

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

### DEPARTMENT OF CORRECTIONS

**RULE NOS.:**                   **RULE TITLES:**  
33-601.226                   Youthful Offender Program  
  Participation

33-601.236                   Basic Training Program – Operation  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend Forms DC6-188, Inmate Promotional Request; DC6-193, Order Modifying Sentence; and DC3-234, Order Modifying Sentence and Placing Defendant on Probation. Form DC6-188 is being amended to include a check box so the inmate can simply indicate whether they received a high school diploma or GED prior to their incarceration, to clarify that the Institutional Classification Team and Review Board of Extended Day Program will be reviewing information contained on the form, to reflect that the inmate should send the form to the Extended Day Sergeant, and to modify some of the formatting. Forms DC6-193 and DC3-234 are being amended to update language in order to be consistent with the current language used in the order of supervision conditions.

**SUBJECT AREA TO BE ADDRESSED:** Youthful Offender Program Participation and Basic Training Program – Operations.

**RULEMAKING AUTHORITY:** 20.315, 944.09, 958.04, 958.045, 958.11 FS.

**LAW IMPLEMENTED:** 20.315, 944.09, 958.11, 958.12, 958.045 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399

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

33-601.226 Youthful Offender Program Participation.

(1) through (4) No change.

(5) Advancement to Phase III.

(a) A Phase II inmate wishing to participate in Phase III must apply for advancement using Form DC6-188, Inmate Promotional Request, and an evaluation by the ICT will be conducted to determine whether the inmate is eligible for

advancement to Phase III. Form DC6-188 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. <http://www.flrules.org/Gateway/reference.asp?No=Ref-01179>.

The effective date of this form is       July 30, 2008.

(b) No change.

(6) through (8) No change.

(9) Sentence Modification Process.

(a) through (d) No change.

(e) The community corrections intake office shall complete Form DC6-193, Order Modifying Sentence, and submit it to the court for approval or disapproval within 5 working days from receipt of the request. Form DC6-193 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. <http://www.flrules.org/Gateway/reference.asp?No=Ref-01180>.

The effective date of this form is       April, 2012.

(f) through (j) No change.

(10) No change.

Rulemaking Authority 944.09, 958.04, 958.11 FS. Law Implemented 944.09, 958.11, 958.12 FS. History–New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03, 9-16-04, 5-28-12, \_\_\_\_\_.

33-601.236 Basic Training Program – Operation.

(1) through (4) No change.

(5) Request for Sentence Modification.

(a) through (e) No change.

(f) The sentence modification packet shall include the following:

1. No change.

2. A completed Order Modifying Sentence and Placing Defendant on Probation, Form DC3-234, hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is       10-10-04.

3. through 5. No change.

(g) through (l) No change.

(6) No change.

Rulemaking Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History–New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended 3-13-01, Formerly 33-506.206, Amended 1-17-02, 10-3-02, 10-10-04, \_\_\_\_\_.

Section II  
Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

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

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

SUMMARY: The proposed new rule was developed in cooperation with the Florida Department of Health (FDOH) to address self-administration of pancreatic enzyme medication for students with pancreatic insufficiency or cystic fibrosis.

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 been prepared by the agency.

The implementation of the rule will have no financial impact on the Department of Education as implementation will be done with existing resources. School districts may have some costs associated with additional training of staff but any costs are expected to be de minimus. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs.

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: 1002.20(3)(k) FS.  
 LAW IMPLEMENTED: 1002.20(3)(k), 1006.062(4) FS.  
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 19, 2013, 8:00 a.m.  
 PLACE: Tallahassee, Florida (The physical location will be posted on the Department’s website no later than 14 days prior to the meeting at <http://www.fldoe.org>)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Monica Verra-Tirado, Chief, Bureau of Exceptional Education and Student Services, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399, (850)245-0475, [Monica.Verra-Tirado@fldoe.org](mailto:Monica.Verra-Tirado@fldoe.org)

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0252 Use of Prescribed Pancreatic Enzyme Supplements.

(1) Definitions.

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

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

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

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

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

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

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: February 6, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: December 18, 2012

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-8.002	Definitions
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.0095	Personnel
59A-8.022	Clinical Records
59A-8.0245	Advance Directives
59A-8.027	Emergency Management Plans

**PURPOSE AND EFFECT:** The purpose is to provide new rules for oversight by the director of nursing and the use of a recent unannounced licensure survey related to a licensure application for a change of ownership as required in Sections 400.497(5) and (6), F.S.; to remove items that are now in Florida Statutes and Chapter 59A-35, F.A.C.; to revise personnel rules to remove the one year experience requirement for physical therapists and occupational therapists and their assistants and make other rule revisions to reduce the regulatory burden on home health agencies; to update the license fee to the August 1, 2010 amount to conform to the consumer price index increase required in Section 408.805(2), F.S. and to remove the requirement to remove rubber stamped signatures for physicians to prevent fraud; and to update the web site addresses, the licensing unit's name and definitions.

**SUMMARY:** Rule 59A-8.002, F.A.C., adds the definition of "nursing care" used in the definition of "home health services" in Section 400.462, F.S., deletes one definition since the definition is now in state law and updates the definition of "accrediting organization" to add another accrediting organization approved by CMS.

Paragraph 59A-8.003(5)(c), F.A.C., adds that changes of ownership will demonstrate compliance with state laws by recent unannounced inspection not more than 24 months prior as required in Section 400.497(6), F.S. Rule 59A-8.003, F.A.C., also adds that training of home health agency staff may be done at drop-off sites. The license fee amount is updated to show the consumer price index increase that was implemented August 1, 2010 as required in Section 408.805(2), F.S. The change of address requirements are deleted and the rule refers to Rule 59A-35.040, F.A.C. Makes other minor changes – adds accrediting organization survey where surveys are mentioned since agencies licensed since July 1, 2008 must be accredited per Section 400.471(2)(h), F.S.; updates web site address and unit name; updates numbering of law sections since there have been changes in the laws.

Rule 59A-8.004, F.A.C., removes the application forms and licensing procedures, including background screening, and refers to Rules 59A-35.060, 59A-35.062, F.A.C. and Section 408.809, F.S. that now contain uniform health care licensing procedures for the Agency. The submission of an affidavit form for compliance with the background screening requirements in Section 400.512, F.S., has been removed since the affidavit statement has been added to the licensure application form. To comply with Section 400.471(7), F.S., a one page attestation form is submitted with the application when any owners, officers or members of a home health agency in the same county are applying for a license for a new agency.

Rule 59A-8.0095, F.A.C., updates and eliminates various personnel requirements. The requirement to submit resume and affidavit of good moral character when there is a change in the administrator or alternate administrator is removed. Additional oversight by the director of nursing is added as required in Section 400.497(5), F.S., including items for quality assurance and verification that services were provided. Specified competencies for certified nursing assistants are removed. Patient care tasks that can be done related to elimination are clarified for home health aides and certified nursing assistants. The nurses, physical therapist and occupational therapist sections state that services will be provided in compliance with the state practice acts. The one year of experience requirement for physical therapists, physical therapist assistants, occupational therapists, and occupational therapists assistants is removed. For homemakers and companions, clients may be verbally reminded to take their medications.

Rule 59A-8.022, F.A.C., removes rubber stamp signatures for physicians.

Rule 59A-8.0245, F.A.C., revises the date and web site address for the "Health Care Advance Directives – The Patients' Right to Decide" and removes a paragraph that repeats what is already in state law.

Rule 59A-8.027, F.A.C., updates the emergency management plan format to include the title "safety liaison" as the primary contact per Section 408.821, F.S. and include caregivers remaining with patients at special needs shelters per the Department of Health.

Other minor changes are made to update the Agency's web site address and licensing unit name, and update the numbering of law sections to conform to law changes.

### 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 been prepared by the agency.

Statement of estimated regulatory costs has been prepared for proposed rule revisions in Rules 59A-8.003 and 59A-8.0095, F.A.C. and is available at <http://ahca.myflorida.com/homecare>, select "Home Health Agency" or from the person to be contacted regarding this rule listed below. The following is a summary of the SERC:

For proposed paragraph 59A-8.0095(2)(d), F.A.C., the Agency estimates that 3% of the home health agencies may have one-time costs if the certified report required in Section 400.497(5), F.S. is requested by a surveyor for a specified time period when there is concern that services were not provided by a staff person, such as when investigating complaints of patient neglect, false billing or falsification of records. In order to keep costs to a minimum, the proposed rule permits home health agencies to use existing documents in any format to show that staff provided the services.

For proposed paragraph 59A-8.0095(2)(e), F.A.C., any home health agency that provide skilled nursing that is not already doing quality assurance record reviews quarterly will incur a cost each quarter year, depending on the number of records the agency chooses to review. The sample size is to be determined by each agency. Two additional items are added to the record reviews that are not in the existing state rule to meet the requirements in Section 400.497(5), F.S. The Agency estimates 400 of the 2,270 home health agencies will incur some cost as explained in the Statement of Estimated Regulatory Cost. The Agency for Health Care Administration will incur the cost of rulemaking, as well the costs associated with enforcing the proposed changes. There is no cost to local government for the revisions in this rule since none of these changes affect local government entities.

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: 400.497 FS.

LAW IMPLEMENTED: 400.497(5), (6) 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: Anne Menard, Supervisor, Home Care Unit, Bureau of Health Facility Regulation, [Anne.Menard@ahca.myflorida.com](mailto:Anne.Menard@ahca.myflorida.com), (850)412-4385

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-8.002 Definitions.

(1) "Accrediting organization" means the Community Health Accreditation Program ~~or The Joint Commission, or the Accreditation Commission for Health Care the Joint Commission on Accreditation of Healthcare Organization.~~

(2) through (8) No change.

~~(9) "Direct employee" means an employee for whom one of the following entities pays withholding taxes: a home health agency; a management company that has a contract to manage the home health agency on a day-to-day basis; or an employee leasing company that has a contract with the home health agency to handle the payroll and payroll taxes for the home health agency.~~

(10) through (20) renumbered (9) through (19) No change.

(20) "Nursing care" means treatment of the patient's illness or injury by a registered nurse or a licensed practical nurse that is ordered as required in 400.487(2), F.S. and included in the plan of care.

(20) through (38) renumbered (21) through (39) No change.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.462, 400.487 FS. History--New 4-19-76, Formerly 10D-68.02, Amended 4-30-86, 8-10-88, 5-30-90, 5-27-92, Formerly 10D-68.002, Amended 4-27-93, 10-27-94, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07.

59A-8.003 Licensure Requirements.

