

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

NONE

**Section II**  
**Proposed Rules**

NONE

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food, Nutrition and Wellness**

RULE NO.: 5P-1.003      RULE TITLE: Responsibilities for the School Food Service Program

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 40, No.135, July 14, 2014 issue of the Florida Administrative Register.

5P-1.003 Responsibilities for the School Food Service Program.

(1) No change.  
 (2)(a) through (b) No change.  
 (c) To control the sale of food and beverage items in competition with the district approved food service program in accordance with 7 CFR 210.11, which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Competitive food and beverage items sold to students during the school day must ~~which~~ meet the nutrition standards for competitive food as defined and required in 7 CFR 210.11 ~~shall not be sold on any school campus until one (1) hour after the conclusion of the district school food service program's last designated meal period unless the items are being sold by the district school food service program during its designated meal service periods. Unless being sold by the district school food service program, it is impermissible for any competitive food item sold to students during the school day to consist of ready-to-eat combination foods of meat or meat alternate, as defined in 7 CFR 210.10, and grain products as defined in 7 CFR 210.11. Section 7 CFR 210.10 is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>~~. Each district school board is permitted to grant a special exemption from the ~~nutrition~~ standards for competitive foods as specified above ~~required in 7 CFR 210.11~~ for the purpose of conducting infrequent school-sponsored fundraisers, not to exceed the following maximum number of school days per school campus each school year:

School Type	Maximum Number of <del>School Days To Conduct Exempted</del> <u>School Days To Conduct Exempted</u> <del>Allowed for Exempted Competitive Food Fundraisers</del>
Elementary Schools	<del>5</del> 0 days
Middle School/Junior High Schools	= 10 days
Senior High Schools	= 15 days
Combination Schools	= 10 days
Elementary Schools: Schools providing regular or other instruction at one or more grade levels from PK through grade 5. This category includes schools serving grade 6 if also serving one or more grades PK through 5 (e.g., a K-6 school). Middle/Junior High Schools: Schools providing regular or other instruction in middle school configurations (grades 6-8) and junior high school configurations (grades 7-9). This category also includes schools serving a single grade in the 6-8 range (e.g., a 6th grade center). Senior High Schools: Schools providing regular or other instruction at one or more grade levels from 9 to 12. This classification includes 9th grade centers. Combination Schools: Schools providing regular or other instruction in grade groupings that include more than one of the categories described above (e.g., PK-8, 6-12, K-12, etc.).	

Each district school board shall maintain records documenting the occurrence of any exempted school-sponsored fundraisers to demonstrate compliance with this rule. No school-sponsored fundraisers, which include the sale of food items, shall be permitted to occur until thirty (30) minutes after the conclusion of the last designated meal service period. For the purposes of this section, “school-sponsored fundraiser” shall be defined as any event or activity occurring on the school campus during which currency, tokens, tickets, or the like are exchanged for the sale or purchase of items or services to benefit the school, a school organization or group, or a charitable organization, and which is authorized according to district school board policy and has been approved by the school principal or designee. ~~Each district school board shall maintain records documenting the occurrence of any exempted competitive food fundraisers to demonstrate compliance with this rule. In the absence of a Healthy School Team the Local Educational Agency shall maintain records demonstrating compliance in accordance with 7 CFR 210.11.~~

(d) ~~To encourage each school to~~ establish a Healthy School Team by June 30, 2015, for all schools under its jurisdiction in accordance with 42 U.S.C. 1758b, which is hereby adopted and incorporated by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Any Healthy School Team should include, but not be limited to, the following stakeholders: parents, students, school food service program representatives, school administrators, school health professionals, physical education teachers and the public as provided in 42 U.S.C. 1758b(b)(3). ~~In addition to the requirements specified in 42 U.S.C. 1758b, a~~ Healthy School Team shall: ~~should, at a minimum,~~

1. ~~Be~~ be responsible for ensuring compliance with paragraph (c) of this rule and 7 CFR 210.11 as it relates to competitive food and beverage items sold on a school campus campuses;

2. ~~Maintain~~ maintaining a school calendar identifying the dates when exempted competitive food fundraisers will occur in accordance with the frequency specified in paragraph (c) of this rule; and

3. ~~Report~~ reporting its school’s compliance with this rule to the designated Local Educational Agency official or school official responsible for overall compliance with the Local Educational Agency’s wellness policy as required in 42 U.S.C. 1758b(b)(5)(B). ~~In the absence of a Healthy School Team the Local Educational Agency shall maintain records demonstrating compliance in accordance with 7 CFR 210.11.~~

- (e) through (1) No change.
- (3) through (4) No change.

