	61K1-3.040	Mixed Martial Arts Scoring
		61K1-3.041	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. 56, October 23, 2012 issue of the Florida Administrative Register.

61K1-3.001 Licenses, Permits; Requirement, Procedure and Period, Fees, Bout Card Approval.

(1) License; Requirement, Procedure and Period, Fee.

(a) No change.

(b) Licensing Procedure and Period.

1. No change.

2. Upon receipt of an application for a license, the application shall be reviewed by the executive director, assistant executive director, or commission representative and, if the application is in compliance with the requirements of Chapter 548, F.S., and the rules adopted by the commission, a temporary license shall be issued pending final approval. If it is determined that the application is not in compliance, the applicant shall be notified and advised of the reasons for the finding that the application is not in compliance.

3. through 4. No change.

(2) Permit; Requirement, Procedure and Period, Fee.

(a) No change.

(b) Issuance of Permits

1. To obtain a permit for a live event, the promoter must submit:

- a. A copy of the promoter’s Florida Promoters License;
- b. Complete permit application on Form BPR-0009-454 “Application for Permit”, effective October 2012, adopted and incorporated herein, which may be obtained on the “Boxing, Kickboxing, & Mixed Martial Arts” link at <https://www.myfloridalicense.com/intentions2.asp>;
- c. Name and license number of the matchmaker who will be used for the event;
- d. The permit fee of \$1,800;
- e. The date of the event.

2. No promoter, foreign copromoter, or concessionaire shall be given tentative approval for or issued a permit if such person has an unpaid fine or any obligation owed to the commission.

(c) through (h) No change.

~~(3)(2)~~ Fight Card Approval

(a) through (c) No change.

61K1-3.002 Promoter and Matchmaker; Licensing and Bond; Duties and Conduct.

(1) Licensing and Bond.

(a) Any person desiring to become licensed as a promoter shall submit to the commission Form DBPR-FSBC 07, “Application for License, Promoter”, effective ~~October~~ December 2012, adopted and incorporated herein, which may be obtained on the “Boxing, Kickboxing, & Mixed Martial Arts” link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(b) Any person desiring to become licensed as a matchmaker shall submit to the commission Form DBPR-FSBC 04, “Application for License, General”, effective ~~December~~ October 2012, adopted and incorporated herein, which may be obtained on the “Boxing, Kickboxing, & Mixed Martial Arts” link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(c) through (g) No change.

(h) Bond or Other Security, Requirements.

1. An applicant for a promoter license shall deposit with the commission a surety bond, cash, or certified check in the amount of \$15,000 prior to being issued a promoter license. If, at any time and for whatever reason, the security is not maintained in full force and effect, the license shall be automatically void.

2. If it is determined that the projected liability for a match may exceed \$15,000, the commission shall require the deposit of an additional bond, cash, or certified check as additional security for the match. The additional security shall be required and used only for the designated match and shall be released or returned 90 calendar days after the date of the match unless, as

a result of violations or suspected violations, the commission determines that the additional security shall be retained for a longer period.

3. The bond and other security, or additional bond and additional security shall be filed with the commission for the purpose of providing security that the promoter will and does faithfully perform and fulfill his obligations as described in Chapter 548, F.S., and the rules adopted by the commission. Any fault, negligence, error or omission, failure to fulfill contractual obligations, violation of any rules of the commission or any other act or failure to act shall result in a claim for recovery from the bond and recovery from the other security. When the amount of recovery cannot be determined by the commission due to the failure of the promoter to perform as required by Chapter 548, F.S., or the rules adopted by the commission, the commission shall recover the estimated value of obligations based on the following scale: the face value of the bond and other security and the additional bond and additional security, as appropriate, provided, however, that the recovery shall not be greater than the amount of the bond and other security required to be deposited with the commission.

i. If the event was held at a venue of less than 3000 patrons, the commission shall recover \$5,000.00 from the bond, unless the promoter sold broadcast rights;

ii. If the event was held at a venue of between 3001 and 10,000 patrons, the commission shall recover \$10,000 from the bond, unless the promoter sold broadcast rights;

iii. If the event was held at a venue of 10,001 or more patrons, the commission shall recover the face value of the bond and other security and the additional bond and additional security, as appropriate, provided, however, that the recovery shall not be greater than the amount of the bond and other security required to be deposited with the commission;

iv. If the promoter has sold the broadcast rights to any match, regardless of the number of patrons present at the event, the commission shall recover the face value of the bond and other security and the additional bond and additional security, as appropriate, provided, however, that the recovery shall not be greater than the amount of the bond and other security required to be deposited with the commission;

4. A bond or additional bond shall be acceptable if the following conditions are met:

a. The bond or additional bond shall be on a form provided by the commission and shall have attached a power of attorney, which power of attorney shall not have an expiration date that predates the expiration of the bond. The promoter shall use Form BPR-0009-465, “Surety Bond for Promoter”, effective October 2012, adopted and incorporated herein by reference, and shall use Form BPR-0009-472, “Additional Surety Bond for Promoter”, effective October 2012, adopted and

incorporated herein by reference; both forms may be found at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html> or at _____;

b. The bond and additional bond shall provide surety in an amount equal to the face amount of the bond and additional bond and the aggregate annual liability shall be for the face amount of the bond and additional bond;

c. The bond and additional bond shall be made out in the name of the Florida State Boxing Commission and shall be negotiable on the sole authority of the executive director;

d. The bond and additional bond may not be cancelled, for any reason, unless the following conditions have been met, provided however, when an additional bond is required, as referenced above, (II) below shall not apply:

(I) The surety company has provided the commission at least a 60-calendar day written notice of intent to cancel; and

(II) The promoter's license has expired or the license has been returned to the commission with a request to cancel such license and cancelled by the commission and the promoter has not filed an application for renewal of the license; and

(III) A period of 90 calendar days has elapsed since the most recent match of the promoter.

5. Other security may be provided in lieu of the bond or additional bond provided the following conditions are met:

a. The security must be in the form of cash, a certified check or direct obligations of the United States or this state;

b. The certified check shall be made payable to the Florida State Boxing Commission, and the certified check and the direct obligations of the United States or this state shall be negotiable on the sole authority of the executive director;

c. The commission shall not pay interest or other charges or fees to the promoter;

d. The security may not be cancelled or requested to be returned, for any reason, unless the following conditions have been met, provided however, when an additional security is required, as referenced above, (II) below shall not apply:

(I) The promoter has provided the commission at least a 30-calendar day written notice of request for return or release of the security; and

(II) The promoter's license has expired or the license has been returned to the commission with a request for cancellation and cancelled by the commission and the promoter has not filed an application for renewal of the license, or the promoter has substituted a bond for the security and such bond indicates on its face that it shall retroactively cover the promoter for all times and for all obligations of the promoter covered by the security for which the bond is being substituted. In the event of substitution of a bond for the security on deposit with the commission, (III) below shall not apply; and

(III) A period of 90 calendar days has elapsed since the most recent match of the promoter.

e. The promoter shall use Form BPR-08-468, "Security in Lieu of Bond for Promoter", effective ~~January~~ October 2012, adopted and incorporated herein by reference, and shall use Form BPR-08-471, "Additional Security in Lieu of Bond for Promoter", effective October 2012, adopted and incorporated herein by reference; both forms may be found at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>, or at _____.

(2) Duties and Conduct.

(a) No change.

(b) A matchmaker shall make matches in which the participants are of similar ability and skill. The matchmaker shall certify as to the competitiveness of each match based upon weight, skill level, number of fights and discipline ~~by facsimile or e-mail.~~

(c) through (e) No change.

(f) Contracts for broadcasting of a proposed match shall be filed with the commission within 14 business days after such contract is received by the promoter or when the Post Event Tax Report and 5% tax payment are filed, whichever is later; ~~provided however that if the promoter pays to the commission the maximum amount of \$40,000, the contract is not required to be filed.~~

(g) through (j) No change.

~~(k) The promoter shall be responsible for acquiring insurance for participants' medical, surgical and hospital care for injuries sustained while engaged in a match.~~

~~(k)~~(4) The promoter shall advise all managers and participants under contract for a match or program of matches of the time and place of the weigh-in as designated by the commission representative and of the time and place of their appearance for the match or program of matches.

~~(l)(m)~~ The promoter shall be responsible for appointing a licensed announcer.

~~(m)(n)~~ The executive director shall appoint a minimum of one physician for the weigh-in and a minimum of two physicians for the program of matches. Each physician who is assigned to be present at the weigh-in and program of matches shall be compensated no less than \$700 by the promoter. Each physician who is assigned to be present at either the weigh-in or the program of matches, but not both, shall be compensated no less than \$150, at the discretion of the executive director

~~(n)(o)~~ Each referee who is required to be present shall be compensated by the promoter. If the match is not televised, the promoter shall compensate the referee at a value not less than \$150. If the match is televised, the promoter shall compensate the referee at a value not less than \$300.

~~(o)(p)~~ Each judge who is required to be present shall be compensated by the promoter. If the match is not televised, the promoter shall compensate the judge at a value not less than \$125. If the match is televised, the promoter shall compensate the judge at a value not less than \$250.

~~(p)~~(q) Any above referenced official who must travel a distance greater than 30 miles from his home to the premises of the program of matches shall be compensated an additional amount as determined by the executive director. This additional amount shall be paid by the promoter.

~~(q)~~(r) No promoter shall pay, contribute to the pay of, or provide any gift or other gratuity to any participant, referee, judge or other licensed official other than specifically provided in these rules.