(1) The issuance of an initial license shall be based upon compliance with Chapter 400, Part III, F.S., and this rule as evidenced by a signed and notarized, complete and accurate home health agency application, as referenced in subsection 59A-8.004(1), F.A.C., and the results of a survey conducted by ~~the AHCA,~~ an accrediting organization as required in Section 400.471, F.S.

(2) An application for renewal of the current license must be submitted to AHCA at least 60 days prior to the date of expiration of the license, pursuant to Section 408.806(2), F.S. It is the responsibility of the home health agency to submit an application within the specified time frames whether or not they receive separate notification from AHCA of the impending expiration of the license. Home health agencies ~~that~~ apply for renewal of their licenses will be surveyed by AHCA or an accrediting organization as defined in Rule 59A-8.002, F.A.C., pursuant to Sections 408.811 and 400.471(2), F.S.; based on the extent of compliance on previous surveys and complaint investigations with these rules and state laws. Home health agencies will be surveyed on an unannounced basis at least every 36 months. Area offices may do follow up surveys to check on correction of deficiencies at any time on an unannounced basis. An exit conference will be conducted to report the findings and to receive additional information or clarification concerning the survey.

(3) Surveys of Accredited Home Health Agencies:

(a) It is the responsibility of the home health agency to request exemption from state licensure surveys pursuant to Section 400.471(2)(9), F.S., by submitting documentation of accreditation by an approved accrediting organization and the most recent survey from the accrediting organization to the AHCA Home Care Licensed Home Health Programs Unit.

(b) Home health agencies that complete (a) will not be subject to licensure surveys by AHCA except under the following circumstances:

1. The HHA has been denied accreditation, has received a preliminary determination of denial of accreditation, or has received a provisional, conditional, or deferred accreditation report from the accrediting organization on its most recent survey, or

2. The HHA has received ~~full~~ accreditation but has not authorized the release of the report to the AHCA, or has not ensured that AHCA has received the accrediting organization's report.

(4) and (5) No change.

(6) An application package for a change of ownership shall be made on a form prescribed by AHCA, as referenced in paragraph 59A-35.060(1)(m) subsection 59A-8.004(1), F.A.C.

(a) The buyer or lessee must make application to AHCA for a new license at least 60 days before the date of the transfer of ownership as required by Section 408.807(1) and (2), F.S.

(b) At the time of the transfer of ownership all patient or client records held by the current licensee shall be transferred to the applicant.

(c) An application for a change of ownership license will not be approved if a home health agency has not demonstrated compliance with the requirements in Chapter 408, Part II, and Chapter 400, Part III, F.S., through an unannounced inspection not more than 24 months prior to submission of the application, pursuant to Section 400.497(6), F.S.

1. The inspection may be done by an accrediting organization. However, if the home health agency being sold is accredited or was licensed July 1, 2008 or later, the inspection must be done by an accrediting organization as required in Section 400.471(2), F.S.; or

2. The inspection may be conducted in conjunction with an unannounced Medicare or Medicaid certification or recertification survey.

~~(d)~~(e) Failure to apply for a change of ownership of a licensed home health agency as required by Sections 408.806(2)(b) and 400.471, F.S., shall result in a fine set and levied by AHCA pursuant to Section ~~400.474(1)(2)(a)~~ ~~400.474(8)~~, F.S. This is also applicable to owners who incorporate and do not report this change of ownership to the home health agency.

(7) No change.

(8) A licensed home health agency may operate a drop-off site in any county within the geographic service area specified on the license. A drop-off site may be used for pick-up or drop-off of supplies or records, for agency staff to use to complete paperwork or to communicate with the main office, existing or prospective agency staff, or the agency's existing patients or clients. Prospective patients or clients cannot be contacted and billing cannot be done from this location. The drop-off site is not a home health agency office, but merely a

work station for direct care staff in large areas where the distance is too great for staff to drive back frequently to the home health agency office. Training of home health agency staff can be done at a drop-off site. A drop-off site shall not require a license. No other business shall be conducted at these locations, including housing of records. The agency name cannot appear at the location, unless required by law or by the rental contract, nor can the location appear on agency letterhead or in advertising.

(9) If a change of address is to occur, or if a home health agency intends to open a satellite office, the home health agency must provide ~~14 days advance~~ notice in writing to the AHCA Home Care Licensed Home Health Programs Unit in Tallahassee and the AHCA area office as required in Rule 59A-35.040, F.A.C. The home health agency must submit to the AHCA Home Care Licensed Home Health Programs Unit a certificate of occupancy, certificate of use, or evidence that the location is zoned for a home health agency business for the new address and evidence of legal right to the property in accordance with Section 408.810(6), F.S. ~~Failure to notify AHCA within the time frame will result in a \$500 fine, pursuant to Sections 408.813 and 400.474(1), F.S. Emergency relocations must be reported within seven days, with the reason for the relocation documented, to avoid a penalty assessment. An emergency relocation can be due to any of the following situations: 1) an eviction notice; 2) environmental conditions on or near the site which are not conducive to the health and well being of staff and clients, including a fire or flooding; 3) an element near the site which would make the premises harmful or dangerous; 4) circumstances arising from or caused by weather conditions and/or a natural disaster; or 5) a change in property zoning that requires the home health agency to move.~~

(10) No change.

(11) The initial, change of ownership and renewal fee for home health licensure is ~~\$1,705~~ \$1,660.

(12) If licensure application fee checks are returned by the financial institution due to insufficient funds, the issuance of a license may be delayed, denied or revoked.

(13) Upon revocation, suspension, voluntary or involuntary termination of a license, the home health agency shall return its license to AHCA. If the provider voluntarily chooses to terminate the license, the provider must notify AHCA, as required in Section 408.810(4)(a), F.S. This includes submitting a letter to the address: AHCA Home Care Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308, officially declaring the closure date of the home health agency.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.464, 400.471, 400.474, 400.484, 400.497 FS. History—New 4-19-76, Formerly 10D-68.03, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, Formerly 10D-68.003, Amended 4-27-93, 10-27-94, 1-30-97, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, \_\_\_\_\_.

## 59A-8.004 Licensure Procedure.

(1) An application for licensure, initial, change of ownership, or renewal, shall be made on a form prescribed by the AHCA in paragraph 59A-35.060(1)(m), F.A.C.: Home Health Agency Application for Initial Licensure, form number, AHCA 3110-1001, Revised July 2005; Application for Renewal of Licensure, form number, AHCA 3110-1011, January 2006; and Application for Change of Ownership, form number AHCA 3110-1012, July 2005, is all incorporated by reference. These forms may be obtained at the AHCA web site, <http://ahca.myflorida.com> under "Licensing & Certification" and then under "Home Health Agency". If the requestor is unable to obtain the documents from the web site, the forms may be obtained from the AHCA Licensed Home Health Programs Unit by contacting (850) 414-6010, and sending a check or money order to cover the Agency's costs for the copying and mailing.

(2) The applicant shall identify its legal name, its business name, and the names and addresses of corporate officers and directors, the name and address of each person having at least a 5% equity interest in the entity and other information as required in Section 408.806(1), F.S. For initial and change of ownership applications and corporate name changes, a current certificate of status or authorization pursuant to Chapter 607, F.S., is required.

(3) If the applicant is a partnership, the name and address of each partner, its legal name, and the business name and address must be identified. For initial and change of ownership applications and partnership name changes, a current certificate of status or authorization for limited partnerships, pursuant to Chapter 620, F.S., is required. For initial and change of ownership applications and for name changes for general partnerships, a current certificate of status or authorization or an affidavit of fictitious name must be submitted.

(2)(4) For initial and change of ownership applications and name changes, an affidavit of fictitious name is required when the home health agency chooses to operate under a name other than the name of the partnership, or corporation; or limited liability company pursuant to Section 865.09, F.S.

(3)(5) For initial applications, including changes of ownership, the applicant must submit proof of financial ability to operate, pursuant to Section 400.471(3), 408.810 and 408.8065, F.S., and Rule 59A-35.062, F.A.C. The compliance is demonstrated by completion of AHCA Form 3110-1013, December 2004. Applications for changes of ownership and applications for initial licensure from agencies that failed to renew their licenses before expiration are not required to submit Schedule 1 of AHCA Form 3110-1013, December 2004.

(4) An applicant for initial license shall sign the form AHCA 3110-1026, Attestation of Compliance with Distance Requirements, April 2010, which is incorporated by reference.

pursuant to Section 400.471(7), F.S. The form may be obtained at the AHCA web site, <http://ahca.myflorida.com/homecare>; at the site, select "Home Health Agency" and then select the "Application" tab. The authorized representative signing this form attests no officer or controlling interest of the applicant agency are officers or controlling interests of another home health agency located within 10 miles of the applicant agency and is in the same county.

(6) An applicant for renewal of licenses shall not be required to provide proof of financial ability to operate, unless the applicant has demonstrated financial inability to operate, as defined in subsection 59A-8.002 (16), F.A.C. If a licensee has shown signs of financial instability at any time, pursuant to Section 408.810(8), F.S., AHCA shall require proof of financial ability to operate, by submitting schedules 2 through 7 of AHCA Form 3110-1013, December 2004, described in subsection (5) above, and documentation of correction of the financial instability, to include evidence of the payment of any bad checks, delinquent bills or liens. If complete payment cannot be made, evidence must be submitted of partial payment along with a plan for payment of any liens or delinquent bills. If the lien is with a government agency or repayment is ordered by a federal, state, or district court, an accepted plan of repayment must be provided.

(7) The applicant shall submit a signed affidavit with the application and annually thereafter as required in Sections 400.512 and 435.04(5), F.S., from the administrator affirming that the administrator, the financial officer, and all direct and contract personnel who enter the home in the capacity of their employment have been screened. This Affidavit of Compliance with Screening Requirements, form number AHCA 3110-1014, Revised December 2006, incorporated by reference, also confirms that all remaining personnel, who enter the home in the capacity of their employment, have worked continuously for the home health agency since before October 1, 2000.

(8) New administrators and financial officers may work on probationary status, once they have submitted the documents described in subsection (9) below, including a signed and notarized copy of the Affidavit of Compliance with Background Screening Requirements, AHCA 3100-0008, December 2006, incorporated by reference, pending a determination of compliance with minimum standards set forth in Chapter 435, F.S. New direct or contract personnel who enter the home in the capacity of their employment may work on probationary status, once they have submitted the documents described in subsection (10) below, including a signed and notarized copy of the Affidavit of Good Moral Character, AHCA 3110-0001, Revised December 2006, incorporated by reference, pending a determination of compliance with minimum standards set forth in Chapter 435, F.S.