Rulemaking Authority 570.07(23), 595.404(3), (9) FS. Law Implemented 595.404(1), (3), (4) FS. History—Amended 3-26-66, 4-17-72, 4-19-73, 10-20-73, Revised 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, Formerly 6A-7.042, Amended 10-11-99, 1-25-00, Formerly 6-7.042, 6A-7.0411, Amended \_\_\_\_\_.

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## Section IV Emergency Rules

NONE

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

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

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

NOTICE IS HEREBY GIVEN that on June 17, 2014, the Florida Department of Law Enforcement, Criminal Justice Standards and Training Commission, received a petition for a temporary 180 day waiver of subsection 11B-27.002(4), F.A.C. from Kyle Durkin. Petitioner wishes to temporarily waive that portion of the rule that states within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment as an officer. Petitioner states that his State Officer Certification will expire on June 22, 2014. Petitioner states that he has been in the testing, screening and background evaluation process for a position with the Tampa International Airport Police Department since December 2013 however, that process has been slowed due to an internal agency evaluation. Petitioner also states that he is being considered for a position with the Pasco County Sheriff’s Office and the Tampa Police Department.

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

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DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on April 18, 2013, by Krista Perrod. The Notice of Petition for Waiver or Variance was published in Vol. 39, No. 78, of the April 22, 2013 Florida Administrative Register. The Petitioner sought approval for classes from a non-approved school in Switzerland. The Board considered the instant Petition at a duly-noticed public meeting held on June 12, 2013, by telephone conference call.

The Board's Order, filed on June 18, 2013, denied the Petition for Variance or Waiver because the Petition was not in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code.

A copy of the Order or additional information may be obtained by contacting: Christy Robinson, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, christy.robinson@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on June 11, 2014, the Board of Medicine, received a petition for waiver or variance filed on behalf of Francesco Vendrame, M.D., from Rules 64B8-1.007 and 4.009, F.A.C., with regard to the requirement for submission of the AMA profile for the medical licensure application. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-11.007: Sanitary Facilities and Controls

NOTICE IS HEREBY GIVEN that on June 27, 2014, the Department of Health received a petition for Variance from subsection 64E-11.007(7), Florida Administrative Code (FAC), from Gold Mouse, Inc. d/b/a Beach Shack, located at 1 Minutemen Causeway, Cocoa Beach, Florida 32931. This rule section requires all openings to the outside air, including windows, doors, skylights, transoms, intake and exhaust ducts

to be effectively protected against the entrance of flies and other flying insects by self-closing doors which open outward, closed windows, screening, controlled air currents or other effective means. Screening material shall not be less than 16 mesh to the inch or equivalent and screens for windows, doors, skylights, transoms and other openings to the outside air shall be tight fitting and free of breaks. Comments on this petition should be filed with Jaime Briggs, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida, 32399-1703, within 14 days of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Ric Mathis, Bureau of Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida, 32399-1710 or by calling (850)245-4444, ext. 2337.

Section VI

Notice of Meetings, Workshops and Public Hearings

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: July 30, 2014, 9:30 a.m.

PLACE: Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Room 105, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

Internal Affairs Agendas and Florida Public Service Commission's contact information may be obtained from www.floridapsc.com. Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

Changes to this notice will be published at the earliest practicable time on the Commission's website.

COMMISSION ON ETHICS

The Commission on Ethics announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 25, 2014, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: www.ethics.state.fl.us or (850)488-7864.

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: (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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#### WATER MANAGEMENT DISTRICTS

##### Suwannee River Water Management District

The Suwannee River Water Management District announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 22, 2014, 10:00 a.m.