~~(r)~~(s) The promoter shall be responsible for providing the proper arena equipment, seating and services, facilities, personnel, ushers, ticket sellers, security and other equipment, services or personnel necessary to provide for the correct handling of the program of matches. The promoter is solely responsible for ensuring that adequate security is on site and prepared to immediately respond to any situation. If the seating capacity relative to a live event permit is filed with a seating capacity of 2,000 or greater, the promoter shall ensure that, in addition to other regular security, a minimum of 2 certified law enforcement officers are located immediately adjacent to each of the red and blue corners and that additional certified law enforcement officers are located within the premises of the program of matches in positions to have a clear and unobstructed view of the ring and are able to immediately respond to their fellow officers at ringside.

~~(s)~~(t) The promoter shall ensure that all tickets have clearly printed on them the admission price, and no ticket shall be sold for a price higher than the price shown on its face. In the case of generic tickets that are not printed with the ticket prices, each differently priced ticket shall be a different color. Each complimentary ticket shall by some distinguishing mark indicate the face value of the ticket, and in no case shall the dollar value of a complimentary ticket be less than the lowest ticket price available for sale to the general public.

~~(t)~~(u) No promoter shall sell or issue, or cause to be sold or issued more tickets of admission for any match or program of matches than can be accommodated by the seating capacity of the premises where the match or program of matches is to be held.

~~(u)~~(v) The promoter or concessionaire shall retain all records necessary to justify and support the information submitted on any reports required by the commission for a period of 2 years following the date of the match or program of matches.

Form DBPR-FSBC 07, "Application for License, Promoter," adopted and incorporated in Rule 61K1-3.002(1)(a), is amended to strike the following language from Section II(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state

or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS.~~ FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.

Form DBPR-FSBC 04, "Application for License, General," adopted and incorporated in Rule 61K1-3.002(1)(b), is amended to strike the following language from Section IV(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS.~~ FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.

61K1-3.003 Concessionaire; License.

(1) License.

(a) Any person desiring to become licensed as a concessionaire shall submit Form DBPR-FSBC 03, "Application for License, Concessionaire/Manager," effective ~~December~~ ~~October~~ 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed

Martial Arts” link at <https://www.myfloridalicense.com/intentions2.asp>, or at

the “Boxing, Kickboxing, & Mixed Martial Arts” link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(b) No change.

Form DBPR-FSBC 04, “Application for License, Concessionaire/Manager,” adopted and incorporated in Rule 61K1-3.003(1)(a), is amended to strike the following language from Section III – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer “NO” because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS. FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.~~

61K1-3.004 Physician; License and Duties; Authority.

(1) No change.

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

(g) In order to maintain licensure, all ringside physicians shall obtain 12 hours of continuing medical education units relating to trauma or ringside medical treatment as part of their ~~biennial~~ ~~biannual~~ continuing medical education requirements required by the Florida Board of Medicine. Failure to obtain and maintain the required continuing medical education units by January 1, 2014, shall subject licensed ringside physicians to discipline and shall be grounds for denial of initial licensure as a ringside physician.

61K1-3.005 Manager; License.

(1) License.

(a) through (b) No change.

(c) Any person desiring to become licensed as a manager shall submit Form DBPR-FSBC 03, “Application for License, Concessionaire/Manager,” effective ~~December~~ ~~October~~ 2012, adopted and incorporated herein, which may be obtained on

(2) No change.

Form DBPR-FSBC 04, “Application for License, Concessionaire/Manager,” adopted and incorporated in Rule 61K1-3.005(1)(c), is amended to strike the following language from Section III – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer “NO” because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS. FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.~~

61K1-3.006 Contracts Between Managers and Participants.

(1) No change.

(2) Execution of Contract

(a) through (b) No change.

(c) To be valid, all contracts shall be in writing and shall be filed with the commission within ~~seven (7) thirty (30)~~ calendar days of execution.

(d) through (e) No change.

(3) Changes to the Contract; Release from Contract.

(a) No change.

(b) Release of a participant from a letter of agreement ~~participant or manager contract~~ by a manager shall be in writing and filed with the commission. All parties to the contract shall be notified in writing of the release from the contract.

(4) through (5) No change.

(6) All contracts entered into in Florida between a manager and a participant, and all such contracts entered into outside of Florida involving participants and managers licensed by or subsequently licensed by the commission, shall

expressly contain all provisions specifically as worded in Form BPR-0009-451, "Letter of Agreement Between Participant and Manager", effective October 2012, adopted and incorporated herein by reference, which may be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>.

~~(a) Letters of Agreement may Contracts between Participant and Manager must be filed on Form BPR-0009-451, "Letter of Agreement Between Participant and Manager". An agreement that is received from managers but is not on the provided commission form is considered an addendum.~~

(b) Upon receipt of the letter of agreement ~~Contract between Participant and Manager~~, the commission office shall:

1. Verify that the contract was filed with the commission within thirty (30) days of execution;
2. Verify the status of the manager's license. The manager listed in a contract shall have a current and active license to practice as a manager in the state of Florida;
3. Verify the status of the participant's license. The participant listed in a contract shall have a current and active license to practice as a participant in the state of Florida;
4. Verify the date of the manager's license listed in the contract;
5. Check if there is another contract filed with the Commission listing the participant as a party;
6. Verify that the contract is the original, with original signatures of both manager and participant;
7. Verify that the contract contains the beginning and ending date of the agreement, manager's and participant's names, terms of agreement, and participant's monetary percentage. The participant is required to make at least 66 2/3% of the purse and the manager, no greater than 33 1/3%.
8. Contact the manager informing him or her of when the contract has been approved and filed.
9. Contact the manager requesting additional information if the contract is deficient in the required information.

(c) through (e) No change.

61K1-3.007 Participant; License; Conduct and Other Requirements.

(1) License.

(a) through (b) No change.

(c) Any person desiring to become licensed as a participant shall submit Form DBPR-FSBC 02, "Application for License, Participant," effective ~~December~~ October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(2) No change.

Form DBPR-FSBC 02, "Application for License, Participant," adopted and incorporated in paragraph 61K1-3.007(1)(c), F.A.C., is amended to strike the following language from Section V(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS. FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.~~

61K1-3.008 Judge; License and Duties.

(1) No change.

(2) Qualifications.

(a) Any person desiring to become licensed as a judge shall submit Form DBPR-FSBC 04, "Application for License, General," effective ~~December~~ October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at

(b) through (e) No change.

(3) No change.

Form DBPR-FSBC 04, "Application for License, General," adopted and incorporated in Rule 61K1-3.008(2)(a), is amended to strike the following language from Section IV(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or

pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS.~~ FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.

61K1-3.009 Announcer; License and Duties.

(1) License

(a) No change.

(b) Any person desiring to become licensed as an announcer shall submit Form DBPR-FSBC 04, "Application for License, General," effective ~~October~~ December 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) No change.

Form DBPR-FSBC 04, "Application for License, General," adopted and incorporated in Rule 61K1-3.009(1)(b), is amended to strike the following language from Section IV(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS.~~ FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.

61K1-3.010 Timekeeper or Knockdown Timekeeper; License and Duties.

(1) License

(a) No change.

(b) Any person desiring to become licensed as a timekeeper shall submit Form DBPR-FSBC 04, "Application for License, General," effective ~~October~~ December 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) No change.

Form DBPR-FSBC 04, "Application for License, General," adopted and incorporated in paragraph 61K1-3.010(1)(b), F.A.C., is amended to strike the following language from Section IV(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS.~~ FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.

61K1-3.011 Second; License and Duties.

(1) License

(a) through (c) No change.

(d) Any person desiring to become licensed as a second shall submit Form DBPR-FSBC 04, "Application for License, General," effective ~~October~~ December 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) No change.

Form DBPR-FSBC 04, "Application for License, General," adopted and incorporated in paragraph 61K1-3.011(1)(d), F.S., is amended to strike the following language from Section IV(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS.~~ FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.

61K1-3.012 Referee; License and Duties.

(1) License.

(a) Any person desiring to become licensed as a referee shall submit Form DBPR-FSBC 08, "Application for License, Referee," effective ~~December~~ October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(b) through (d) No change.

(2) and (3) No change.

Form DBPR-FSBC 04, "Application for License, General," adopted and incorporated in Rule 61K1-3.012 (1)(a), is amended to strike the following language from Section IV(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order

pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS.~~ FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.

61K1-3.013 Trainer; License and Conduct.

(1) License.

(a) and (b) No change.

(c) Any person desiring to become licensed as a trainer shall submit Form DBPR-FSBC 06, "Application for License, Trainer," effective ~~December~~ October 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) No change.

Form DBPR-FSBC 06, "Application for License, Trainer," adopted and incorporated in paragraph 61K1-3.013(1)(c), F.A.C., is amended to strike the following language from Section IV(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS.~~ FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.

61K1-3.014 Booking Agent, Representative of Booking Agent; License.

(1) No person shall act as a booking agent or representative of a booking agent without first having obtained the appropriate license. Any person desiring to become licensed as a booking agent shall submit Form DBPR-FSBC 04, "Application for License, General," effective ~~October~~ December 2012, adopted and incorporated herein, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____.

(2) and (3) No change.