~~(5)(9)~~ Background screening for the administrator and the financial officer shall be in accordance with level 2 standards for screening set forth in Section 408.809, F.S. and Rule 59A-35.090, F.A.C. ~~The fingerprint card for level 2 screening for the administrator and the financial officer can be obtained from the Agency for Health Care Administration, Licensed Home Health Programs Unit, by calling (850) 414-6010 or sending a request by fax to (850) 922-5374. The completed fingerprint card should be submitted with a check or money order to cover the cost of the screening to the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308.~~

~~(6)(10)~~ Level 2 background screening ~~Screening for good moral character for employees and all personnel, including contractors, who enter the home shall be done as required in Rule 59A-35.090, F.A.C. and Section 408.809, F.S. consist of: Submission of the Request for Level 1 Criminal History Check, AHCA form 3110-0002, July 2005, incorporated by reference. The FDLE form can be submitted either through AHCA's Background Screening Unit, directly to FDLE, or through a third party vendor that obtains the statewide criminal history through the FDLE. The address for submission to AHCA's Background Screening Unit is AHCA Background Screening Unit, Mail Stop 40, 2727 Mahan Drive, Tallahassee, Florida 32308. The address for submission through FDLE is FDLE, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302. The form may be obtained at the Agency for Health Care Administration web site, <http://ahea.myflorida.com>, at the Background Screening page. The cost of processing the screening request must be paid by the home health agency or the employee being screened. The check must accompany the screening request and be made payable to AHCA if the request is submitted to AHCA, to the FDLE if the request is submitted to the FDLE, or to the home health agency's agent, if one is used for FDLE screening.~~

~~(11)~~ ~~Employees who have direct patient contact and are found to have a disqualifying offense cannot continue patient contact unless they obtain an exemption. Administrators and financial officers who have a disqualifying offense cannot continue in those positions unless they obtain an exemption. Exemptions can be requested as defined in Section 400.512(1), F.S.~~

~~(12)~~ If the home health agency provides staffing to nursing homes, any staff who have not lived in Florida for the past five years must have level 2 screening as required by Section 400.215, F.S.

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.471, 400.512, 408.810 FS. History—New 4-19-76, Formerly 10D-68.04, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, 10-6-91, Formerly 10D-68.004, Amended 4-27-93, 10-27-94, 1-30-97, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, \_\_\_\_\_.

59A-8.0095 Personnel.

(1) Administrator.

(a) The administrator of the agency shall:

1. Meet the criteria as defined in Section 400.462(1), F.S. and Section 400.476(1), F.S.

2. Designate, in writing a direct employee or an individual covered under a management company contract to manage the home health agency or an employee leasing contract, ~~pursuant to Section 468.520, F.S.~~, that provides the agency with full control over all operational duties and responsibilities to serve as an on-site alternate administrator during absences of the administrator. This person will be available during designated business hours, when the administrator is not available. Available during designated business hours means being readily available on the premises or by telecommunications. During the absence of the administrator, the on-site alternate administrator will have the responsibility and authority for the daily operation of the agency. The alternate administrator must meet qualifications as stated in Section 400.462(1), F.S.

(b) If an agency changes administrator ~~or alternate administrator~~ the agency shall notify the AHCA Home Care Licensed Home Health Programs Unit office in Tallahassee as required in subsection 59A-35.110(1), F.A.C., prior to or on the date of the change. Notification shall consist of submission of the person's name, professional resume, and a statement that the person meets the qualifications in Sections 400.476(1) and 400.462(1), F.S. professional license, if applicable, and a copy of the Affidavit of Good Moral Character. Send the notification by mail to AHCA Home Care Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308. The administrator also must submit level 2 screening, pursuant to Section 408.809, F.S. and Rule 59A-35.090 ~~subsection 59A-8.004(9), F.A.C., or inform the Home Care Licensed Home Health Programs Unit that level 2 screening was previously submitted.~~

(2) Director of Nursing.

(a) The director of nursing of the agency shall:

1. through 4. No change.

(b) The director of nursing, the administrator, or alternate administrator ~~If the administrator is not a physician or registered nurse, the director of nursing shall:~~ establish

1. Establish service policies and procedures on biomedical waste for home health agencies providing nursing and physical therapy services. The Department of Health website has information on biomedical waste handling and the requirements at [www.doh.state.fl.us/Environment/Community/biomedical](http://www.doh.state.fl.us/Environment/Community/biomedical).

(c) The director of nursing shall:

1. Establish policies and procedures that are consistent with in compliance with Chapter 64E 16, F.A.C., and state health statutes and administrative rules pursuant to Section 381.0011(4), F.S., which generally conform to recommended



Centers for Disease Control (CDC) and Occupational Safety and Health Agency (OSHA) guidelines for safety, universal precautions and infection control procedures;

2. Employ and evaluate nursing personnel;
3. Coordinate patient care services; and
4. Set or adopt policies for, and keep records of criteria for admission to service, case assignments and case management.

(d) The director of nursing shall establish a process to verify that services were provided. The home health agency must be able to validate that patient or client care was provided as ordered and specified in the plan of care or written agreement. The surveyor may request a certified report that verifies the services provided by a specified direct service staff person or contracted staff person for a specified time period as permitted in Section 400.497(5)(b), F.S. A certified report shall be in the form of a written or typed document or computer printout and signed by the director of nursing. The report must be provided to the surveyor within two hours of the request, unless the time period requested is longer than one year, then the report must be provided within three hours of the request.

(e)(e) The director of nursing shall establish, and conduct, and document an ongoing quality assurance program. The program shall include at least quarterly, the review of the care and services of a sample of both active and closed clinical records by the director of nursing. The director of nursing may delegate some of the record review to registered nurses or therapists when there are therapy patient records to review. The quality assurance program is to assure that which assures:

1. The home health agency accepts patients whose home health service needs can be met by the home health agency;

2.4. Case assignment and management is appropriate, adequate, and consistent with the plan of care, medical regimen and patient needs. Plans of care are individualized based on the patient's needs, strengths, limitations and goals;

3.2. Nursing and other services provided to the patient are coordinated, appropriate, adequate, and consistent with plans of care.

4.3. All services and outcomes are completely and legibly documented, dated and signed in the clinical service record;

5. The home health agency's policies and procedures are followed;

6.4. Confidentiality of patient data is maintained; and

7.5. Findings of the quality assurance program are used to improve services.

(f)(f) In an agency with less than a total of 10 full time equivalent employees and contracted personnel, the director of nursing may also be the administrator.

(3) Registered Nurse.

(a) A registered nurse shall be currently licensed in the state, pursuant to Chapter 464, F.S., and:

1. Be the case manager in all cases involving nursing or both nursing and therapy care.

2. Be responsible for the clinical record for each patient receiving nursing care; and

3. Assure that progress reports are made to the physician, physicians assistant or advanced registered nurse practitioner for patients receiving nursing services when the patient's condition changes or there are deviations from the plan of care.

4. Provide nursing services within the scope of practice authorized by the license issued by the State of Florida for a registered nurse.

(b) No change.

(4) Licensed Practical Nurse.

(a) No change.

(b) A licensed practical nurse shall:

1. Prepare and record clinical notes for the clinical record;

2. Report any changes in the patient's condition to the registered nurse with the reports documented in the clinical record;

3. Provide care to the patient including the administration of treatments and medications within the scope of practice authorized by the license issued by the State of Florida for a licensed practical nurse; and

4. Perform other ~~Other~~ duties assigned by the registered nurse, pursuant to Chapter 464, F.S.

(5) Home Health Aide and Certified Nursing Assistant.

(a) through (c) No change.

(d) For every home health aide, a home health agency shall have on file documentation of successful completion of at least forty hours of training, ~~pursuant to Section 400.497(1), F.S.;~~ in the following subject areas or successful passage of the competency test as stated in paragraph (j), pursuant to Section 400.497(1), F.S.:

1. through 16. No change.

(e) through (h) No change.

~~(i) A home health agency shall ensure that a certified nursing assistant has competency in the home health core curriculum listed in subparagraphs 59A-8.0095(5)(d)2. and 13. through 16., F.A.C.~~

~~(i)(j) No change.~~

~~(j)(k) A licensed home health agency may choose to administer the Home Health Aide Competency Test, form number AHCA 3110-1007, February, 2001, incorporated by reference, in lieu of the forty hours of training required in paragraph 59A-8.0095(5)(d), F.A.C. This test is designed for home health agencies to determine competency of potential employees. This written and practical test can only be used by licensed-only agencies. Medicare and Medicaid home health agencies must follow the training requirements in 42 Code of Federal Regulations 484.~~

1. through 3. No change.

~~(k)(l) Home health aides and CNA's must receive in-service training each calendar year, pursuant to Section 400.497(1), F.S. HIV educational requirements are listed in~~



~~paragraph 59A-8.0185(2)(b), F.A.C.~~ Training must be provided to obtain and maintain a certificate in cardiopulmonary resuscitation. Medicare and Medicaid agencies should check federal regulations for additional in-service training requirements.

~~(1)(m)~~ Responsibilities of the home health aide and CNA shall include:

1. The performance of all personal care activities contained in a written assignment by a licensed health professional employee or contractor of the home health agency and which include assisting the patient or client with personal hygiene, ambulation, eating, dressing, shaving, physical transfer, and other duties as assigned;

2. Maintenance of a clean, safe and healthy environment, which may include light cleaning and straightening of the bathroom, straightening the sleeping and living areas, washing the patient's or client's dishes or laundry, and such tasks to maintain cleanliness and safety for the patient or client;

3. Other activities as taught by a licensed health professional employee or contractor of the home health agency for a specific patient or client and are restricted to the following:

a. Assisting with ~~the change of a colostomy bag,~~ reinforcement of dressing,

b. Assisting with tasks associated with elimination:

i. Toileting

ii. Assisting with the use of the bedpan and urinal

iii. Providing catheter care including changing the urinary catheter bag

iv. Collecting specimens

v. Emptying ostomy bags, or changing bags that do not adhere to the skin

~~c.~~ Assisting with the use of devices for aid to daily living, such as a wheelchair or walker,

~~d.~~ Assisting with prescribed range of motion exercises,

~~e.~~ Assisting with prescribed ice cap or collar,

~~f.~~ Doing simple urine tests for sugar, acetone or albumin,

~~g.~~ Measuring and preparing special diets,

~~h.~~ Measuring intake and output of fluids, and

~~i.~~ Measuring temperature, pulse, respiration or blood pressure;

4. Keeping records of personal health care activities; and

5. Observing appearance and gross behavioral changes in the patient or client, ~~and~~ reporting to the registered nurse; and

6. Supervision of self-administered medication in the home is limited to the following:

a. Obtaining the medication container from the storage area for the patient or client,

b. Ensuring that the medication is prescribed for the patient or client,

c. Reminding the patient or client that it is time to take the medication as prescribed, and

d. Observing the patient or client self-administering the medication.