PLACE: Suwannee River Water Management District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: An Intermediate Governing Board meeting will be held for discussion and consideration to authorize the Executive Director to notify the Property Appraisers of the District's 15 counties that the District proposes to levy a millage rate to be adjusted by the Executive Director so as to not cause a tax increase.

A copy of the agenda may be obtained by contacting: Lisa Cheshire at (386)362-1001, 1(800)226-1066 (Florida only) or on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.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: Lisa Cheshire at (386)362-1001, 1(800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE NO.: RULE TITLE:

59G-4.070: Durable Medical Equipment and Medical Supplies

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

DATE AND TIME: Wednesday, July 30, 2014, 3:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling a workshop in Tallahassee, FL for the purpose of discussing the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook. The Agency is proposing additional changes to the handbook as follows: streamlining the format of the handbook and clarifying policy language.

A copy of the agenda may be obtained by contacting: Dan Gabric, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, email: [dan.gabric@ahca.myflorida.com](mailto:dan.gabric@ahca.myflorida.com), or may be downloaded at [www.ahca.myflorida.com/Medicaid/review/index.shtml](http://www.ahca.myflorida.com/Medicaid/review/index.shtml).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida Department of Children and Families announces public meetings to which all persons are invited.

DATES AND TIMES: August 7, 2014, 9:00 a.m.; August 8, 2014, 9:00 a.m.

PLACE: Embassy Suites West Palm Beach - Central, 1601 Belvedere Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee to the Florida Department of Children and Families for the Deaf and Hard of Hearing will meet to commence its responsibilities as outlined in the Settlement Agreement between the Florida Department of Children and Families (DCF) and the US Department of Health and Human Services on August 7, 2014, and is open to the public from 9:00 a.m. – 5:00 p.m. Public Comments will be held from 1:00 p.m. – 3:00 p.m. The Assessing the areas of need relating to the Deaf or Hard of Hearing Workshop will be held on August 8, 2014 from 9:00a.m. – 1:00 p.m. Both meetings will be held in West Palm Beach, FL and are accessible by Communication Access Realtime (CART) via the internet at: <http://www.streamtext.net/player?event=DCFHHS>.

Conference call: 1(888)670-3525; conference code: 968833020.

Sign Language Interpreters will be provided free of charge. A copy of the agenda may be obtained by contacting: Lira M. Latimer at (850)922-6829 or [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us), or Jeff McClemore at (850)717-4551 or [jeff\\_mcclemore@dcf.state.fl.us](mailto:jeff_mcclemore@dcf.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lira M. Latimer at (850)922-6829 or [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us), or Jeff McClemore at (850)717-4551 or [jeff\\_mcclemore@dcf.state.fl.us](mailto:jeff_mcclemore@dcf.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact:

Lira M. Latimer at (850)922-6829 or [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us), or Jeff McClemore at (850)717-4551 or [jeff\\_mcclemore@dcf.state.fl.us](mailto:jeff_mcclemore@dcf.state.fl.us).

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**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

DATE AND TIME: July 23, 2014, 9:30 a.m. (Eastern)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Rick Seltzer Conference Room, Tallahassee, Florida. The workshop will also be accessible by telephone. The call-in information is posted on the Corporation's website, <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2014-111/>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop will be held to solicit comments and suggestions from interested persons relative to Florida Housing's proposed Request for Applications (RFA) 2014-111 for SAIL Financing of Affordable Multifamily Housing Developments to be used in Conjunction with Tax-Exempt Bond Financing and Non-Competitive Housing Credits, which is expected to be issued in mid/late August of 2014. This RFA will include an Elderly Transformative Preservation goal to fund one (1) Development currently in the Corporation's portfolio, that is currently targeted to serve elderly residents, to provide design and service supports to help elders stay in their homes as long as possible. A draft of the proposed RFA is available on the Corporation's website,

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2014-111/>.