Form DBPR-FSBC 04, "Application for License, General," adopted and incorporated in subsection 61K1-3.014(1), is amended to strike the following language from Section IV(a) – Background Questions, question 1:

1. Have you ever been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction, or are you currently under criminal investigation? This question applies to any criminal violation of the laws of any municipality, county, state or nation, including felony, misdemeanor and traffic offenses (but not parking, speeding, inspection, or traffic signal violations), without regard to whether you were placed on probation, had adjudication withheld, were paroled, or pardoned. If you intend to answer "NO" because you believe those records have been expunged or sealed by court order pursuant to Section 943.0585 or 943.059, Florida Statutes, or applicable law of another state, you are responsible for verifying the expungement or sealing prior to answering "NO." Attach copies of the court documents supporting your answer. ~~YOUR ANSWER TO THIS QUESTION WILL BE CHECKED AGAINST LOCAL, STATE AND FEDERAL RECORDS. FAILURE TO ANSWER THIS QUESTION ACCURATELY MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IF YOU DO NOT FULLY UNDERSTAND THIS QUESTION, CONSULT WITH AN ATTORNEY OR CONTACT THE DEPARTMENT.~~

61K1-3.018 Emergency Equipment, Other Equipment and Services

(1) Emergency Medical Equipment and Services.

(a) It shall be the responsibility of the promoter to provide the following at each match:

1. through 3. No change.

4. A minimum of two (2) commission-approved physicians with ~~shall have~~ seats at the immediate ringside of all matches.

i. The physician shall hold a license in good standing to practice medicine as an M.D. or a D.O., and be capable of initiating life-saving procedures and demonstrate education training or practical experience in sports medicine, trauma, neurology, or as a ringside physician.

ii. The physician shall not leave the premises until after the final match has been conducted, all participants participating have been cleared by the physician(s), and the executive director or commission representative has cleared the physician to leave.

iii. Physicians shall be prepared to assist if any serious emergency shall arise, and shall render temporary or emergency treatments for cuts and minor injuries sustained by the participants.

5. Three (3) portable oxygen supplies ~~shall be present.~~

i. and ii. No change.

6. A replacement ambulance and medical personnel at the venue prior to the continuation of any matches if the original ambulance or medical personnel has left the premises to transport a participant or any other individual to the hospital ~~If an athlete needs to be transported via ambulance to the hospital, another unit must arrive before the competition can continue.~~

(b) No change.

(2) No change.

61K1-3.021 Professional Post-Match Reports Required to be Filed; Penalty for Late Filing.

(1) The promoter shall retain a copy of a written statement showing the distribution of the purse, which statement shall include each item of receipt and each expenditure or deduction, certified by the promoter to be correct, with receipted vouchers for all expenditures and deductions for a period of five (5) years ~~twenty-four (24) months~~ and shall provide such copy to the commission if requested to do so.

(2) No change.

(3) Following a program of matches held in Florida, the promoter shall file with the commission as required by Section 548.06, F.S., a written report of gross receipts on Form BPR-0009-453, "Post Event Tax Report for Live Event", effective October 2012, ~~January 2010~~, adopted and incorporated herein by reference, which can be obtained at <http://www.myfloridalicense.com/dbpr/pro/sbc/forms.html>.

(4) No change.

Form BPR-009-453, "Post Event Tax Report for Live Event," adopted and incorporated in subsection 61K1-3.021(3), is amended to remove the request for a Social Security Number from the form and place the request of a license number on the form, as follows:

I certify that the information contained on this form, to the best of my knowledge and belief, is an accurate reflection of the tax payment due the Florida State Boxing Commission. I understand that if the Commission determines that this report is not an accurate reflection of the monies due the Commission, I may be fined, my promoter or concessionaire license may be suspended or revoked, I may be prosecuted for a second degree misdemeanor, or all of the above.

Signature of Licensee	Print Name	Social Security Number License Number	Date
61K1-3.025 Records.			
(1) No change.			
(2) Professional licensees shall maintain the following records: The following is a non-exhaustive list that includes records that must be maintained by professional licensees under this provision.			
(a) through (l) No change.			
61K1-3.031 Boxing Scoring.			
(1) and (2) No change.			
(3) Determination of Win or Draw.			
(a) through (h) No change.			
(i) The referee may penalize any participant who fouls his or her opponent during a contest, but charging such participant with the loss of points, whether such fouls be intentional or unintentional. However the referee shall use his or her own discretion in determining the number of points, if any, chargeable against the participant in each instance, depending upon the severity or harmlessness of the foul and its effect on the opponent.			
1. The referee does not have discretion as to whether an action constitutes a foul. If <u>the action</u> it is listed as a foul in <u>subsection Rule 61K1-4.017(10)</u> 61K1-4.005 , F.A.C, it is a foul, and <u>the referee</u> shall not <u>permit the participant</u> be permitted to continue <u>the action</u> after the referee observes the foul.			
2. through 3. No change.			
(j) through (m) No change.			
(4) No change.			

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-4.001	Amateur Sanctioning Organization Licensure, Criteria for Approval and Denial
61K1-4.002	Compliance Checks
61K1-4.004	Emergency Medical Equipment; Other Required Equipment
61K1-4.005	Arena Equipment; Ring Requirements
61K1-4.006	Physician and Emergency Medical Technician Requirements
61K1-4.007	Insurance Requirements
61K1-4.009	Post-Match Physical of Amateur
61K1-4.011	Unprofessional or Unethical Conduct
61K1-4.012	Citations
61K1-4.013	Notices of Non-Compliance

61K1-4.014	Records
61K1-4.015	Disciplinary Guidelines
61K1-4.016	Boxing Weight Classes; Weigh-In
61K1-4.017	Boxing Conduct of Bout; Rounds
61K1-4.018	Boxing Apparel
61K1-4.019	Boxing Bandages; Handwraps; Gloves
61K1-4.020	Kickboxing Weight Classes; Weigh-In
61K1-4.021	Kickboxing Conduct of Bout; Rounds
61K1-4.022	Kickboxing Apparel
61K1-4.023	Kickboxing Bandages and Handwraps; Gloves
61K1-4.024	Mixed Martial Arts Weight Classes; Weigh-In
61K1-4.025	Mixed Martial Arts Conduct of Bout; Rounds
61K1-4.026	Mixed Martial Arts Apparel
61K1-4.027	Mixed Martial Arts Bandages and Handwraps; Gloves

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. 56, October 23, 2012 issue of the Florida Administrative Register.

61K1-4.001 Amateur Sanctioning Organization Licensure, Criteria for Approval and Denial.

- (1) License; Requirement, Procedure and Period, Fee.
- (a) and (b) No change.
- (c) Licensing Procedure and Period.

1. Application for licensure approval as an Amateur Sanctioning Organization shall be submitted on Form DBPR-FSBC - 01, "Application for Amateur Sanctioning Organization", effective December 2012 ~~October 2010~~, adopted and incorporated, which may be obtained on the "Boxing, Kickboxing, & Mixed Martial Arts" link at <https://www.myfloridalicense.com/intentions2.asp>, or at _____ . The application shall be accompanied by any required supplemental information and by the licensure fee.

- 2. through 4. No change.
- (2) Criteria for Application.
- (a) An amateur sanctioning organization seeking approval from the Florida State Boxing commission to sanction and supervise matches shall provide the following during the application process:

- 1. through 3. No change.
- 4. A complete record of any criminal history of the officers, trustees, partners, directors, or owners in the amateur sanctioning organization. The commission shall not issue a license to any entity that has officers, trustees, partners, directors, or owners in the amateur sanctioning organization,

who have been convicted of any act that constitutes a violation of Chapter 548, F.S. or any crime involving moral turpitude. Ownership includes all persons with 10% interest in an ~~who provide financial support for the~~ amateur sanctioning organization in an amount greater than or equal to 10% of the budget for the fiscal year.

- 5. through 10. No change.
- (3) through (6) No change

61K1-4.007 Insurance Requirements.

(1) Amateur sanctioning organizations are required to ensure ~~that each event promoter has secured~~ the following ~~is provided for each sanctioned match:~~

- (a) through (b) No change.
- (2) through (5) No change.

61K1-4.009 Post-Match Physical of Amateur.

- (1) No change.
- (2) ~~Ringside~~ Physicians shall have a suitable place or room in which to make their examinations after each match.

61K1-4.017 Boxing Conduct of Bout; Rounds.

- (1) through (6) No change.
- (7) Conduct of Bout for Adult Class

(a) Amateurs aged seventeen (17) through thirty-four (34) are in the Adult Class;

(b) The rounds shall consist of no more than three three-minute rounds or five two-minute rounds ~~three one-minute rounds~~, with one minute between each round.

(8) Conduct of Bout for Master Class

(a) Amateurs aged thirty-five (35) and up are in the Master Class;

(b) The rounds shall consist of three two ~~one~~-minute rounds, with one minute between each round.

(9) through (12) No change.

61K1-4.018 Boxing Apparel.

(1) No change.

(2) Each female amateur shall wear the following ~~in addition to those items listed in subsection (1) above:~~

- (a) through (e) No change.
- (3) through (6) No change.

61K1-4.020 Kickboxing Weight Classes; Weigh-In.