~~(m)(n)~~ through ~~(r)(s)~~ No change.

(6) Physical Therapist and Physical Therapist Assistant.

(a) The physical therapist shall be currently licensed in the state, pursuant to Chapter ~~486~~ 485, F.S., ~~with at least 1 year of experience in physical therapy.~~ The physical therapist assistant shall be currently licensed in the state, pursuant to Chapter ~~486~~ 485, F.S.; ~~with at least 1 year of experience under the supervision of licensed physical therapist.~~

1. Services provided by the physical therapist shall be performed within the scope of practice authorized by the license issued by the State of Florida for the practice of physical therapist.

2. Services provided by the physical therapist assistant will be provided under the general supervision of a licensed physical therapist and shall not exceed any of the duties authorized by the license issued by the State of Florida for the practice of physical therapist assistant outlined in this section. General supervision means the supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist. The physical therapists shall be accessible at all times by two way communication, which enables the physical therapist to be readily available for consultation during the delivery of care.

(b) The responsibilities of the physical therapist are:

1. through 5. No change.

(7) No change.

(8) Occupational Therapist and Occupational Therapist Assistant.

(a) The occupational therapist shall be currently licensed in the state, pursuant to Chapter 468, F.S., ~~with one year of experience in occupational therapy~~ and the occupational therapist assistant shall be currently licensed in the state, pursuant to Chapter 468, F.S., ~~with one year of experience under the supervision of a licensed occupational therapist.~~ Duties of the occupational therapist assistant shall be directed by the licensed occupational therapist and shall be within the scope of practice authorized by the license issued by the State of Florida for the practice of occupational therapist assistant not exceed those outlined in this section.

(b) No change.

(9) through (11) No change.

(12) Homemakers and Companions.

(a) The homemaker shall:

1. Maintain the home in an optimum state of cleanliness and safety depending upon the client's ~~patient's~~ and the caregiver's resources;

2. Perform the functions generally undertaken by the customary homemaker, including such duties as preparation of meals, laundry, shopping, household chores, and care of children;

3. Perform casual, cosmetic assistance, such as brushing the client’s hair and assisting with make-up, filing and polishing nails but not clipping nails;

4. Stabilize the client when walking, as needed, by holding the client’s arm or hand;

5. Report to the appropriate supervisor any incidents or problems related to his work or to the caregiver;

6. Report any unusual incidents or changes in the client’s ~~patient’s~~ behavior to the case manager; and

7. Maintain appropriate work records.

8. If requested by the client or his responsible party, the homemaker may verbally remind the client that it is time to for the client to take his or her medicine.

(b) The companion shall:

1. Provide companionship for the client patient;

3. Provide light housekeeping tasks such as preparation of a meal or laundering the client’s patient’s personal garments;2. Accompany Provide escort service such as accompanying the client patient to doctor appointments, recreational outings, or shopping;

4. Perform casual, cosmetic assistance, such as brushing the client’s hair and assisting with make-up, filing and polishing nails but not clipping nails;

5. Stabilize the client when walking, as needed, by holding the client’s arm or hand;

6. Maintain a chronological written record of services; and

7. Report any unusual incidents or changes in the client’s ~~patient’s~~ behavior to the case manager.

8. If requested by the client or his responsible party, the companion may verbally remind the client that it is time for the client to take his or her medicine.

Rulemaking Specific Authority 400.497 FS. Law Implemented ~~400.462, 400.471, 400.476,~~ 400.487, 400.488, 400.497 FS. History–New 1-20-97, Amended 1-17-00, 7-18-01, 9-22-05, 8-15-06, \_\_\_\_\_.

59A-8.022 Clinical Records.

(1) through (5) No change.

(6) The following applies to signatures in the clinical record:

(a) No change.

(b) Alternative Signatures.

1. Home health agencies that maintain patient records by computer rather than hard copy may use electronic signatures. However, all such entries must be appropriately authenticated and dated. Authentication must include signatures, written initials, or computer secure entry by a unique identifier of a primary author who has reviewed and approved the entry. The home health agency must have safeguards to prevent unauthorized access to the records and a process for reconstruction of the records in the event of a system breakdown.

~~2. Home health agencies may accept a physician’s rubber stamp signature. The individual whose signature the stamp represents must place in the administrative offices of the home health agency a signed statement attesting that he/she is the only one who has the stamp and uses it.~~

Rulemaking Specific Authority 400.497 FS. Law Implemented 400.491, 400.494, ~~400.497~~ FS. History–New 4-19-76, Amended 2-2-77, Formerly 10D-68.22, Amended 4-30-86, 8-10-88, Formerly 10D-68.022, Amended 10-27-94, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, \_\_\_\_\_.

59A-8.0245 Advance Directives.

(1) No change.

(2) The home health agency’s policy shall include:

(a) Providing each adult patient, in advance of receiving services, with a copy of “Health Care Advance Directives – The Patients’ Right to Decide”, as prepared by the Agency for Health Care Administration, revised April 2006 February, 2004, and available at <http://www.floridahealthfinder.gov/reports-guides/reports-guides.aspx> [http://www.fdhe.state.fl.us/MCHQ/Health\\_Facility\\_Regulation/HC\\_Advance\\_Directives](http://www.fdhe.state.fl.us/MCHQ/Health_Facility_Regulation/HC_Advance_Directives), which is hereby incorporated by reference, or with a copy of a document drafted by a person or organization other than AHCA which is a written description of Florida’s state law regarding advance directives;

(b) through (d) No change.

(3) Pursuant to Section 400.487(7), F.S., a home health agency may honor a DNRO as follows:

(a) Cardiopulmonary resuscitation may be withheld or withdrawn from a patient only if a valid Do Not Resuscitate Order (DNRO) is present, executed pursuant to Section 401.45, F.S. The Department of Health has developed a DNRO form that is described and available to the public as stated in Rule 64J-2.018, F.A.C.

~~(b) Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a Do Not Resuscitate Order (DNRO) and rules adopted by the agency, pursuant to Section 400.487(7), F.S. Any licensed professional home health agency personnel, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45, F.S., will not be subject to prosecution or civil liability for his/her performance regarding patient care.~~

Rulemaking Specific Authority 400.487, 765.110 FS. Law Implemented 400.487, ~~400.497,~~ 765.110 FS. History–New 10-27-94, Amended 1-17-00, 9-22-05, \_\_\_\_\_.

59A-8.027 Emergency Management Plans.

(1) Pursuant to Section 400.492, F.S., each home health agency shall prepare and maintain a written comprehensive emergency management plan, in accordance with criteria shown in the “Comprehensive Emergency Management Plan

(CEMP),” AHCA Form 3110-1022, Revised May 2010 ~~December 2006~~, incorporated by reference. This document is available from the Agency for Health Care Administration at [http://ahca.myflorida.com/MCHO/Emergency\\_Activities/index.shtml](http://ahca.myflorida.com/MCHO/Emergency_Activities/index.shtml) ~~http://ahca.myflorida.com~~ and shall be used as the format for the home health agency’s emergency management plan. The plan shall describe how the home health agency establishes and maintains an effective response to emergencies and disasters.

(2) through (7) No change.

(8) On admission, each home health agency shall, pursuant to Section 252.355, F.S., inform patients and patient caregivers ~~of the home health agency’s procedures during and immediately following an emergency and inform patients~~ of the special needs registry maintained by their county Emergency Management office. The home health agency must document in the patient’s file if the patient plans to evacuate or remain at home; if during the emergency the patient’s caregiver can take responsibility for services normally provided by the home health agency; or if the home health agency needs to continue services to the patient. If the patient is a resident of an assisted living facility or an adult family care home, the home health agency must contact the assisted living facility or adult family care home administrator or designated emergency management personnel and find out the plan for evacuation of the resident in order to document the resident’s plans in the home health agency’s file for the patient. If it is determined the home health agency needs to provide continued services, it will be the responsibility of the home health agency to provide the same type and quantity of care for the patient in the special needs shelter during and after the emergency, equal to the care received prior to the shelter assignment as specified in Section 400.492, F.S., except in certain situations as specified in Section 400.492(3), F.S.

(9) through (17) No change.

Rulemaking Specific Authority ~~400.492, 400.497 FS.~~ Law Implemented 400.492, 400.497 FS. History–New 7-18-01, Amended 8-15-06, 3-29-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anne Menard, Supervisor, Home Care Unit, Bureau of Health Facility Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2013

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-302.110  
RULE TITLE: Written Monthly Reports  
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. 40, October 1, 2012 issue of the Florida Administrative Register.

The changes are in response to comments made at a public hearing held on November 28, 2012 and comments made by the Joint Administrative Procedures Committee in letters dated October 18, 2012, December 7, 2012 and January 30, 2013. The changes are as follows:

After the first sentence in subsection (1) the following sentence shall be added and it shall read as “The officer’s instructions regarding reporting shall comply with any specific (or special) conditions imposed by the court.”

Rule 33-302.110(1)(c) shall read as:

(c) Supervision status which generally refers to whether the offender is in active, active-suspense, out of state, or absconder status;

Rule 33-302.110(2) shall read as:

(2) When the offender reports, he/she shall provide full and truthful information relating to activities for the previous month including, but not limited to, phone/email changes, residence/employment changes, progress made on special conditions, and actions taken to address goals as specified on Form DC3-2026, Supervision Report. Form DC3-2026 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is \_\_\_\_\_. Additionally, unemployed offenders may be instructed by the probation officer to report job search efforts, which shall be documented and submitted by the offender in writing on regular paper or via Form DC3-2004, Job Search Log. Form DC3-2004 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 5/4/2004. Offenders participating in support groups shall be required to submit documentation of their attendance, as instructed by their probation officer, on Form DC3-2005, Support Group Meeting Log. Form DC3-2005 is hereby incorporated by reference. Copies of this form may be obtained from the Form Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 7/19/11. Certain sex offenders who are required to

maintain driving logs shall be required to record each travel occurrence when the offender is driving, either alone or when accompanied by a passenger (including the name[s] of the passenger if applicable) and submit this log to the probation officer on a monthly basis on Form DC3-244, Sex Offender Probation Driving Log. Form DC3-244 is incorporated by reference in Rule 33-302.108, F.A.C.