A copy of the agenda may be obtained by contacting: Ken Reecy, Director of Multifamily Programs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Salmonsens at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**ENTERPRISE FLORIDA, INC.**

The Enterprise Florida, Inc. and the Florida Defense Support Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 31, 2014, 9:00 a.m. EDT – 11:00 a.m. EDT

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

A copy of the agenda may be obtained by contacting: Marcy Sanders, (850)878-4566, [msanders@eflorida.com](mailto:msanders@eflorida.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 1 day before the workshop/meeting by contacting Marcy Sanders, (850)878-4566, [msanders@eflorida.com](mailto:msanders@eflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bruce Grant, (850)878-0826, [bgrant@eflorida.com](mailto:bgrant@eflorida.com).

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**OMNI COMMUNICATIONS**

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

DATE AND TIME: July 24, 2014, 5:00 p.m. – 7:00 p.m.

PLACE: Epiphany of Our Lord Ukrainian Catholic Church, 434 – 90th Avenue North, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District Seven, will host a construction open house for the design improvements for Gandy Boulevard from I-275 to east of 4th Street North. This meeting will be held on Thursday, July 24, 2014 in the Epiphany of Our Lord Ukrainian Catholic Church, 434 – 90th Avenue North, St. Petersburg, FL 33702 from 5:00 p.m. – 7:00 p.m.

The purpose of this meeting is to give interested people the opportunity to view the proposed design. The meeting will be an informal open house. There will be display boards of the roadway improvements for guests to view. There will be no formal presentation and participants are welcome to attend anytime between 5:00 p.m. and 7:00 p.m. FDOT staff, the Engineer of Record, and the Contractor will be available to discuss the project, receive public input and to answer your questions.

The Florida Department of Transportation's (FDOT) contractor, Condotte-deMoya JV, began construction in February, 2014 on this \$83 million design-build project to improve east/west traffic flow in Pinellas County along Gandy Boulevard from I-275 to East of 4th Street North. Condotte-deMoya JV is transforming the existing Gandy Boulevard to an elevated six-lane roadway (three in each direction) from I-275 to west of Dr. Martin Luther King Jr. Street North and four lanes (two in each direction) from west of Dr. Martin Luther King Jr. Street North to east of 4th Street North. The main objective of the project is to reduce congestion and improve traffic flow on Gandy Blvd, 4th Street North, Dr. Martin Luther King Jr. Street North and 94th Avenue North by creating an elevated Gandy Boulevard with interchanges and frontage roads. Interchanges will be built at 94th Avenue North, Dr. Martin Luther King Jr. Street North, Roosevelt Boulevard, and 4th Street North. A frontage road system will parallel the mainline roadway. Project completion by Spring of 2017.

A copy of the agenda may be obtained by contacting: Marty Sanchez, PE, FDOT Project Construction Engineering Inspector, at (727)578-8999, by email at msanchez@genesiscei.com or by writing the Florida Department of Transportation, 11201 N. Malcolm McKinley Drive, Tampa, FL 33612-6403.

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: Brent Postma, Public Involvement Manager, at (813)852-1888 or by email at bpostma@omni-communications.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Marty Sanchez, PE, FDOT Project Construction Engineering Inspector, at (727)578-8999, by email at msanchez@genesiscei.com or by writing the Florida Department of Transportation, 11201 N. Malcolm McKinley Drive, Tampa, FL 33612-6403.

## Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Licensing

Notice is hereby given that on July 10, 2014, the Division of Licensing received an amended petition for declaratory statement from JTDA Group, Inc., and Eduardo Wolmers. The petition seeks a declaration regarding Sections 493.6101(22), 493.6120(1), and 493.6118(1)(n), Florida Statutes.

The Petitioner initially filed a petition for declaratory statement with the Department on June 11, 2014. Notice of the initial petition was published on June 16, 2014, in Vol. 40, No. 116, of the Florida Administrative Register. The amended petition makes changes regarding the nature of the declaratory statement sought, along with a few other modifications throughout the remainder of the Petition.

Per Rule 28-105.0027, Florida Administrative Code, except for good cause shown, petitions to intervene must be filed within 21 days of publication of this notice.