(1) Weight Classes:

Name	Weight (lbs)	Weight Differential (lbs)
Junior Atomweight	50 lbs to 55 lbs	5
Junior Flyweight	55.1 lbs to 60 lbs	5
Junior Bantamweight	60.1lbs to 65 lbs	5
Junior Featherweight	65.1 lbs to 70 lbs	5
Junior Lightweight	70.1 lbs to 75 lbs	5
Junior Welterweight	75.1 lbs to 80 lbs	5
Junior Middleweight	80.1 lbs 85 lbs	5
Junior Light Heavyweight	85.1 lbs to 90 lbs	5
Junior Cruiserweight	90.1 lbs to 95 lbs	5
Junior Heavyweight	95.1 lbs to 100 lbs	5
Straw-weight	100.1 lbs to 105 lbs	5
Atomweight	105.1 lbs to 112 lbs	5
Flyweight	112.1 lbs to 117 lbs	5
Bantamweight	117.1 lbs to 122lbs	5
Featherweight	122.1 lbs to 127lbs	5
Lightweight	127.1 lbs to 132lbs	5
Super Lightweight	132.1 lbs to 137 lbs	5
Light Welterweight	137.1 lbs to 142 lbs	5
Welterweight	142.1 lbs to 147 lbs	7
Super Welterweight	148 lbs to 153 lbs	7
Light Middleweight	153.1 lbs to 159 lbs	7
Middleweight	159.1 lbs to 165 lbs	7
Super Middleweight	165.1 lbs to 172 lbs	7
Light Heavyweight	172.1 lbs to 179 lbs	7
Light Cruiserweight	179.1 lbs to 186 lbs	7
Cruiserweight	186.1 lbs to 195 lbs	12
Heavyweight	195.1 lbs to 215 lbs	20
Super Heavyweight	215.1 lbs to 235 lbs	20
Extreme Heavyweight	235.1 and up	No limit

Name	Weight (lbs)	Weight Differential (lbs)
Atomweight	Less than 108	4
Super Atomweight	109 to 111	4
Flyweight	112 to 114	4
Super Flyweight	115-117	4
Bantamweight	118-120	5
Super Bantamweight	121-124	5
Featherweight	125-128	5
Lightweight	129-132	6
Super Lightweight	133-137	6
Light Welterweight	138-142	6
Welterweight	143-147	7
Super Welterweight	148-153	7
Light Middleweight	154-159	7
Middleweight	160-165	8
Super Middleweight	166-172	8
Light Heavyweight	173-179	8
Light Cruiserweight	180-186	9
Cruiserweight	187-194	9
Super Cruiserweight	195-207	12
Heavyweight	208-223	15
Super Heavyweight	224 and above	unlimited

(2) Additional Weight Class restrictions:

(a) Amateur sanctioning organizations shall not permit amateurs to participate outside of the weight spread permitted in the weight class of the lightest amateur.

(b) No kickboxing match shall be permitted with a weight difference greater than the weight differentials listed above.

(c) Amateurs under the age of eighteen (18) may not compete against amateurs with more than a twenty-four (24) month difference in age, based on the amateurs' actual birthdates.

(d) Amateurs under the age of eighteen (18) may not compete against amateurs age eighteen (18) and older.

(e) When matches involve amateurs with a crossover in weight classes, the weight difference allowed between the amateurs will be that of the lighter of the amateurs. Amateurs may only complete against amateur participants in their weight class, or the weight class immediately above or below their weight class.

(f) Amateur sanctioning organizations may call the weight classes any title, but must comply with the weight and weight differential requirements.

(3) Weigh-in

(a) Amateurs shall be weighed within 28 hours of the scheduled match, at a time and place designated by the amateur sanctioning organization, in the presence of the amateur sanctioning organization supervisor on scales approved by the amateur sanctioning organization.

(b) All weights shall be taken with the amateurs stripped of clothing down to trunks for male amateurs and trunks and sports bra or tank top for female amateurs and other weight bearing objects.

(c) An amateur is not permitted to lose more than 3 percent of the initial body weight, as recorded by the amateur sanctioning organization for the amateur's first weight taken during the weigh-in, to make weight.

(4) The commission may approve weight classes outside of these ranges on a case by case basis for nationally or internationally recognized tournaments. Requests for approval shall be submitted to the commission office no less than 30 days prior to the event for review.

Rulemaking Authority 548.003(2) FS. Law Implemented 548.003, ~~548.006~~, 548.0065 FS. History— New _____.

61K1-4.021 Kickboxing Conduct of Bout; Rounds.

(1) No change.

(2) Conduct of Bout for all age groups:

(a) through (d) No change.

(e) No individual under the age of 8 ~~16~~ years old shall be permitted to participate in amateur kickboxing. Amateur sanctioning organizations are responsible for ensuring that amateurs are 8 ~~16~~ years or older. All amateurs must provide proof of age upon request, such as a notarized copy of their birth certificate or a government issued form of identification. Amateurs under the age of eighteen shall be referred to as junior amateurs. Amateurs ages eighteen and older shall be considered adult amateurs.

(f) through (h) No change.

(i) In the event that an amateur ~~a fighter~~ is knocked down, the referee will send the standing amateur ~~fighter~~ to the furthest neutral corner and count over the downed amateur ~~fighter~~. The referee is required to reach the count of eight prior to allowing the bout to continue. A knock down is anytime a part of the amateur's body other than the soles of the feet touch the

ground or would have touched the ground if the amateur fighter had not grabbed the ropes or his opponent, as the result of a legal strike.

(j) In the event that an amateur a fighter is hurt, but not knocked down, and the referee is not in position to immediately determine if the bout should be stopped, he may stop the action and send the undamaged fighter to the furthest neutral corner and evaluate the damaged fighter while administering an eight count.

- (k) No change.
- (3) No change.
- (4) Fouls listed, all ages:
- (a) through (o) No change.

(5) For amateurs aged fourteen years or younger, the following shall be considered fouls:

- (a) Striking with the knee to an opponent's head;
- (b) Striking with the elbow to any part of an opponent's body;
- (c) Striking with the knee to any part of an opponent's body, except in Muay Thai style kickboxing matches.

(6)(5) Rounds.

(a) No amateur shall be permitted to participate in any match on more than one day in any seven. Exceptions may be made by the executive director or his designee for regularly sanctioned tournaments held in the same venue requiring two or more days to compete, so long as the matches are held within a reasonable time. Requests for approval shall be made to the commission office no later than 10 days prior to the matches.

(b) For junior participants aged 8 to 15, the rounds shall be no more than three ninety-second rounds with one minute between each round.

(c)(b) For junior participants aged 16 and 17, the rounds shall be no more than three two (2) minute rounds with one minute between each round.

(d)(e) For adult participants, the rounds shall be no more than five two (2) minute rounds with one minute between each round.

(e)(d) An adult amateur kickboxing match shall be scheduled for not more than five rounds.

- (7)(6) Participation in subsequent matches:
- (a) through (d) No change

61K1-4.023 Kickboxing Bandages; Handwraps; Gloves.

(1) Bandages and Handwraps:

(a) The wrapping of hands is ~~not~~ mandatory. Amateurs ~~who wish to wrap their hands~~ shall be responsible for their own gauze and tape or approved commercial hand wraps.

- (b) through (e) No change.
- (2) Gloves
- (a) through (c) No change.

(d) Laces of gloves shall be knotted on the back of the wrist and tape shall be applied over the laces so as to prevent injury to the opponent. Velcro shall be located on the back of the wrist and tape shall be applied over the Velcro.

(e) No change.

61K1-4.025 Mixed Martial Arts Conduct of Bout; Rounds.

(1) through (13) No change.

(14) Fouls listed:

(a) Fouls/Illegal Techniques while Standing or on the Ground include:

1. through 20. No change.

21. Striking the head of a grounded or downed opponent, except after three verifiable sanctioned amateur mixed martial arts bouts;

~~22. Striking an opponent who has been downed by a damaging strike;~~

~~22.23.~~ Stomping a grounded opponent;

~~23.24.~~ Striking the kidney;

~~24.25.~~ Spiking an opponent to the canvas on his head or neck;

~~25.26.~~ Pushing or throwing an opponent out of the ring;

~~26.27.~~ Holding the shorts or gloves of an opponent;

~~27.28.~~ Spitting;

~~28.29.~~ Engaging in any unsportsmanlike conduct that causes an injury;

~~29.30.~~ Holding the fence;

~~30.31.~~ Attacking on the break;

~~31.32.~~ Attacking your opponent while he's under the care of the referee;

~~32.33.~~ Attacking after the bell;

~~33.34.~~ Flagrantly disregarding the instructions of the referee;

~~34.35.~~ Timidity, including avoiding contact, losing you mouthpiece, faking injury;

~~35.36.~~ Interference from the cornerman.

(b) No change.

(15) through (16) No change.

61K1-4.026 Mixed Martial Arts Apparel.

(1) through (2) No change.

(3) Illegal apparel

(a) Eyeglasses;

(b) Footgear, shoes or any padding on the feet during the match, other than the required instep protection;

(c) Any type of apparel with metal straps or buckles;

(d) Necklaces or any other type of jewelry, including piercings located anywhere on the body;

~~(e) Any piercings;~~

~~(e)(f) Shorts with a grip panel.~~

(4) through (7) No change.

61K1-4.027 Mixed Martial Arts Bandages, Handwraps; Gloves.

- (1) No change.
- (2) Gloves
- (a) through (b) No change.

(c) ~~If laces are present, laces of gloves shall be knotted on the back of the wrist and tape shall be applied over the laces so as to prevent injury to the opponent.~~ If velcro is present, the amateur sanctioning organization representative may require the use of tape to prevent injury or to prevent loosening of the gloves during the match. Whenever the representative decides to require tape, both corners must be subject to the same requirement.

- (d) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NO.: RULE TITLE:
61K1-4.006 Physician and Emergency Medical Technician Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 60, October 29, 2012 issue of the Florida Administrative Register.

61K1-4.006 Physician and Emergency Medical Technician Requirements.

- (1) No change.
- (2)(a) No change.
- (b) All amateur sanctioning organizations shall ensure that the physicians they select as ringside physicians have obtained 6 hours of continuing medical education units relating to trauma or ringside medical treatment as part of their biennial ~~biannual~~ continuing medical education requirements required by the Florida Board of Medicine. Amateur Sanctioning Organizations who utilize a ringside physician who does not comply with the continuing education requirements following January 1, 2014, shall be subject to disciplinary action.