Rule 33-302.110(4) shall read as:

(4) Offenders who are required by supervision order to make payments shall do so by using one of the methods described on N11-118, Instructions for Payment. Form N11-118, is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_. The payment instruction information can also be accessed at [www.dc.state.fl.us](http://www.dc.state.fl.us) under the How Do I section entitled Pay Court Ordered Payments. If an offender chooses to make payment via the United States Postal Service the offender will mail the payment, along with a completed accompanying Form DC2-350, Court Ordered Payment System Deposit Form to the following address: Florida Department of Corrections, Court Ordered Payment System (COPS) Accounting, Centerville Station, P. O. Box 12300, Tallahassee, Florida 32317-2300. Form DC2-350 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-40.410	Water Supply Protection and Management
62-40.412	Water Conservation
62-40.473	Minimum Flows and Levels
62-40.474	Reservations

**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. 99, December 28, 2012 issue of the Florida Administrative Register.

62-40.410 Water Supply Protection and Management.

The following shall apply when the use of water is regulated pursuant to Part II of Chapter 373, F.S.:

(1) through (7) No change.

(8) For all water use classes, when economic conditions or population growth rates result in the actual water use being lower than permitted water use, a modification to reduce the permitted allocation shall only be made by the District when there is no reasonable likelihood that the allocation will be needed during the permit term. For agricultural consumptive use permits for irrigation, reductions in actual use compared to permitted consumptive use that are due to weather events, crop

diseases, nursery stock availability, or changes in crop type shall not result in a permit modification by the District to reduce the permitted allocation during the term of the permit ~~as long as the use for each crop remains efficient~~. Nothing in this subsection shall be construed to alter the Districts' authority to reduce permitted consumptive use under circumstances not addressed by this subsection, nor be construed to alter the water conservation requirements of the permit for the duration of the permit ~~to mean that water conservation requirements of the permit need not continue to be met throughout the term of the permit~~.

(9) No change.

Rulemaking Authority 373.016, 373.019, 373.026(7), 373.036, 373.043, 373.036, 373.171, 373.219, 373.223, 373.236 FS. Law Implemented 373.016, 373.019, 373.023, 373.026, 373.036, 373.042, 373.0421, 373.103, 373.171, 373.175, 373.219, 373.223, 373.233, 373.236, 373.246, 373.250, 373.413, 373.414, 373.416, 373.418, 373.703, 403.064, 403.0891 FS. History—New 7-20-95, Amended 5-7-05, 5-7-06, \_\_\_\_\_.

62-40.412 Water Conservation.

(1) through (3) No change.

(4) In order to incentivize conservation of water, if actual water use is less than permitted water use due to documented implementation of water conservation measures, the permitted ~~allocation water use~~ shall not be modified by the District due to these circumstances during the term of the permit to reduce the permitted allocation by the conserved amount. Nothing in this subsection shall be construed to alter the Districts' authority to reduce permitted consumptive use under circumstances not addressed by this subsection.

Rulemaking Authority 373.016, 373.019, 373.026(7), 373.036, 373.043, 373.036(1)(d), 373.171, 373.219, 373.223, 373.236 FS. Law Implemented 373.016, 373.019, 373.023, 373.026, 373.036, 373.103, 373.145, 373.171, 373.175, 373.219, 373.223, 373.227, 373.236, 373.246, 373.250, 373.418, 373.621, 373.703, 373.711, 403.064, 403.0891 FS. History—New 7-20-95, Amended 1-7-97, 5-7-05, \_\_\_\_\_.

62-40.473 Minimum Flows and Levels.

(1) through (4) No change.

(5) After the effective date of this rule, recovery and prevention strategies shall be developed as follows:

(a) At the time the minimum flow or level is initially adopted, if the water body is below or is projected to fall within 20 years below, the initial minimum flow or level, the District shall simultaneously approve the recovery or prevention strategy required by Section 373.0421(2), F.S.

(b) After the initial adoption, when a minimum flow or level is revised, if the water body is below or is projected to fall within 20 years below, the revised minimum flow or level, the District shall simultaneously approve the recovery or prevention strategy required by Section 373.0421(2), F.S. or modify an existing recovery or prevention strategy. The District may adopt the revised minimum flow and level prior to

the approval of the recovery or prevention strategy if the revised minimum flow and level is less constraining on existing or projected future consumptive uses.

(c) For water bodies without a prevention or recovery strategy, when the District determines the water body has fallen below, or is projected to fall within 20 years below, the adopted minimum flow or level, the District shall expeditiously approve a recovery or prevention strategy.

~~At the time a minimum flow or level is adopted, if a water body is below, or projected within 20 years to fall below, its proposed minimum flow or level, the District shall simultaneously approve the recovery or prevention strategy required by Section 373.0421(2), F.S. When adopted minimum flows or levels are later determined by the District to have fallen below, or projected within 20 years to fall below, the adopted minimum flow or level, the District shall expeditiously approve a recovery or prevention strategy. Revisions to adopted minimum flows and levels shall be adopted simultaneously with the approval of any required recovery or prevention strategy, unless the revised minimum flow and level is less constraining, in which case the District shall expeditiously approve any required recovery or prevention strategy. All approved recovery or prevention strategies shall be expeditiously implemented.~~

(6) No change.

(7) All approved applicable recovery or prevention strategies shall be expeditiously implemented.

(8) For water bodies that are below their established minimum flow or level, renewals of existing consumptive use permits, increased allocations, or new withdrawals shall be allowed only if they meet applicable District rules, including those implementing the recovery or prevention strategy.

~~(9)(7)~~ A minimum flow and level priority list and schedule, meeting the requirements of Section 373.042(2), F.S. shall be submitted to the Department annually. At a minimum, the schedule shall include the minimum flows and levels planned for establishment in the next three years. The priority list shall also identify whether or not voluntary scientific peer review will be undertaken for those water bodies and the basis for the decision. The District shall identify any water bodies included on the list which may be affected by withdrawals occurring in other Districts.

~~(10)(8)~~ No change.

Rulemaking Authority 373.026(7), 373.043, 403.036, 373.171 FS. Law Implemented 373.023, 373.026, 373.036, 373.042, 373.0421, 373.086, 373.103, 373.171, 373.175, 373.223, 373.246, 373.250, 373.413, 373.414, 373.416, 373.418, 373.451, 373.453, 373.703, 403.064, 403.0891 FS. History—New 5-5-81, Formerly 17-40.08, Amended 12-5-88, Formerly 17-40.080, 17-40.405, 17-40.473, Amended 7-20-95, 5-7-05,\_\_\_\_\_.

62-40.474 Reservations.

(1) through (3) No change.

(4) The District shall conduct an independent scientific peer review of all scientific or technical data, methodologies, and models, including all scientific and technical assumptions employed in each model, used to establish a reservation if the District determines such a review is needed. In determining whether to conduct an independent scientific peer review the District should include consideration of ~~shall consider:~~

(a) through (d) No change.

(5) No change.

Rulemaking Authority 373.026(7), 373.043, 373.036, 373.171 FS. Law Implemented 373.023, 373.026, 373.036, 373.042, 373.046, 373.103, 373.106, 373.171, 373.175, 373.223, 373.246, 373.418, 373.451, 373.453, 373.703, 403.0891 FS. History—New 5-7-06, Amended \_\_\_\_\_.

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## Section IV Emergency Rules

**NONE**

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

### WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-24.201: Year-Round Landscape Irrigation Conservation Measures

The South Florida Water Management District hereby gives notice:

that on October 17, 2012, the Executive Director issued an Order Granting Variance under Section 120.542, Fla. Stat. (Order No. 2012-124-DAO-WU) to Monty Foster in Palm Beach County. The Petition for Variance was received by the District on July 24, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Register, Vol. 38, No. 33, on August 17, 2012. No public comment was received. Specifically the Order grants a Variance from subsection 40E-24.201(7), Florida Administrative Code (Fla. Admin. Code), which states that irrigation of existing landscape, shall be conducted on specific days. Generally, the Order sets forth the basis of the District's decision to grant the Variance, as follows: 1) the Petitioner has demonstrated that the use of the advanced technology irrigation system on its specified property is likely to achieve the purpose of the statutes underlying subsection 40E-24.201(7), Fla. Admin. Code; 2) the petitioner has demonstrated that it will experience substantial technological

hardship if it is required to comply; 3) the District has reasonable assurance that the granting of this Variance will be consistent with statutory requirements.

A copy of the Order or additional information may be obtained by contacting the South Florida Water Management District's Water Resource Regulation Department during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406-4680; (561)682-6911; by e-mail to: [permits@sfwmd.gov](mailto:permits@sfwmd.gov), or by accessing the District's website: [www.sfwmd.gov](http://www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-24.201: Year-Round Landscape Irrigation Conservation Measures

The South Florida Water Management District hereby gives notice:

that on October 17, 2012, the Executive Director issued an Order Granting Variance under Section 120.542, Fla. Stat. (Order No. 2012-125-DAO-WU) to Thirty Three Sixty Condominium Association, Inc., in Palm Beach County. The Petition for Variance was received by the District on July 18, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Register, Vol. 38, No. 32, on August 10, 2012. No public comment was received. Specifically the Order grants a Variance from subsection 40E-24.201(7), Florida Administrative Code (Fla. Admin. Code), which states that irrigation of existing landscape, shall be conducted on specific days. Generally, the Order sets forth the basis of the District's decision to grant the Variance, as follows: 1) the Petitioner has demonstrated that the use of the advanced technology irrigation system on its specified property is likely to achieve the purpose of the statutes underlying subsection 40E-24.201(7), Fla. Admin. Code; 2) the petitioner has demonstrated that it will experience substantial technological hardship if it is required to comply; 3) the District has reasonable assurance that the granting of this Variance will be consistent with statutory requirements.

A copy of the Order or additional information may be obtained by contacting the South Florida Water Management District's Water Resource Regulation Department during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406-4680; (561)682-6911; by e-mail to: [permits@sfwmd.gov](mailto:permits@sfwmd.gov), or by accessing the District's website: [www.sfwmd.gov](http://www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-24.201: Year-Round Landscape Irrigation Conservation Measures

The South Florida Water Management District hereby gives notice:

that on November 15, 2012, the Executive Director issued an Order Granting Variance under Section 120.542, Fla. Stat. (Order No. 2012-133-DAO-WU) to Thomas Hewitt in Palm Beach County. The Petition for Variance was received by the District on September 21, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Register, Vol. 38, No. 42, on October 3, 2012. No public comment was received. Specifically the Order grants a Variance from subsection 40E-24.201(7), Florida Administrative Code (Fla. Admin. Code), which states that irrigation of existing landscape, shall be conducted on specific days. Generally, the Order sets forth the basis of the District's decision to grant the Variance, as follows: 1) the Petitioner has demonstrated that the use of the advanced technology irrigation system on its specified property is likely to achieve the purpose of the statutes underlying subsection 40E-24.201(7), Fla. Admin. Code; 2) the Petitioner has demonstrated that it will experience substantial technological hardship if it is required to comply; 3) the District has reasonable assurance that the granting of this Variance will be consistent with statutory requirements.