A copy of the Petition may be obtained by contacting Whitney Shiver, Government Analyst I, Post Office Box 5647, Tallahassee, Florida 32314, or by e-mail: Whitney.Shiver@FreshFromFlorida.com, or by telephone (850)245-5459.

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### DEPARTMENT OF HEALTH

#### Board of Massage Therapy

NOTICE IS HEREBY GIVEN that the Board of Massage Therapy has issued an order disposing of the petition for declaratory statement filed by Diana Richardson on April 5, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 72, of the April 12, 2013, Florida Administrative Register. The petition seeks a declaratory statement from the Board as to whether skin beautification services and body wrapping services are within the scope of practice for a licensed massage therapist. The Board's Order, filed on May 6, 2013, issues a declaratory statement that performing skin beautification/facials is not within the scope of Section 480.33(3), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Christy Robinson, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, christy.robinson@flhealth.gov.

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DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that the Board of Massage Therapy has issued an order disposing of the petition for declaratory statement filed by Thomas Sweeney, Jr. on March 26, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 72, of the April 12, 2013, Florida Administrative Register. The petition seeks a declaratory statement from the Board as to whether Iontoporesis is within the scope of practice for a licensed massage therapist. The Board's Order, filed on May 6, 2013, issues a declaratory statement that administration of medication is not within the scope of massage therapy as defined in Section 480.033(3), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Christy Robinson, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, christy.robinson@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Respiratory Care

NOTICE OF WITHDRAWAL OF PETITION FOR DECLARATORY STATEMENT

The Board of Respiratory Care hereby gives notice that the petition filed by Michael Maranto on January 29, 2014, seeking the Board's interpretation of Sections 456.072(1) and 468.365(1), Florida Statutes, and subsection 64B32-5.001(1), Florida Administrative Code, was withdrawn at the Boards' meeting on April 11, 2014, by the Petitioner. The Notice of Petition was published in Vol. 40, No. 40, of the February 27, 2014, issue of the Florida Administrative Register.

The person to be contacted regarding this petition is: Allen Hall, Executive Director, Board of Respiratory Care Specialists, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3257.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

ADVERTISEMENT TO BID CONSTRUCTION

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL OR ELECTRICAL CONTRACTORS BY THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES HEREINAFTER REFERRED TO AS OWNER, FOR THE PROJECT REFERENCED BELOW:

PROJECT NAME & LOCATION: Upgrade Control Panels A & B Wing – Neil Kirkman Building – Tallahassee, Florida  
ARCHITECT-ENGINEER: McGinniss & Fleming Engineering, Inc., 1401 Miccosukee Road, Ste 200, Tallahassee, Florida 32308, TELEPHONE: (850)681-6424.

MANDATORY DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES PREQUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility to submit bid proposals five (5) calendar days prior to the bid opening date. If bidder has been previously pre-qualified by the Department of Management Services (OMS) for the current biennium (September 1 through August 31) of even numbered years, please verify pre-qualification is still valid. Bidders will still be required to meet the experience requirements outlined in the Non-Technical Specification Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

After the bid opening, the low bidder may be required to provide additional financial and bidding qualifications in accordance with Florida Administrative Rule 60D-5.004. These requirements are outlined in the Non-Technical Specifications Instruction to Bidders under Article B-22 "Qualifications for Award of Contract".

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** Under Section 287.017, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services and/or construction or repair of a public building or public work and may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity for a period of 36 months from the date of being placed on the convicted vendor list.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES:** Under Section 287.134(2), Florida Statutes, entities or affiliates who have been placed on the State of Florida's discriminatory vendor list may not submit a bid or proposal on this contract.

**BID BOND:** If the Base Bid or the Base Bid plus the sum of any alternates exceed \$100,000, the bidder shall enclose a certified check, cashier's check, treasurer's check, bank draft or Bid Bond in the amount of not less than five percent (5%) of the Bid, payable to the Owner as a guarantee for the purpose set out in Instructions to Bidders. (Failure to submit a bid bond will result in disqualification).

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** If the construction contract award amount exceeds \$100,000.00, a Performance Bond and a Labor and Material Payment Bond will be required and will be issued with the award of contract.