- (c) No change.
- (3) through (8) No change.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 63, November 1, 2012 issue of the Florida Administrative Register has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.:	RULE TITLE:
12CER13-1	Adjustments for Excess Section 179 Expense and Special Bonus Depreciation

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2011-229, Laws of Florida, authorizes the Department of Revenue to promulgate an emergency rule, and to renew such rule, to implement the provisions of the law. The law provides that conditions necessary for an emergency rule and its renewal have been met. Chapter 2011-229, Laws of Florida, retroactively makes changes related to bonus depreciation and section 179 expense of the Internal Revenue Code (I.R.C.). As a result of these changes, contained in Section 220.13(1)(e), F.S., taxpayers may need to file amended returns. This emergency rule establishes procedures for reporting the additions and claiming the subtractions required by Section 220.13(1)(e), F.S., and provides procedures for filing amended Florida corporate income tax return(s).

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule, and the renewal of such rule, to implement Chapter 2011-229, Laws of Florida, and determined that all conditions necessary for this emergency rule have been met. The law is retroactive, and as a result, some taxpayers need to amend their Florida corporate income tax return(s) if a return(s) affected by these changes was previously filed. This emergency rule establishes procedures for reporting additions and claiming the subtractions required by Section 220.13(1)(e), F.S., so that taxpayers may timely file the required amended returns.

SUMMARY: Emergency Rule 12CER13-01, F.A.C. (Adjustments for Excess Section 179 Expense and Special Bonus Depreciation), provides procedures for taxpayers subject to the adjustments contained in Section 220.13(1)(e), F.S., for I.R.C. section 179 expense in excess of: \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011) and bonus depreciation under I.R.C. sections 167 and 168(k). This emergency rule: (1) provides the additions that taxpayers are required to add back to the amount of the federal deduction claimed under I.R.C. sections 167 and 168(k) for bonus depreciation and under I.R.C. section 179 that exceeds: \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011); (2) provides the subtractions that are available in each of seven tax years beginning with the year an addition is made under Section 220.13(1)(e), F.S.; (3) requires taxpayers to maintain a schedule reflecting all adjustments made under Section

220.13(1)(e), F.S.; (4) provides that these adjustments do not affect the basis of the property; and (5) provides when the subtractions under Section 220.13(1)(e), F.S., and when the deductions allowed under I.R.C. section 179 are not required to be included in a taxpayer's Florida corporate income tax return.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert DuCasse, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-6476

THE FULL TEXT OF THE EMERGENCY RULE IS:

12CER13-01 Adjustments for Excess Section 179 Expense and Special Bonus Depreciation.

(1) Scope. This rule only applies to taxpayers subject to the adjustments contained in Section 220.13(1)(e), F.S., for IRC section 179 expense in excess of \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011) and bonus depreciation under IRC sections 167 and 168(k).

(2) Additions Required:

(a)1. For tax years that begin in 2010, taxpayers are required to add back the amount of the federal deduction claimed under section 179 of the Internal Revenue Code ("IRC") that exceeds \$250,000. All amounts in excess of \$250,000 are required to be added back, including amounts carried over from previous tax years under IRC section 179(b)(3)(B). The increased overall investment limitation contained in IRC section 179(b)(2) is the same for Florida as it is for federal income tax purposes.

2. For tax years that begin in 2011 and 2012, taxpayers are required to add back the amount of the federal deduction claimed under section 179 of the Internal Revenue Code ("IRC") that exceeds \$128,000. All amounts in excess of \$128,000 are required to be added back, including amounts carried over from previous tax years under IRC section 179(b)(3)(B). The increased overall investment limitation contained in IRC section 179(b)(2) is the same for Florida as it is for federal income tax purposes.

(b) Taxpayers are required to add back the amount of the federal deduction claimed as bonus depreciation under IRC sections 167 and 168(k) for assets placed in service after December 31, 2009, and before January 1, 2013.

(3) Subtractions Allowed:

(a) In each of the seven tax years commencing with the year the addition is made under Section 220.13(1)(e), F.S., taxpayers may subtract one-seventh of the amount of excess IRC section 179 expense and one-seventh of the amount of bonus depreciation that is added back under Section 220.13(1)(e), F.S.

(b) The total amount that may be subtracted over the seven-year period should equal, but may not exceed, the amounts of IRC section 179 expense and bonus depreciation that have been added back to Florida taxable income under Section 220.13(1)(e), F.S.

(c) Subtractions may be transferred to the surviving company in a merger or acquisition. Otherwise, if a taxpayer ceases to do business during the seven-year period, it may not accelerate, transfer or otherwise utilize a subtraction.

(4) A schedule reflecting all of the adjustments made under Section 220.13(1)(e), F.S., must be created and maintained. Taxpayers must also report any additions on Schedule I, Additions and/or Adjustments to Federal Taxable Income, of the Florida Corporate Income/Franchise and Emergency Tax Return (Form F-1120, incorporated by reference in Rule 12C-1.051, F.A.C.) and any subtractions on Schedule II, Subtractions from Federal Taxable Income, of the return for the applicable tax year. Partnerships filing a Florida Partnership Information Return (Form F-1065, incorporated by reference in Rule 12C-1.051, F.A.C.) are required to make the adjustments required by Section 220.13(1)(e), F.S., on Part I of Form F-1065.

(5) Basis of Property: The adjustments required by Section 220.13(1)(e)1. and 2., F.S., (relating to excess IRC section 179 expense and bonus depreciation), do not affect the basis of the underlying property. The basis of the property for Florida corporate income tax purposes is the same as the basis of the property for federal income tax purposes. If the property is sold or otherwise disposed of, the gain or loss for Florida corporate income tax purposes is the same as the gain or loss for federal income tax purposes and is included in federal taxable income apportioned to Florida. Differences in the apportionment fraction from one year to the next are disregarded. The applicable depreciation conventions, methods, and recovery periods are computed in the same manner as they are computed in determining federal taxable income.

(6) Amended Returns and Section 220.13(1)(e), F.S. Taxpayers that filed their Florida corporate income tax returns in a manner inconsistent with these changes in law are required to amend their Florida corporate income tax return(s) to conform to the new law. To the extent that any tax is due and paid on an amended return(s) as a result of these changes in law for the differences between the additions and subtractions required by Section 220.13(1)(e), F.S., and the adjustments required by Section 220.13(1)(e), F.S., reasonable cause exists under Rule 12-13.007, F.A.C., for a waiver of the resulting penalty. The provisions of this rule do not relieve a taxpayer of its obligation to file a Florida corporate income tax return and report the adjustments required by Section 220.13(1)(e), F.S.

(7) The subtractions allowed by Section 220.13(1)(e), F.S., are the means by which the additions required by Section 220.13(1)(e), F.S., are reconciled and recovered. If a taxpayer does not claim a deduction for bonus depreciation or a

deduction for IRC section 179 expense in excess of \$250,000 (for tax years beginning in 2010) and \$128,000 (for tax years beginning in 2011), no add-back is required or subtraction allowed for Florida corporate income tax purposes. Similarly, if a taxpayer did not add back bonus depreciation or excess section 179 expense because, for example, it was not subject to the Florida corporate income tax in that year, no subtraction is allowed for Florida corporate income tax purposes.

(8) Bonus depreciation claimed for assets placed in service after December 31, 2012, is not required to be added back under Section 220.13(1)(e), F.S. IRC section 179 expense claimed in tax years beginning after December 31, 2012, is not required to be added back. No subtraction is allowed for bonus depreciation or IRC section 179 expense unless it has been added back in computing Florida taxable income under Section 220.13(1)(e), F.S.

Rulemaking Authority s. 4, Ch. 2011-229, L.O.F. Law Implemented Ch. 2011-229, L.O.F. History—New 1-18-13.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: January 18, 2013

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-27.002: Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on January 15, 2013, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of Rule 11B-27.002(4), F.A.C., by Ell Jerome Turner. Petitioner wishes to waive that portion of the rule which requires an officer to obtain employment within four years of beginning basic recruit training. The Petitioner states that he was in the process of becoming employed by Sanford Police Department in October of 2012. The agency was in the process of conducting Petitioner’s background investigation as part of Petitioner’s pre-hiring package. The Petitioner was assured that the background would be completed prior to Petitioner’s certificate expiring. Unfortunately, the holidays delayed the completion of the background investigation and Petitioner’s certification expired on January 8, 2013. The Petition states that the operation of the rule would violate the principles of fairness because Petitioner had almost completed his pre-hiring requirements and failed to complete them through no fault of

his own before his certification expired. The Petition states that the operation of the rule creates a substantial hardship for both Petitioner and Sanford Police Department in that neither will have the benefit of employing Petitioner after completing an extensive pre-employment screening. The Petitioner further supports the requested waiver by stating that he applied to many agencies during the four years prior to his certification expiring. All of them turned him down as a result of hiring freezes. Petitioner’s only employment opportunity in his field was with the Sanford Police Department. Petitioner asserts a severe economic hardship for him if the rule waiver is not granted not only because of lost income, but because he put himself through basic recruit training and ensured he passed the SOCE at his own initiative and cost.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, or by telephoning (850) 410-7676

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-27.002: Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on January 15, 2013, the Criminal Justice Standards and Training Commission, received a petition for a temporary waiver of Rule 11B-27.002(2)(a), F.A.C., by Rodney Kevin Schwartz. Rule 11B-27.002(2)(a), F.A.C., requires a candidate to become employed within four years of beginning basic recruit training. Petitioner sought employment during the pendency of his four years, but was unsuccessful. Petitioner’s certification expires on February 23, 2013. Petitioner asserts that a strict application of the rule will affect him differently than other similarly situated individuals who are subject to the rule because the basic recruit training he attended was supposed to be a nine month course, but, because of certification issues with the program administrator, the course was suspended for three months, then reopened and completed later, taking nearly a year to finish. Petitioner asserts that this delay put his graduation in the middle of the economic downturn and the many agencies to which he applied were not hiring. Petitioner further asserts that he will suffer economic hardship if the waiver is not granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, or by telephoning (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION
Division of Hotels and Restaurants
RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on January 16, 2013, The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Paragraph 3-305.14, 2009 FDA Food Code, Paragraph 6-202.15, 2009 FDA Food Code, Paragraph 6-202.16, 2009 FDA Food Code, Paragraph 61C-4.010(1), Florida Administrative Code, and Paragraph 61C-4.010(6), Florida Administrative Code from Polly and The Food Angel located in North Miami. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us.

Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on January 17, 2013, The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 61C-4.010(7) Florida Administrative Code and Paragraph 61C-4.010(6), Florida Administrative Code from El Palacio Del Raspado located in Miami. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent establishment under a different ownership for use by customers only.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us.

Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-33.0033: Obligations of CPA Ethics Course Continuing Education Providers

The Board of Accountancy hereby gives notice:

of the issuance of an Order regarding the Petition for Waiver or Variance, filed on August 1, 2012, by Florida Institute of CPAs. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 73, of the November 16, 2012, Florida Administrative Register. Petitioner sought a waiver or variance of Rule 61H1-33.0033(1), F.A.C., entitled "Obligations of CPA Ethics Course Continuing Education Providers," which requires that in order to maintain an approved status as an ethics course continuing education provider, the provider must retain documentation that the course instructor is a certified public accountant who has practiced in a public accounting firm for five of the last ten years, whose background, training, education or experience makes it appropriate for the person to teach the course. The Board considered the instant Petition at a duly-noticed public meeting, held November 16, 2012, in Tallahassee, Florida.

The Board's Order, filed on December 12, 2012, granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-33.0033(1), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to its circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-33.003: Continuing Professional Education

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on December 8, 2011, by Rafael J. Duran. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 51, of the December 23, 2011, Florida Administrative Weekly. The Petitioner sought a waiver or variance of Rule 61H1-33.003(6), F.A.C., entitled "Continuing Professional Education" which requires that each Florida certified public accountant, as a part of the biennial licensure renewal, on or before December 31 prior to his/her biennial license renewal, report on forms prescribed by the Board, compliance with continuing professional education requirements completed during the applicable reestablishment period. The Board

considered the instant Petition at duly-noticed public meetings held January 24, 2012, in Tampa and August 3, 2012, in Miami, Florida, respectively.

The Board's Order filed on September 24, 2012 granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from Rule 61H1-33.003(6), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-27.002: Concentrations in Accounting and Business

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on March 29, 2012, by Jared Blanton. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 16, of the April 20, 2012, Florida Administrative Weekly. Petitioner sought a waiver or variance of Rule 61H1-27.002(2), F.A.C., entitled "Concentrations in Accounting and Business," which requires that an applicant must have at least 150 semester hours or 200 quarter hours of college education, including a baccalaureate degree or higher conferred by an accredited college or university with a major in accounting, or its equivalent. The applicant's total education program shall include a concentration in accounting and business as follows: 36 semester or 54 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation; 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts. The Board considered the instant Petition at a duly-noticed public meeting held on June 8, 2012, in Tampa, Florida.

The Board's Order, filed on October 25, 2012, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 473.308(3), Florida Statutes, would be met by granting a variance from Rule 61H1-27.002(2), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-27.002: Concentrations in Accounting and Business

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on May 10, 2012, by Jacquelyn Kay Boehm. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 24, of the June 15, 2012, Florida Administrative Weekly. Petitioner sought a waiver or variance of Rule 61H1-27.002(4)(a), F.A.C., entitled "Concentrations in Accounting and Business," which defines upper division to mean courses offered at the junior level or higher, thus precluding community college courses. The Board considered the instant Petition at a duly-noticed public meeting held on August 3, 2012, in Miami, Florida.

The Board's Order, filed on September 24, 2012, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 473.308(3), Florida Statutes, would be met by granting a variance from Rule 61H1-27.002(4)(a), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-27.0041: One Year of Work Experience

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on May 18, 2012, by Arthur Pugliese. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 24, of the June 15, 2012, Florida Administrative Weekly. Petitioner sought a waiver or variance of Rule 61H1-27.0041(2), F.A.C., entitled "One Year of Work Experience," which requires that the supervisor, in his or his report to the Department, shall certify that the applicant rendered such services as are customarily performed by full-time, regularly employed staff employees. The Board considered the instant Petition at a duly-noticed public meeting, held August 3, 2012, in Miami, Florida.

The Board's Order, filed on September 24, 2012, granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.308(4), Florida Statutes, would be met by granting a variance or waiver from the rule. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting:

Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pest Control Enforcement Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: March 22, 2013, 9:00 a.m.

PLACE: 3125 Conner Boulevard, Eyster Auditorium, Tallahassee, FL 32399

Webex: <https://suncom.webex.com/suncom/j.php?ED=169120442&UID=1314093962&RT=MIMxMQ%3D%3D>

Teleconference Information: Call-in toll-free number: (888)670-3525 (US), Call-in number: (720)389-1212 (US), Attendee access code: (788)209 0194.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address the business of the council.

A copy of the agenda may be obtained by contacting: <http://consensus.fsu.edu/DACS/pest-control.html>

For more information, you may contact: Mr. Mike Page, Chief of the Bureau of Entomology and Pest Control; 3125 Conner Boulevard, MS-C41, Tallahassee, Florida, 32399; (850) 617-7997.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Florida Coordinating Council on Mosquito Control announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2013, 10:00 a.m.

PLACE: Alachua Service Center, East Building; 14101 Northwest Highway 441, Alachua, FL 32615, (386)418-5500.

Webex: <https://suncom.webex.com/suncom/j.php?ED=169125007&UID=1314135432&RT=MIMxMQ%3D%3D>

Teleconference Information: (888)808-6959; conference code: 921 414 5#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address the business of the council.

A copy of the agenda may be obtained by contacting: <http://consensus.fsu.edu/MC/index.html>

For more information, you may contact: Mr. Mike Page, Chief of the Bureau of Entomology and Pest Control; 3125 Conner Boulevard, MS-C41, Tallahassee, Florida 32399; (850)921-7997.

DEPARTMENT OF EDUCATION

The Florida Education Foundation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 29, 2013, 10:00 a.m. – 1:00 p.m. (EST) or until adjournment.

PLACE: 100 North Tampa Street, Suite 1625, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: Foundation issues including but not limited to approval of minutes from the October 12, 2012 meeting, program updates, financial report, executive director's report and general discussion of Foundation business.

A copy of the agenda may be obtained by contacting Deb Schroeder at (850) 245-9671.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Deb Schroeder at (850)245-9671. 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).

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces a hearing to which all persons are invited.

DATE AND TIME: February 1, 2013, 8:30 a.m.

PLACE: Best Western Plus Gateway Grand Hotel, 4200 Northwest 97th Boulevard, Gainesville, Florida 32606; (352)331-3336

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Kathleen M. Richards at (850)245-0455.

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: Kathleen M. Richards at (850)245-0455. 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The District 1 Local Emergency Planning Committee (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: February 20, 2013, 10:00 a.m.

PLACE: Walton County Sheriff's Office, 752 Triple G Road, DeFuniak Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Local Emergency Planning Committee, including the committees biennial exercise, and the LEPC Comprehensive Plan.

Preceding the meeting, the Education and Public Awareness Subcommittee will hold meetings at 9:00 a.m. Additional subcommittee meetings will be held via teleconference on February 14 and 15, 2013.

A copy of the agenda may be obtained by contacting: The West Florida Regional Planning Council, (800)226-8914 or by visiting our website: www.wfrpc.org/lepc.

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: Kathy Ahlen at the West Florida Regional Planning Council, (800)226-8914, x210. 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: Kathy Ahlen at the West Florida Regional Planning Council, (800)226-8914, x210 or kathy.ahlen@wfrpc.org.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's Regional Planning Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2013, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd, Suite 100, Pinellas Park, FL 33782.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Advisory Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl (727)570-5151 ext 22. 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: Mr. Avera Wynne, 727-570-5151 ext 30 or avera@tbrpc.org.

REGIONAL PLANNING COUNCILS

Apalachee Regional Planning Council

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

DATE AND TIME: Thursday, January 31, 2013, 10:30 a.m. ET

PLACE: Holiday Inn and Suites, 2725 Graves Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the review of any local plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Ave. E., Suite 1, Blountstown, FL 32424, arpc1@fairpoint.net, (850)674-4571

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.

REGIONAL UTILITY AUTHORITIES

Withlacoochee Regional Water Supply Authority

The Withlacoochee Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2013, at 4:30 p.m.

PLACE: Lecanto Government Building, 3600 W. Sovereign Path, Room 166, Lecanto, FL 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Water Supply Authority at 3600 W. Sovereign Path, Suite 228, Lecanto, FL 34461 or

nsmith@wrwsa.org. The agenda for the February Board meeting may be found at www.wrwsa.org under "Minutes and Notices," "current agenda."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Nancy H. Smith, WRWSA Administrative Assistant, at (352)527-5795 or by email to nsmith@wrwsa.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).

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: Nancy H. Smith, WRWSA Administrative Assistant, at (352)527-5795 or by email to nsmith@wrwsa.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: RULE TITLE:

61E14-2.001: Standards of Professional Conduct

The Regulatory Council of Community Association Managers announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, February 8, 2013, 10:00 a.m.