A copy of the Order or additional information may be obtained by contacting the South Florida Water Management District's Water Resource Regulation Department during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406-4680; (561)682-6911; by e-mail to: [permits@sfwmd.gov](mailto:permits@sfwmd.gov), or by accessing the District's website: [www.sfwmd.gov](http://www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-24.201: Year-Round Landscape Irrigation Conservation Measures

The South Florida Water Management District hereby gives notice:

that on November 15, 2012, the Executive Director issued an Order Granting Variance under Section 120.542, Fla. Stat. (Order No. 2012-134-DAO-WU) to Bruce and Judith Hays in Palm Beach County. The Petition for Variance was received by the District on October 3, 2012. Notice of receipt of the petition requesting the variance was published in the Florida

Administrative Register, Vol. 38, No. 50, on October 15, 2012. No public comment was received. Specifically the Order grants a Variance from subsection 40E-24.201(7), Florida Administrative Code (Fla. Admin. Code), which states that irrigation of existing landscape, shall be conducted on specific days. Generally, the Order sets forth the basis of the District's decision to grant the Variance, as follows: 1) the Petitioner has demonstrated that the use of the advanced technology irrigation system on its specified property is likely to achieve the purpose of the statutes underlying subsection 40E-24.201(7), Fla. Admin. Code; 2) the Petitioner has demonstrated that it will experience substantial technological hardship if it is required to comply; 3) the District has reasonable assurance that the granting of this Variance will be consistent with statutory requirements.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

The Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco hereby gives notice:

On February 1, 2013, the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, State of Florida, has issued an Order in response to the petition for Declaratory Statement filed by Hudson Food Stores, Inc. The Petition was later accepted as a Petition for Variance or Waiver at the request of the Petitioner.

On November 19, 2012, Petitioner, Hudson Food Stores, Inc., filed a Petition a Variance or Waiver for the nature of the rule 61A-3.054 for which variance or waiver is sought: Section 565.04, Florida Statutes, rule requiring certain party-type supplies shall only include merchandise listed under Florida Statutes. Hudson Food Store, Inc., requests permission to sell products such as charcoal for grilling, charcoal lighter fluid, disposable charcoal grills, batteries, sunscreen, toilet paper, and condoms other than those listed under Florida Administrative Code Section 61A-3.054 Party-Type Supplies. The Department published notice of receipt of the Petition with Florida Administrative Weekly on November 29, 2012.

On February 1, 2013, the Department filed an Order Granting in part, and denies in part Petitioner's Petition for Variance from or Waiver of subsection 61A-3.054(1), F.A.C., allowing for the sale of disposable grills, charcoal, lighter fluid, batteries, and sunscreen.

A copy of the Order or additional information may be obtained by contacting: Joy Cottrell, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On January 17, 2013 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from Ezra's Barbecue located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater, facilities for manually washing, rinsing and sanitizing equipment and utensils, and areas for food preparation and storage. They are requesting to install holding tanks at a portable handwash sink, and share warewashing, food preparation and food storage areas with another licensed food service establishment under a different ownership on the same premises.

The Petition for this variance was published in Vol. 39/17 on January 25, 2013. The Order for this Petition was signed and approved on January 31, 2013. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink is provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure that the three-compartment sink, food preparation and storage areas within Centerplate @ Phase III Kitchen and Centerplate @ PHSDR V Kitchen (SEA5807961 & SEA5811092) are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If the ownership of Centerplate @ Phase III Kitchen or Centerplate @ PHSDR V Kitchen (SEA5807961 & SEA5811092) changes, an updated signed agreement for use of the shared facilities is required immediately.



A copy of the Order or additional information may be obtained by contacting Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On January 24, 2013 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7) Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from Islander's Cafe located in Hollywood. 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 Petition for this variance was published in Vol. 39/19 on January 29, 2013. The Order for this Petition was signed and approved on February 4, 2013. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Hiz and Herz Sharper Imagez (Barry Byrd) are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Hiz and Herz Sharper Imagez changes (Barry Byrd), an updated, signed agreement for use of the bathroom facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-28.006: Education Course Requirements

NOTICE IS HEREBY GIVEN that on January 28, 2013, the Department of Health, received a petition for Variance from paragraphs 64E-28.006(3)(b),(c) Florida Administrative Code, from Jeff Godin, on behalf of ICE Training Institute. Paragraph 64E-28.006(3)(b), Florida Administrative Code, requires internet-based tattoo education courses to incorporate a means of identity verification and validation using technology that seeks verification through internet databases using information that is specific to the student's identity. Paragraph 64E-28.006(3)(c), Florida Administrative Code, requires internet-based tattoo education courses automatically terminate when a student fails to answer an identity validation question during a 60-second response time period or a student provides more than one incorrect answer to a validation question. The Petitioner requests a variance from the rule to allow the Petitioner to use a verification and validation technology, which utilizes a webcam and takes photos at random intervals of the student during the course and exam. These images are compared to a known photo that is provided to the course provider on a government issued ID for student verification and validation. Comments on this Petition should be filed with the Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Penny Barwick, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4250.

**DEPARTMENT OF HEALTH**

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-5.502: General Requirements

The Department of Health, Bureau of Radiation Control hereby gives notice:

that on January 29, 2013, pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order. The Order denies a waiver from subparagraph 64E-5.502(1)(a)6., F.A.C., for Florida Atlantic University. The petition for a permanent waiver was received by the Department on November 1, 2012. Notice of receipt of the petition was published in the Florida Administrative Register on November 9, 2012. Subparagraph 64E-5.501(1)(a)6., F.A.C., prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided. The requested waiver does not demonstrate the substantial hardship requirements specified in paragraph 28-104.002(g), F.A.C.

A copy of the Order or additional information may be obtained by contacting Philip Thoma at Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Orange Park, FL 32073 or at (904)278-5730.

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

**DEPARTMENT OF STATE**

Division of Historical Resources

The Bureau of Historic Preservation, the Friends of Florida Main Street announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2013, 10:00 a.m. until conclusion

PLACE: Larimer Arts Center, 1st Floor, 216 Reid Street, Palatka, Florida 32177

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

A copy of the agenda may be obtained by contacting: Joan Jefferson, Florida Main Street Coordinator, Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling (800)847-7278.

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: Joan Jefferson at (800)847-7278 or via email: Joan.Jefferson@DOS.MyFlorida.com. 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: Joan Jefferson at (800)847-7278 or via email: Joan.Jefferson@DOS.MyFlorida.com.

**DEPARTMENT OF STATE**

Division of Library and Information Services

The State Historical Records Advisory Board announces a public meeting to which all persons are invited.

DATE AND TIME: February 18, 2013, 1:00 p.m. – 5:00 p.m. EST; February 19, 2013, 8:00 a.m. – 12:00 noon EST

PLACE: February 18, 2013: Room 306B, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399. February 19, 2013: Florida State Records Center, 4319 Shelfer Road, Tallahassee, Florida 32305

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review the status of the Board's Statewide Partnership Grant; complete the revision of the Board's Strategic Plan for 2012-2015; receive an update on the State Library and Archives programs.

A copy of the agenda may be obtained by contacting: Gerard Clark, Coordinator, Florida State Historical Records Advisory Board, at (850)245-6639, or a copy of the agenda is available at <http://info.florida.gov/archives/shrab/meetings>.

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: (850)245-6600 or TDD (850)922-4085. 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).

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#### REGIONAL PLANNING COUNCILS

##### East Central Florida Regional Planning Council

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

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

**PLACE:** ECFRPC Office: 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Amanda Webb at (407)262-7772 or [awebb@ecfrpc.org](mailto:awebb@ecfrpc.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 2 days before the workshop/meeting by contacting: Amanda Webb at (407)262-7772 or [awebb@ecfrpc.org](mailto:awebb@ecfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Amanda Webb at (407)262-7772 or [awebb@ecfrpc.org](mailto:awebb@ecfrpc.org).

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#### REGIONAL PLANNING COUNCILS

##### Central Florida Regional Planning Council

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

**DATE AND TIME:** February 27, 2013, 10:00 a.m.

PLACE: Heartland Workforce Conference Room, 5901 US Hwy 27 South, Suite 1, Sebring, FL 33870

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A meeting of the Heartland 2060 Consortium Partners Advisory Group of Heartland 2060 Regional Plan for Sustainable Development.

A copy of the agenda may be obtained by contacting: Shannon Brett, Program Manager, (963)534-7130 ext. 132 or [sbrett@cfrpc.org](mailto:sbrett@cfrpc.org). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### REGIONAL PLANNING COUNCILS

##### Central Florida Regional Planning Council

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

**DATE AND TIME:** February 28, 2013, 9:30 a.m.

**PLACE:** Okeechobee County Emergency Operations Center, Public Safety Complex, 707 NW 6th Street, Okeechobee, Florida 34972

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular quarterly meeting of the Local Emergency Planning Committee (LEPC) and/or its subcommittees, to discuss the provision of the Emergency Planning Community Right-to-Know Program. Additionally, items pertaining to the State Emergency Response Commission (SERC) and its Subcommittee for Training may be discussed.

A copy of the agenda may be obtained by contacting: Chuck Carter at [ccarter@cfrpc.org](mailto:ccarter@cfrpc.org). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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#### WATER MANAGEMENT DISTRICTS

##### Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, February 20, 2013, 9:00 a.m.

**PLACE:** SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Governing Board Financial Investments Ad Hoc Committee: Evaluate SWFWMD's current investment portfolio and discuss potential future investment opportunities. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Committee members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; (800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Bureau Chief at (800)423-1476 (FL only) or (352)796-7211, x4702; TDD (FL only) (800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: Luanne.Stout@watermatters.org; (800)423-1476 (FL only) or (352)796-7211, x4605 (Ad Order EXE0249).

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: February 19, 2013, 10:00 a.m.

Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website (<http://www.sfwmdd.gov/toc>) or (2) by writing to Kim Chuirazzi, South Florida Water Management District, Mail Stop 4442, PO Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the District Clerk, (561)682-2087. 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: Dr. Garth Redfield, in the Water Quality Bureau, Phone Number (561)682-6611, South Florida Water Management District, Mail Stop 4410, PO Box 24680, West Palm Beach, FL 33416-4680.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

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

PLACE: South Florida Water Management District, B-1 Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Public Meeting to Discuss Regulatory Matters.

All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at: Lower West Coast Service Center, 2301 McGregor Blvd., Fort Myers, FL 33901; Okeechobee Service Center, 3800 NW 16th Boulevard, Okeechobee, FL 34972; and Orlando Service Center, 1707 Orlando Central Parkway Suite 200, Orlando, FL 32809. The meeting will also be webcast.