**PRE-BID MEETING:**

**DATE AND TIME:** Tuesday, July 22, 2014, 2:00 p.m. eastern time.

**PLACE:** Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee Florida (meet at front lobby).

**SEALED BIDS WILL BE RECEIVED, PUBLICLY OPENED AND READ ALOUD ON:**

**DATE AND TIME:** Thursday, August 7, 2014, 4:00 p.m. eastern time

**PLACE:** Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida (meet at front lobby).

**PROPOSAL:** Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions.

Full sets of drawings and specifications may be purchased at Modern Digital Imaging, 519 North Monroe Street Tallahassee, FL 32301, (850)222-7514 by payment of the printing and handling costs. Electronic copies can be transmitted by Engineer upon request.

**DISABILITY ACCESS:** Pursuant to the provisions of the Americans with Disabilities Act according to Section 286.26, F.S., any person requiring special accommodations to participate in this meeting/bid opening is asked to advise the agency at least 48 hours before the meeting by contacting McGinniss & Fleming Engineering, Inc. at (850)681-6424. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**CONTRACT AWARD:** The Notice of Award Recommendation will be posted at the Office of HSMV Construction Projects Administrator, Room A-102 within 72 hours (business days) after the bids are opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted within this time frame, then all bidders will be notified by email or fax when the award is posted. If no protest is filed per Section B-19 of the Instructions to Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

#### METROPOLITAN PLANNING ORGANIZATIONS

Pinellas County Metropolitan Planning Organization

Request for Proposals for Pinellas MPO Auditing Services

Pinellas County Metropolitan Planning Organization (MPO)

Request for Proposal (RFP)

RFP

webpage:

<http://www.pinellascounty.org/mpo/auditorrfp.html>

Scope of Services

The Pinellas County Metropolitan Planning Organization (MPO) is requesting proposals from qualified auditing firms to provide an audit of the financial records and transactions of the MPO for the year ending September 30, 2014, with an option to provide on a year-by-year basis such services for up to two additional fiscal years.

The audit is to be conducted in accordance with requirements of the Single Audit Act Amendments of 1996, 31 U.S.C. §§ 7501 et. seq., OMB Circular A-133 [49 CFR 18.26], "Audits of State, Local Government, and Non-Profit Organizations", Section 215.97, F.S. "Florida Single Audit Act" and Rules 10.550 and 10.650, "Rules of the Auditor General". The audit shall include a review of the accounting control structure and of the compliance with budgetary and legal requirements of the MPO.



More information regarding this RFP is available at the RFP webpage shown above.

**Submittals**

Questions concerning the RFP must be submitted to Alicia Parinello at [aparinello@pinellascounty.org](mailto:aparinello@pinellascounty.org) by 4:30 p.m. on Monday, July 21, 2014. Responses to all questions received will be posted at one time by 4:30 pm on Wednesday, July 23, 2014 at <http://www.pinellascounty.org/mpo/auditorrfp.html>.

Interested firms should send completed proposals no later than 4:30 pm on Friday, August 1, 2014. Proposals may be mailed or emailed to the address listed below.

Attention: Alicia Parinello, Planner  
 Pinellas County MPO  
 310 Court Street  
 Clearwater, FL 33756  
 Email: [aparinello@pinellascounty.org](mailto:aparinello@pinellascounty.org)  
 Phone: (727)464-8200  
**Selection Process**

From the received proposals, the MPO Staff Auditor Selection Committee shall review and rank the proposals on or before Friday, August 8, 2014. Proposals are to remain in effect for 90 calendar days from date of submission. The MPO reserves the right to reject any or all proposals or negotiate changes to the proposals whenever such rejection, waiver or negotiation is in the best interest of the MPO. Firms will be ranked based upon their understanding of requested services, professional qualifications, experience, proposed fee and DBE status. The committee will negotiate a contract with the Number 1 ranked firm and present the contract to the MPO Board at their September 10, 2014 meeting. The MPO reserves the right to change the above schedule as necessary. Any changes will be posted on the Auditor RFP webpage.