PLACE: Conference call number: (888)670-3525, conference code: 2966335023 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business items, language discussion for proposed Citation Rule 61E14-5.001 along with Statement of Estimated Regulatory Cost and discussion of Standards of Professional Conduct Rule 61E14-2.001.

A copy of the agenda may be obtained by contacting: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040, (850)717-1982.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040, (850)717-1982. 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: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040, (850)717-1982.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 12, 2013, 10:00 a.m. or soon thereafter

PLACE: Conference Call: (888)670-3525, Conference Code: 2938723619.

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (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: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, February 13, 2013, 12:00 Noon; Thursday, February 14, 2013, 8:00 a.m.; Friday, February 15, 2013, 8:00 a.m. or soon thereafter.

PLACE: Embassy Suites Orlando – North, 225 Shorecrest Drive, Altamonte Springs, Florida 32701.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850) 487-1395.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (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: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

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: A Special/Emergency Meeting for Tuesday, January 22, 2013, 8:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss a proposed lease for office space provided to FMHRC, findings and recommendations regarding FMHRC's search for office space, and other issues pertaining to FMHRC's desire to relocate its office.

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

Additional information 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Janet Compton at (888) 862-7010.

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. Authority: Rule 61M-1.001, Florida Administrative Code (Procedures for Operation).

A copy of the agenda may be obtained by contacting: Janet Compton, Executive Director, (888)862-7010.

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

Board of Pharmacy

The Board of Pharmacy, Prescription Drug Abuse Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 5, 2013, 2:00 p.m. – 4:00 p.m.

PLACE: The Renaissance Resort, 500 South Legacy Trail, St. Augustine, Florida 32092, (904)940 8000 as well as the conference call line at (888)670-3525, conference code: 5134896685.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Prescription Drug Abuse.

A copy of the agenda may be obtained by contacting: The Florida Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Florida Board of Pharmacy at (850)245-4292. 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: The Florida Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399 or (850)245-4292.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATE AND TIME: February 6, 2013 at 9:00 a.m. and February 7, 2013 at 8:00 a.m.

PLACE: Renaissance World Golf Village Resort, 500 South Legacy Trail, St. Augustine, FL 32092, (904)940-8634

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discuss general Board business.

A copy of the agenda may be obtained by contacting: the public agenda will be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

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: the Board of Pharmacy at (850) 245-4292. 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: The Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254 or (850) 245-4292.

DEPARTMENT OF HEALTH

Office of Statewide Research

The Florida Department of Health-Institutional Review Board – Committee II announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2013, 9:00 a.m.

PLACE: Not applicable – conference call meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct review of new research studies involving human participants, modifications to existing studies, and continuing review of ongoing research to make sure research studies comply with regulations and the Department's ethical standards Ratification of official actions taken at a meeting of the Institutional Review Board - Committee II on January 9, 2013.

A copy of the agenda may be obtained by contacting: Donna West, Assistant Administrator, Institutional Review Board, (850)245-4034.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Donna West, Assistant Administrator, Institutional Review Board, (850)245-4034. 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: Donna West, Assistant Administrator, Institutional Review Board, (850)245-4034.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2013, 8:30 a.m. until adjourned

PLACE: Hyatt Regency Jacksonville, 225 E. Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.

18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.

19. Consideration of funding additional reserves for the Guarantee Fund.

20. Consideration of audit issues.

21. Evaluation of professional and consultant performance.

22. Such other matters as may be included on the Agenda for the February 1, 2013, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197, approximately two days prior to the meeting, or by visiting the Corporation's website at www.floridahousing.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 5 days before the workshop/meeting by contacting: Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197. 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.

FLORIDA HOUSING FINANCE CORPORATION

The FHFC II, Inc., Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2013 – 11:00 a.m., or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting, until adjourned.

PLACE: Hyatt Regency Jacksonville, 225 E. Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC II, INC.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC II, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.

7. Consideration of matters relating to the statutory purpose of FHFC II, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.

8. Such other matters as may be included on the Agenda for the February 1, 2013, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197, approximately two days prior to the meeting or by visiting the Corporation's website at www.floridahousing.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 5 days before the workshop/meeting by contacting: Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197. 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.

FLORIDA HOUSING FINANCE CORPORATION

The FHFC III, Inc., Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2013 – 11:00 a.m., or upon adjournment of the FHFC II, Inc. Board of Directors meeting, until adjourned

PLACE: Hyatt Regency Jacksonville, 225 E. Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC III, INC.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC III, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC III, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the February 1, 2013, Board Meeting

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197, approximately two days prior to the meeting or by visiting the Corporation's website at www.floridahousing.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 5 days before the workshop/meeting by contacting: Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197. 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.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Orange County Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2013, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace, (407) 282-3944.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The Technological Research and Development Authority (TRDA) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 4, 2013, 3:30 p.m.

PLACE: TRDA Business Innovation Center, 1050 West NASA Boulevard, Melbourne, FL 32901

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting of the Board of Directors.

A copy of the agenda may be obtained by contacting: Brenda McMillan at bmcmillan@trda.org.

HEALTH CARE DISTRICT OF PALM BEACH COUNTY

The Health Care District of Palm Beach County Board of Commissioners announces a Public Hearing to which all persons are invited and will have an opportunity to be heard on the subject matter.

DATE AND TIME: February 5, 2013, 3:00 p.m.

PLACE: Lakeside Medical Center, 39200 Hooker Highway, Belle Glade, FL 33430.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Care District of Palm Beach County Board of Commissioners will consider and discuss information, including but not limited to an independent evaluation of Lakeside Medical Center's fair market value, operating comparison, and public comments regarding the implementation of Section 155.40, Florida Statutes, as amended by Chapter 2012-66, Laws of Florida, relating to the evaluation of the possible benefits to persons residing in Palm Beach County from the sale or lease of Lakeside Medical Center. The Health Care District of Palm Beach County Board of Commissioners may take action on the subject matter.

A copy of the agenda may be obtained by contacting Nichole Carran, email: ncarran@hcdpbc.org or telephone: (561)804-5907.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 29, 2013, 11:00 a.m. (Eastern Time)

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include an investment marketplace overview and reviews of the portfolio, Investment Policy & investing guidelines.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408, or from the FWCJA's website at www.fwcjua.com.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Mark A. Faris, Esq., In Re: Sea Oats Property Owners' Association, Inc..., Docket No. 2013001978, filed on January 14, 2013. The petition seeks the agency's opinion as to the applicability of Section 718.303(1)(e), Florida Statutes. as it applies to the petitioner.

Whether Sea Oats Property Owners' Association, Inc. may impose prevailing party attorney's fees against an owner for issuing a warning letter without an action for damages or injunctive relief being filed in court under Section 718.303(1)(e), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001: Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that the Florida Building Commission has declined to rule on the petition for declaratory statement filed by Jose L. Diaz on behalf of MSA Architects, Inc. on October 17, 2012. The following is a summary of the agency's declination of the petition:

The petition was denied because it requested an interpretation of the Florida Accessibility Code regarding a provision that is a provision of the Americans with Disabilities Act and therefore, pursuant to Section 553.775(5), Florida Statutes, may not be interpreted by the Florida Building Commission.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2203.

Please refer all comments to: April L. Hammonds, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-27.002: Concentrations in Accounting and Business

NOTICE IS HEREBY GIVEN that the Board of Accountancy has issued an order disposing of the petition for declaratory statement filed by Jonathan Marseglia on July 11, 2012. The following is a summary of the agency's disposition of the petition:

The following is a summary of the agency's disposition of the petition. The Notice of Petition for Declaratory Statement was published in Volume 38, No. 30, of the July 27, 2012, Florida Administrative Weekly. Petitioner sought the Board's interpretation of Section 473.306, F.S., entitled, "Examinations," and paragraphs 61H1-27.002(2)(a) and (3)(a), Florida Administrative Code, entitled, "Concentrations in Accounting and Business," and asked the following questions: A. Will the Board accept competency-based coursework in the area of accounting in fulfillment of the requirements in 473.306, Florida Statutes (F.S.), paragraphs 61H1-27.002(2)(a) and (3)(a), F.A.C.? B. Will the Board accept competency units earned in accounting courses in lieu of semester hours and at what exchange rate between competency units and semester hours in fulfillment of the requirements in Section 473.306, F.S., paragraphs 61H1-27.002(2)(a) and (3)(a), F.A.C.? C. Will the Board accept the courses designated in Exhibit C of the petition as FNT1, CGC1, AUD1, ACA1, CMO1, BGA1 and QCT1 as upper level accounting courses in fulfillment of the requirements in Section 473.306, F.S., paragraphs 61H1-27.002(2)(a) and (3)(a), F.A.C.? The Board of Accountancy considered the Petition at its meeting held on August 3, 2012, in Miami, Florida. The Board's Order, filed on September 21, 2012, answered the questions as follows: A. Yes, the Board will accept competency-based coursework in the area of accounting in fulfillment of the requirements in Section 473.306, F.S., paragraphs 61H1-27.002(2)(a) and (3)(a), F.A.C., provided the institution utilized was accredited as defined in Rule 61H1-27.001, F.A.C. B. Yes, the Board will accept competency units earned in accounting courses in lieu of semester hours in fulfillment of the requirements in Section 473.306, F.S., paragraphs 61H1-27.002(2)(a) and (3)(a), F.A.C., provided the units can be converted to semester or quarter hours. C. The Board declines to answer this question based upon a lack of sufficient information. The Board utilizes its Accounting Education Advisory Committee, established by Section 473.306(5), F.S., to make recommendations regarding the acceptability of specific courses.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

**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 VETERANS' AFFAIRS

**FDVA Health Information Technology System
NOTICE OF INVITATION TO NEGOTIATE (ITN)
STATE OF FLORIDA**

**FLORIDA DEPARTMENT OF VETERANS' AFFAIRS
SOLICITATION NO.: FDVA-ITN-13-004N**

The Florida Department of Veterans' Affairs (FDVA) is soliciting responses from qualified and responsible contractors for the project listed below.