Agendas are available 7 days prior to the meeting date. You may obtain a copy of the agenda by going to our website at: [www.sfwmdd.gov](http://www.sfwmdd.gov). Hold mouse over the “Topics” tab, scroll down to “Permits” and click; under “Upcoming Events” on the right-hand column, click the “Monthly Regulatory Meetings” link. Or, subscribe to ePermitting/eNoticing: [www.sfwmdd.gov/epermitting](http://www.sfwmdd.gov/epermitting).

For additional information, you may also call our information line at (561)682-6207 or Florida toll-free, (800)432-2045 x6207. 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: District Clerk's Office, (561)682-2087. 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: District Clerk's Office, (561)682-2087.

**SPACE FLORIDA**

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

DATE AND TIME: Tuesday, March 5, 2013, 10:00 a.m. Eastern.

PLACE: By teleconference.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Space Florida Governance and Compensation Committee Meeting.



A copy of the agenda may be obtained by contacting: Juanell Kirkendoll at [jkirkendoll@spaceflorida.gov](mailto:jkirkendoll@spaceflorida.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Juanell Kirkendoll at [jkirkendoll@spaceflorida.gov](mailto:jkirkendoll@spaceflorida.gov). 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: Juanell Kirkendoll at [jkirkendoll@spaceflorida.gov](mailto:jkirkendoll@spaceflorida.gov).

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: March 1, 2013, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Information Exchange Coordinating Committee will review and discuss strategies to increase electronic health record adoption and health information exchange in Florida.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at: <http://www.fhin.com/content/committeesAndCouncils/#ui-tabs-2-seven> (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Carolyn H. Turner at (850)412-3782. 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: Dylan Dunlap at (850)412-3780.

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#### DEPARTMENT OF JUVENILE JUSTICE

Medical

RULE NO.: RULE TITLE:

63M-2.001: Purpose and Scope

63M-2.002: Definitions

63M-2.003: Administrative Health Services Components

63M-2.0031: Designated Health Authority

63M-2.0032: Role of the Superintendent / Facility Director in Healthcare Services

63M-2.0033: Nursing Staff Requirements

63M-2.0034: Non-Licensed Staff Providing Health Services

63M-2.0035: Protocols and Procedures

63M-2.0036: Service Agreements

63M-2.0037: Verification of Credentials

63M-2.0038: Students or Interns

63M-2.0039: Interdisciplinary Risk Reduction / Quality Improvement

63M-2.004: Admission Process

63M-2.0041: Healthcare Admission Screening

63M-2.0042: Medical Emergencies Upon Admission or During Screening

63M-2.0043: Routine Notification of the Designated Health Authority Upon Admission

63M-2.0044: Tuberculosis (TB) Control and Screening

63M-2.0045: Medical Alert System

63M-2.0046: Healthcare Orientation of Committed Youth

63M-2.0047: Health-Related History

63M-2.0048: Comprehensive Physical Assessment (CPA)

63M-2.005: Consent and Notification Requirements

63M-2.0051: Routine Consent - Authority for Evaluation and Treatment (AET)

63M-2.0052: Special Consent

63M-2.0053: Notification

63M-2.006: Sick Call

63M-2.007: Restricted Housing

63M-2.008: Periodic Evaluations

63M-2.009: Episodic Care

63M-2.010: Girls Gender Responsive Medical Services

63M-2.020: Medication Management

63M-2.021: Pharmacy Permits and Licenses

63M-2.022: Verification and Procurement of Medications Prescribed Prior to Admission

63M-2.023: Transfer of Youth's Medications

63M-2.024: Receipt and Storage of Medications

63M-2.025: Inventory and Storage of Sharps

63M-2.026: Inventory of Medications

63M-2.027: Disposal of Medications

63M-2.030: Routine Medication Administration

63M-2.031: Youth Self-Administration of Oral Medication Assisted by Trained Non-Licensed Staff

63M-2.032: Youth Refusal of Medication

63M-2.033: Youth Hoarding of Medication and Swallowing Difficulties

63M-2.034: Administration of Parenteral Medications

63M-2.035: Medication Evaluations and Serum Drug Level Monitoring

63M-2.036: Adverse Drug Events and Medication Errors

63M-2.037: Education of Youth on Medications  
 63M-2.040: Environmental and Exercise Precautions  
 63M-2.050: Infection Control - Regulations and Training  
 63M-2.051: Needle Stick Injuries / Exposure  
 63M-2.052: HIV Counseling and Testing  
 63M-2.053: Lice (Pediculosis) and Scabies  
 63M-2.054: Methicillin Resistant Staphylococcus Aureas (MRSA)  
 63M-2.055: Health Department Reporting of Infectious Disease  
 63M-2.060: Individual Health Care Record (IHCR)  
 63M-2.061: Record Documentation, Development and Maintenance  
 63M-2.062: Core Health Profile  
 63M-2.063: Interdisciplinary Health Record  
 63M-2.064: Storage, Security and Control of the Individual Health Care Record  
 63M-2.070: Health Education  
 63M-2.080: Transitional Healthcare Planning  
 63M-2.081: Youth Release to the Community  
 63M-2.082: Transfer from Residential Commitment Program  
 The Florida Department of Juvenile Justice announces a workshop to which all persons are invited.  
 DATE AND TIME: Tuesday, March 12, 2013, 9:00 a.m. – 12:00 Noon  
 PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129.

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Further discussion of the revised draft rule chapter governing the provision of health care treatment services for youth in the care and custody of the department. The rule chapter is intended to comply with the rulemaking requirements in Section 985.64(2), F.S., relating to the provision of health services. A copy of the revised draft rule chapter is available at the department's website or from the contact person listed below.

A copy of the agenda may be obtained by contacting: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us.

For more information, you may contact: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us.

DEPARTMENT OF JUVENILE JUSTICE  
 Mental Health/Substance Abuse/Developmental Disability Services

RULE NO.: RULE TITLE:  
 63N-1.001: Purpose and Scope  
 63N-1.002: Definitions

63N-1.003: Administration and Management of Mental Health and Substance Abuse Services  
 63N-1.0031: Qualifications of Mental Health Professionals  
 63N-1.0032: Qualifications of Substance Abuse Professionals and Service Providers  
 63N-1.0033: Clinical Supervision of Mental Health Clinical Staff  
 63N-1.0034: Clinical Supervision of Substance Abuse Clinical Staff  
 63N-1.0035: Retaining a Designated Mental Health Authority or Clinical Coordinator  
 63N-1.0036: Referrals for Mental Health Services or Substance Abuse Services  
 63N-1.004: Mental Health, Substance Abuse and Developmental Disability Services Records Management  
 63N-1.0041: Individual Healthcare Record  
 63N-1.0042: Active Mental Health / Substance Abuse Treatment File  
 63N-1.005: Mental Health and Substance Abuse Screening and Evaluation  
 63N-1.0051: Mental Health and Substance Abuse Screening  
 63N-1.0052: Intake / Admission Suicide Risk Screening  
 63N-1.0053: Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) Procedures  
 63N-1.0054: Comprehensive Assessments  
 63N-1.0055: Comprehensive Mental Health Evaluations  
 63N-1.0056: Comprehensive Substance Abuse Evaluations  
 63N-1.006: Suicide Risk Alerts and Mental Health Alerts  
 63N-1.007: Mental Health and Substance Abuse Treatment Planning  
 63N-1.0071: Mental Health and Substance Abuse Treatment Planning in Detention Centers  
 63N-1.0072: Mental Health and Substance Abuse Treatment Planning in Residential Commitment and Day Treatment Programs  
 63N-1.0073: Initial Mental Health and Substance Abuse Treatment Plans - General Requirements  
 63N-1.0074: Individualized Mental Health and Substance Abuse Treatment Plans – General Requirements  
 63N-1.0075: Integrated Mental Health and Substance Abuse Treatment Plans  
 63N-1.0076: Review and Updating of Treatment Plans  
 63N-1.008: Mental Health and Substance Abuse Treatment Services  
 63N-1.0081: Mental Health Treatment Services  
 63N-1.0082: Substance Abuse Treatment Services  
 63N-1.0083: Integrated Mental Health and Substance Abuse Treatment Services  
 63N-1.0084: Documentation of Mental Health and Substance Abuse Treatment Services  
 63N-1.0085: Psychiatric Services

63N-1.0086: Mental Health and Substance Abuse Transition / Discharge Planning  
 63N-1.009: Suicide Prevention  
 63N-1.0091: Suicide Prevention Plans  
 63N-1.0092: Screening for Suicide Risk  
 63N-1.00921: Suicide Risk Screening – General Requirements  
 63N-1.0093: Assessment of Suicide Risk and Follow-Up Assessment Procedures  
 63N-1.00931: Licensed Mental Health Professional's Off-Site Review of Assessment or Follow-Up Assessment of Suicide Risk  
 63N-1.0094: Assessment of Suicide Risk Performed Off-Site  
 63N-1.0095: Suicide Precaution Methods  
 63N-1.00951: Precautionary Observation  
 63N-1.00952: Secure Observation  
 63N-1.00953: Monitoring of Youth Upon Removal from Precautionary or Secure Observation - General Requirements  
 63N-1.00954: Administrative and Clinical Review of Suicide Precautions  
 63N-1.0096: Immediate Response to a Suicide Attempt or Incident of Serious Self-Inflicted Injury  
 63N-1.0097: Notifications When a Youth on Suicide Precautions is Released, Transferred or Discharged  
 63N-1.0098: Serious Suicide Attempt or Serious Self-Inflicted Injury Review and Mortality Review  
 63N-1.010: Mental Health Crisis Intervention Services  
 63N-1.0101: Mental Health Crisis Assessment  
 63N-1.0102: Mental Health Crisis Intervention Techniques  
 63N-1.0103: Crisis Intervention Follow-Up Services and Mental Health Alerts  
 63N-1.011: Emergency Mental Health and Substance Abuse Services  
 63N-1.012: Off-Site Crisis Assessments and Emergency Evaluations Under Baker or Marchman Acts  
 63N-1.013: Services for Youths with Developmental Disability  
 63N-1.014: Consent Requirements Applicable to Mental Health Services and Psychotropic Medication  
 63N-1.015: Special Consent for Substance Abuse Evaluation and Treatment

The Florida Department of Juvenile Justice announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, March 12, 2013, 1:00 p.m. – 5:00 p.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Further discussion of the revised draft rule chapter governing the provision of mental health, substance abuse and developmental disability services for youth in department

facilities and programs. The rule chapter is intended to comply with the rulemaking requirements in Section 985.64(2), F.S., relating to the provision of health services. A copy of the revised draft rule chapter is available at the department's website or from the contact person listed below.