**PINELLAS COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO)**

**JACKSONVILLE PORT AUTHORITY  
 INVITATION TO BID  
 ITB\_C-1459 - REHABILITATE PHOENIX  
 AVENUE RAIL CROSSING**

Sealed bids will be received by JAXPORT until Thursday, July 31, 2014, at 2:00 p.m. EDT) at which time they shall be opened in the Public Meeting Room of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida, for REHABILITATE PHOENIX AVENUE RAIL CROSSING. All bids must be submitted in accordance with specifications and drawings for Contract No. C-1459, which may be examined in the Procurement Department of JAXPORT, located on the second floor of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida 32206. (Please telephone (904)357-3017 for information.)

A MANDATORY PRE-BID CONFERENCE AND SITE VISIT WILL BE HELD ON WEDNESDAY, JULY 16, 2014, AT 10:00 AM(EST), IN THE PUBLIC MEETING ROOM, FIRST FLOOR OF THE PORT CENTRAL OFFICE BUILDING LOCATED AT 2831 TALLEYRAND AVENUE, JACKSONVILLE, FLORIDA 32206.

ATTENDANCE BY A REPRESENTATIVE OF EACH PROSPECTIVE BIDDER IS REQUIRED. A BID WILL NOT BE ACCEPTED FROM ANY BIDDER WHO IS NOT REPRESENTED AT SUCH CONFERENCE.

PLEASE VISIT [HTTP://WWW.JAXPORT.COM/ABOUT/PROJECTS.CFM](http://www.jaxport.com/about/projects.cfm) OR CALL THE PROCUREMENT DEPARTMENT AT (904)357-3017, PRIOR TO THE BID OPENING TO DETERMINE IF ANY ADDENDA HAVE BEEN RELEASED ON THIS CONTRACT.

Bid and contract bonding are required. This project is funded by a State of Florida grant program. The Mandatory Small Emerging Business (SEB) Participation Goal established for this project is 10%.

**Section XII  
 Miscellaneous**

**AGENCY FOR HEALTH CARE ADMINISTRATION  
 Certificate of Need**

**EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Duval	District: 4
ID #E140014	Decision: A
Issue Date: 7/9/2014	

Applicant/Facility: Memorial Healthcare Group, Inc./Memorial Hospital Jacksonville  
 Project Description: Add 14 adult inpatient psychiatric beds through the conversion of 14 acute care beds  
 Proposed Project Cost: \$2,900,000.

County: Martin	District: 9
ID #E140015	Decision: A
Issue Date: 7/11/2014	

Applicant/Facility: HealthSouth Rehabilitation Hospital of Martin County, LLC /HealthSouth Rehabilitation Hospital at Martin Health  
 Project Description: Add 10 comprehensive medical rehabilitation beds  
 Proposed Project Cost: \$4,466,218.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 State Revolving Fund Program  
 NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTICE

Lee County

The Florida Department of Environmental Protection (DEP) has determined that Lee County's project involving modifications of and additions to the Three Oaks Wastewater Treatment Facilities is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$17,371,000. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, SRF Program, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, by calling (850)245-8372 or by email to Pankaj.Shah@dep.state.fl.us.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Richard Wilson Gallegos, PMD, Certification Number: PMD 518674. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On July 11, 2014, the State Surgeon General, issued an Order Vacating Order of Emergency Restriction of License with regard to the license of Muscle Eze, LLC, License Number: MM 24923. The Department orders that the Emergency Restriction of License be vacated.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Maria Rivera, CNA, License No.: 134899. This Emergency Suspension Order was predicated upon the State Surgeon

General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of David E. Roberts, CNA, Certificate No.: 281017. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Nisha Kerube Coleman, CNA, Certificate No.: 108328. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Tunishai Marie Graham, RN, License No: RN 9307490. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Robin D. Isaac-Brown, CNA, Certificate No.: 166189. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Michael Nowak, LPN, License Number PN 5206864. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Lucy Valencia, DO, License No.: OS 8098. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Pharmacy

Notice of Emergency Action

On July 11, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Earecka Deborah Washington, RPT, Registration No.: RPT 11855. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII  
Index to Rules Filed During Preceding  
Week

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