Project Name: FDVA Health Information Technology System.
Statement of Work: Successful contractor shall provide the necessary labor, materials, equipment, and supervision to provide an established, "hosted solution" (software as a

service) health information technology system, conversion of current system data to new system, and subsequent monthly support services.

Background: FDVA is actively seeking business office software that can ensure electronic billing practices while maintaining the highest level of data integrity. The software must be designed to handle the functional, clinical and billing needs of skilled nursing care and related ancillary services. FDVA is currently comprised of six 120-bed skilled nursing facilities, a 149-bed domiciliary, a centralized executive headquarters, and a legislative executive branch located in the state capital. The system functionality will be sophisticated enough to allow for single facility database and shared multi-functional master capabilities to integrate tables across the entire FDVA organization. The system shall have the capabilities to expand for future requirements including additional FDVA facilities and personnel, as well as, additional government requirements.

Instructions: This solicitation, including the timeline of events, is available for viewing and printing only through the State of Florida Vendor Bid System via www.myflorida.com. Interested parties in need of assistance with accessing the State of Florida Vendor Bid System shall directly contact the State Vendor Help Desk at phone number (866)352-3776 or email address VendorHelp@MyFloridaMarketPlace.com.

Contact: Respondent questions regarding this solicitation must be submitted in writing to Tim Shaw, FDVA Contracting Administrator, via email address shawt@fdva.state.fl.us.

Florida Department of Veterans' Affairs
Mary Grizzle State Office Building
1351 Ulmerton Road, Suite 311-K
Largo, FL 33778

**HERNANDO COUNTY PLANNING DEPARTMENT
Request for Proposals for Community
Transportation Coordinator
REQUEST FOR LETTERS OF INTEREST
AND PROPOSALS**

The Hernando County Metropolitan Planning Organization (MPO) is accepting proposals from qualified agencies or firms to plan, coordinate, and implement the most cost effective transportation services for the Transportation Disadvantaged (TD) in Hernando County, Florida. The Hernando County MPO will be administering the competitive procurement process. The selected proposer will be the designated Community Transportation Coordinator (CTC) for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2 of the Florida Administrative Code.

A MANDATORY PRE-PROPOSAL CONFERENCE WILL BE HELD ON FEBRUARY 4, 2013, AT 10:00 a.m., AT THE HERNANDO COUNTY MPO/PLANNING CONFERENCE ROOM, HERNANDO COUNTY GOVERNMENT CENTER,

20 NORTH MAIN STREET, ROOM 261, BROOKSVILLE, FL 34601, TO ANSWER QUESTIONS ABOUT THE REQUEST FOR PROPOSALS (RFP). Please go to the MPO website at <http://www.co.hernando.fl.us/mpo> for the full RFP and Scope of Services.

PROPOSALS MUST BE SUBMITTED BY MARCH 1, 2013, BY 12:00 p.m. One (1) original, five (5) hard copies, and (1) compact disc (CD/DVD) of the proposal must be submitted to: Hernando County Metropolitan Planning Organization (MPO), ATTENTION: Steve Diez, Transportation Planner II, 20 North Main Street, Room 262, Brooksville, FL 34601. The outside of the envelope or box containing the proposal must be marked "REQUEST FOR PROPOSAL FOR COMMUNITY TRANSPORTATION COORDINATOR." Late proposals will not be accepted for any reason and will be returned unopened to the Proposer.

FAXED AND ELECTRONICALLY MAILED RESPONSES WILL NOT BE ACCEPTED.

The Hernando County MPO will not accept responsibility for proposals that are not marked and submitted in this manner. Proposals are to remain in effect for at least one hundred and twenty (120) calendar days from the due date.

The Hernando County MPO reserves the right to reject any or all proposals, to waive any formality concerning proposals or negotiate changes to the proposals whenever such rejection or waiver or negotiation is in the best interest of the State and transportation disadvantaged.

The Hernando County MPO reserves the right to waive any informality in any proposal, to reject any or all proposals in whole or in part, with or without cause, and/or to accept the proposal that in its judgment will be in the best interest of the Hernando County MPO, its citizens, and the State of Florida. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

VOTUM CONSTRUCTION, LLC

Florida A&M University Parking Structure Repairs
**FLORIDA A & M UNIVERSITY PARKING
 STRUCTURE REPAIRS
 BID INVITATION**

We request your sealed bid for all labor, material, equipment, insurances and taxes necessary to perform your trade work as required in connection with the repairs to the Florida A&M University Parking Garage located at 1546 Wahnish Way, Tallahassee, FL 32307.

Project: Wahnish Way Parking Garage Repairs
 1546 Wahnish Way
 Tallahassee, FL 32307

Owner: Florida A&M University Board of Trustees and Florida A&M University
 2400 Wahnish Way, Suite 100
 Tallahassee, FL 32307
 Attn: Elston Peets
 (850) 599-3197
 Elston.peets@fam.edu

Architect / Engineer: Hoy + Stark Architects
 1350 Mark Street, Suite 209
 Tallahassee, FL 32312
 Attn: Patrick E Hoy, AIA
 (850) 893-5971 Phone
 (850) 893-3419 Fax
 Pat.hoy@hoystark.com

Construction Manager: Votum Construction, LLC
 711 West Amelia Street, Suite 1
 Orlando, FL 32805
 Attn: Teska Dillard
 (407) 704-1743 Phone
 (407) 704-2854 Fax
 tdillard@votumllc.com

Blueprints, specifications, addendums, bid modifications and bid form can be downloaded from the following links below:

- https://dl.dropbox.com/u/53629125/12.130%20Drawings%20Final%20CDs_dropbox.pdf
- <https://dl.dropbox.com/u/53629125/12.130%20Specifications%20Project%20Manual.pdf>
- <https://dl.dropbox.com/u/53629125/Addendum%201%2012102012%20.pdf>
- <https://dl.dropbox.com/u/53629125/Addendum%202%2001142013.pdf>
- <https://dl.dropbox.com/u/53629125/Front%20end%20Docs%20FAMU%20Parking%20Garage%201%2014%202013.pdf>
- <https://dl.dropbox.com/u/53629125/Florida%20Admin%20Weekly%20Advertisement%201%2014%202013.pdf>

In preparation of your bid, the following instructions should be noted:

1. Seal Bids are due Friday, January 25, 2013 by 2:00 p.m. at Votum's office located at 711 West Amelia Street, Suite 1, Orlando, FL 32805. Faxed or emailed bids will not be accepted.
2. Bid Modification #1 issued Friday, January 18, 2013. Modifies Instructions to Bidders.
3. The Pre-Bid Meeting and tour will take place at the Parking Garage (Main Entrance) on Thursday, January 17, 2013 at 2:00 PM. The Pre-Bid Meeting is not mandatory.
4. PROJECT SCHEDULE: Construction starts immediately with Substantial Completion within 90 days.

5. Subcontractor will be required to furnish separate performance and payment bonds in the full amount of the contract price, the form and contents of such bonds and the surety or sureties thereon are to be satisfactory to Votum. Bonds may be required for all subcontracts with a value greater than \$100,000. The cost to supply these bonds shall be included to the base proposal.

6. The Owner may elect to utilize their tax exempt status for certain material. Subcontractors will be required to participate in an Owner Direct Purchase program on all purchases over \$10,000 from a single vendor. Sales tax shall be included in your proposal amount. The anticipated sales tax savings is to be identified on the on the Proposal form.

7. Subcontractors are strongly encouraged to utilize MBE/WBE participation on the project in accordance with Votum's goals to purchase goods and employ the services of MBE/WBE organizations. The project goal is to achieve 20% MBE/WBE participation.

8. Subcontractors shall guarantee their offer for ninety (90) calendar days from the bid date.

9. All questions regarding this solicitation shall be written and faxed to the attention of Teska Dillard fax # (407)704-2854 or emailed at tdillard@votumllc.com.

10. FAILURE TO FILE A PROTEST WITHIN THE TIME PRESCRIBED IN SECTION 120.57(3), FLORIDA STATUTES, SHALL CONSTITUTE A WAIVER OF PROCEEDINGS UNDER CHAPTER 120, FLORIDA STATUTES. ALL BIDS/PROPOSALS/NEGOTIATIONS ACCEPTED BY THE STATE ARE SUBJECT TO THE STATES TERMS AND CONDITIONS AND ANY AND ALL ADDITIONAL TERMS AND CONDITIONS SUBMITTED BY THE BIDDERS/PROPOSERS/ NEGOTIATION ARE REJECTED AND SHALL HAVE NO FORCE AND EFFECTS.

Votum reserves the right to reject any or all bids, any parts therein and reserves the right to award the Work to the most responsive bidder, at the sole discretion of Votum.

Section XII Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Receipt of Applications for Permit Coverage under the State's Generic Permit for MS4's

The Department announces receipt of the applications listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from the City of Gulf Breeze and Town of Baldwin. The applications are being processed and are available for public inspection during normal business hours, 8 a.m. to 5 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed applications, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms. Heather Ritchie, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (M.S. 2500) Tallahassee, FL 32399-2400

Section XIII

Index to Rules Filed During Preceding Week

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