A copy of the agenda may be obtained by contacting: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us.

For more information, you may contact: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us.

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#### DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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

DATE AND TIME: April 19, 2013 at approximately 9:00 a.m. E.S.T.

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

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

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

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#### DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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

DATE AND TIME: July 11, 2013 at approximately 9:00 a.m. E.S.T.

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

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

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

**DEPARTMENT OF HEALTH**

Board of Osteopathic Medicine

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

**DATE AND TIME:** October 17, 2013 at approximately 9:00 a.m. E.S.T.

**PLACE:** Conference call number: (888)670-3525; participant passcode: 6558995979.

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

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

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**DEPARTMENT OF HEALTH**

Division of Health Access and Tobacco

The Department of Health, Division of Community Health Promotion announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 15, 2013, 9:00 a.m. – 5:00 p.m.

**PLACE:** 4052 Bald Cypress Way, 3rd Floor, Room 301, Tallahassee, Florida 32399 or by telephone, (888)670-3525, conference code: 7946655491.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of an Advisory Council required by Florida Statute 381.84. The council meets four times per year to provide advice to the Department of Health relating to the Comprehensive Tobacco Education and Use Prevention Program. The meetings will provide evaluation information and reports about the Tobacco Education and Use Prevention Program and each of the program’s major components including media, the cessation quitline, and community programs. There will be additional discussion in the Advisory Council Subcommittee breakout sessions at the conclusion of the full Advisory Council meeting.

Call in numbers for Subcommittee meetings are as follows:

Surveillance Subcommittee: (888)670-5383, conference code: 2757534919.

Policy Subcommittee: (888)670-5383, conference code: 8593797784.

Health Communication Subcommittee: (888)670-5383, conference code: 8848370030.

A copy of the agenda may be obtained by contacting: Meredith Hennon at (850)245-4444, ext 2463 (Meredith\_Hennon@doh.state.fl.us), or by going to the Department of Health Tobacco website at <http://www.doh.state.fl.us/Tobacco/Meetings.html> prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting Meredith Hennon at (850)245-4444, ext 2463 (Meredith\_Hennon@doh.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2013, 1:30 p.m.

PLACE: Pasco Sheriff's Child Protection Investigation Division Office, 7601 Little Road, Suite 100, New Port Richey, FL 34654

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing Pasco Alliance business.

A copy of the agenda may be obtained by contacting: Stephanie Allen at (727)373-7842.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Stephanie Allen at (727)373-7842. 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).

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#### FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: February 21, 2013, 9:00 a.m.

PLACE: Carr Building, 3800 Commonwealth Blvd. Room 170, Tallahassee, FL 32399-3000.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Steering Committee for the Florida Beaches Habitat Conservation Plan. The meeting will consist of a general discussion of progress on the Plan development over the last quarter. No votes are scheduled.

A copy of the agenda may be obtained by contacting: Kat Diersen, Florida Fish and Wildlife Conservation Commission, Species Conservation Planning Section, 620 South Meridian Street, MS 2A, Tallahassee, Florida 32399-1600, (850)921-1023, katherine.diersen@myfwc.com; or by contacting the FWC Division of Habitat and Species Conservation, (850) 488-3831.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. 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: Kat Diersen, Florida Fish and Wildlife Conservation Commission, Species Conservation Planning Section, 620 South Meridian Street,

MS 2A, Tallahassee, Florida 32399-1600, (850)921-1023, katherine.diersen@myfwc.com; or contact the FWC Division of Habitat and Species Conservation, (850)488-3831.

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#### GULF CONSORTIUM

The Gulf Consortium Executive Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 15, 2013, 3:00 p.m. – 5:00 p.m. (ET).

PLACE: Dial-in number: (888)670-3525; participant passcode: 998 449 5298#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the first meeting of the Executive Committee of the Gulf Consortium. The Committee will select two additional Directors to serve on the Committee and conduct other business. In accordance with section 163.01, the location of the conference call is the Florida Association of Counties, 100 S. Monroe Street, Tallahassee, FL 32301.

A copy of the agenda may be obtained by contacting: Doug Darling at (850) 922-4300 or ddarling@fl-counties.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Doug Darling at (850) 922-4300 or ddarling@fl-counties.com. 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: Doug Darling at (850)922-4300 or ddarling@fl-counties.com.

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#### MOFFITT CANCER CENTER & RESEARCH INSTITUTE

The H. Lee Moffitt Cancer Center & Research Institute, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: February 19, 2013, 11:30 a.m.

PLACE: Stabile Trustees Boardroom, 12902 Magnolia Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Joint Finance and Planning Committee.

A copy of the agenda may be obtained by contacting: Kris Butler, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, Florida 33612. 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 24 hours before the workshop/meeting by contacting: Kris Butler, (813)745-1888.

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).

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

TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY

The Treasure Coast Education, Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2013, 2:00 p.m.

PLACE: UF/IRREC, 2199 S. Rock Road, Fort Pierce, FL 34945-3138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any business as the Authority may deem appropriate or as may come before the Authority; Committee Reports, Minutes, etc.

A copy of the agenda may be obtained by contacting: Treasure Coast Research Park (TCRP) Office at (772)467-3107.

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: Treasure Coast Research Park (TCRP) Office at (772)467-3107. 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: Treasure Coast Research Park (TCRP) Office at (772)467-3107.

MRGMIAMI

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

DATE AND TIME: Thursday, February 21, 2013, 6:00 p.m. to 8:00 p.m.

PLACE: Griffing Center, 12220 Griffing Boulevard, North Miami, FL 33161

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a public meeting to discuss the design and scope of work for a repaving project along SR 5/Biscayne Boulevard, from NE 121 Street to NE 151 Street in Miami-Dade County. The project identification numbers are 429190-1-52-01 and 429190-2-52-01.

The proposed work for the project includes: repaving the roadway to extend the life of the road; upgrading signage and pavement markings along the corridor; updating pedestrian signals and crossings at the intersection of Biscayne Boulevard and NE 135 Street; and making improvements to the sidewalks and ramps for pedestrians along the corridor.

The public meeting will be held as an open house and attendees are welcome to arrive any time between 6:00 p.m. and 8:00 p.m. to review the proposed plans and project displays. FDOT representatives will be available to discuss the project, answer questions, and receive comments on the proposed improvements.

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 7 days before the meeting by contacting: Brian Rick by phone at (305)470-5349, in writing to: FDOT, 1000 N.W. 111 Avenue, Miami, FL 33172, or via email: brian.rick@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

A copy of the agenda may be obtained by contacting: Danny Iglesias P.E., FDOT Project Manager, by phone at (305)470-5289 or via email: danny.iglesias@dot.state.fl.us.

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center Finance & Auditing Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2013, 8:00 a.m.

PLACE: Department of Juvenile Justice, Knight Building, CR 1134, 2737 Centerview Drive, Tallahassee, Florida 32399-3100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General.

A copy of the agenda may be obtained by contacting: monica\_cash@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. If you are hearing or

Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements

NONE

Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules

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

NONE

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

NONE

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

NONE

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

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

DAYTONA STATE COLLEGE

Architectural Design Services

RFQ #13-524

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona State College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural design services. The project consists of programming and design for the Building 220 (Theater Center) major remodel with addition. The total project budget is \$30M inclusive of all fees and furnishings.

Firms desiring consideration must submit proposals no later than 12:00 p.m. on February 15, 2013, to the Facilities Planning Department, Daytona State College, Building 540/Room 112, 1200 W. International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by contacting nielseb@daytonastate.edu or by visiting our website at <http://www.daytonastate.edu/fp/proposals.html>.

Section XII  
Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Bayside Auto Sales, LLC, for the establishment of KANG line-make

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Kandi USA, Inc., intends to allow the establishment of Bayside Auto Sales, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi (line-make



KANG, WMI-L5C) at 570 East Oakland Park Boulevard, Ft. Lauderdale, (Broward County), Florida 33334, on or after March 12, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Bayside Auto Sales, LLC, are dealer operator(s): William Likas, 127 Northwest 13th Street, Suite 4, Boca Raton, Florida 33432; principal investor(s): William Likas, 127 Northwest 13th Street, Suite 4, Boca Raton, Florida 33432.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tim Pei, Kandi USA, Inc., 10955 Arrow Route, Suite 101, Rancho Cucamonga, California 91730.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Hillsborough Motor Cars, LLC, for the establishment of MITS line-make

### Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Motors North America, Inc., intends to allow the establishment of Hillsborough Motor Cars, LLC, d/b/a Tampa Mitsubishi as a dealership for the sale of Mitsubishi automobile (line-make MITS) at 4636 Dale Mabry Highway, Tampa, (Hillsborough County), Florida 33614, on or after March 12, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Hillsborough Motor Cars, LLC, d/b/a Tampa Mitsubishi are dealer operator(s): Frank Morsani, 16007 North Florida Avenue, Lutz, Florida 33549; principal investor(s): Frank Morsani, 16007 North Florida Avenue, Lutz, Florida 33549.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License



County: Charlotte                      District: 8  
 Date Filed: 2/4/2013                  LOI #: H1302009  
 Facility/Project: Peace River Regional Medical Center  
 Applicant: Port Charlotte HMA, LLC  
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 30 beds

County: Collier                          District: 8  
 Date Filed: 2/4/2013                  LOI #: H1302010  
 Facility/Project: Physicians Regional Medical Center-Collier Boulevard  
 Applicant: Naples HMA, LLC  
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 30 beds

County: Collier                          District: 8  
 Date Filed: 2/4/2013                  LOI #: H1302011  
 Facility/Project: Physicians Regional Medical Center-Pine Ridge  
 Applicant: Naples HMA, LLC  
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 30 beds

County: Sarasota                        District: 8  
 Date Filed: 2/4/2013                  LOI #: H1302012  
 Facility/Project: Venice Regional Medical Center  
 Applicant: Venice HMA, Inc.  
 Project Description: Establish a comprehensive medical rehabilitation unit of up to 30 beds

County: Broward                         District: 10  
 Date Filed: 2/4/2013                  LOI #: H1302013  
 Facility/Project: Northwest Medical Center  
 Applicant: Northwest Medical Center, Inc.  
 Project Description: Establish a Level III NICU of up to 15 beds

County: Miami-Dade                    District: 11  
 Date Filed: 2/4/2013                  LOI #: H1302014  
 Facility/Project: Miami Children's Hospital  
 Applicant: Variety Children's Hospital  
 Project Description: Establish a 10-bed hospital for obstetrical and birthing services  
 If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 10, 2013, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on March 13, 2013.

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 application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from the University of West Florida. The application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, 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.**

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