

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-20.027 Rosewood Family Scholarship Fund

**PURPOSE AND EFFECT:** The purpose of this rule development is to align the rule with the governing statute, Section 1009.55, Florida Statutes. The effect will be a rule which is consistent with governing law.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule renames the Reinstatement/Restoration Application for Students and Teachers to be called the Reinstatement/Restoration Application; programs for teachers were repealed. The proposed rule adds the term Florida college to reflect current statutory naming conventions. The 2014 Florida Legislature amended Section 1009.55, Florida Statutes, to award a maximum of \$6,100 to 50 applicants, increased from \$4,000 to 25 applicants. Since the award amount and number of scholarships are in current statute, this information is being removed from the rule.

**RULEMAKING AUTHORITY:** 1001.02(1), 1009.55(2) FS.

**LAW IMPLEMENTED:** 1009.55 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Brian Underhill, Department of Education, 325 West Gaines Street, Room 1344, Tallahassee, Florida 32399, (850)410-5185. To request a rule development workshop, please contact Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement - Local Retirement**

RULE NO.: RULE TITLE:

60T-1.003 Actuarial Reports

**PURPOSE AND EFFECT:** To clarify the requirements needed to comply with Section 112.664, F.S., with regard to reporting standards for local government defined benefit retirement plans or systems as enacted in Chapter 2013-100, Laws of Florida SB 534.

**SUBJECT AREA TO BE ADDRESSED:** Additional Actuarial Disclosures.

**RULEMAKING AUTHORITY:** 112.665 FS.

**LAW IMPLEMENTED:** 112.664 FS.

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

**DATE AND TIME:** Friday, October 24, 2014, 1:00 p.m. – 3:00 p.m., ET

**PLACE:** Betty Easley Conference Center, 4075 Esplanade Way, Bldg. 4075, Room 180, 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 48 hours before the workshop/meeting by contacting: Beth Rissinger, Operations and Pension Analyst at (850)778-4404. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: RULE TITLE:

61J1-10.004 Certified General Appraiser

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to modify the language for the minimum education, experience, and examination requirements for certification as a general real estate appraiser.

**SUBJECT AREA TO BE ADDRESSED:** Certified general appraiser.

**RULEMAKING AUTHORITY:** 475.614 FS.

**LAW IMPLEMENTED:** 475.613(2), 475.615(2), 475.617(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

## Section II Proposed Rules

### WATER MANAGEMENT DISTRICTS

#### South Florida Water Management District

RULE NO.: 40E-1.800  
RULE TITLE: Lobbyist Registration

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to establish procedures for registering to lobby the South Florida Water Management District and to adopt two forms for use in registration, changing information, renewing registration, and cancelling registration; along with incorporation of a business classification system for the principals of the registering lobbyists.

SUMMARY: Chapter 2014-183, Laws of Florida, requires lobbyists to register with a water management district, if they seek to influence that district with respect to a decision of the district in an area of policy or procurement or seek to obtain the goodwill of a district official or employee. The proposed registration form requests general information about the lobbyist, including the existence of any direct or indirect business or financial relationship between the lobbyist and a District officer or employee.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed for the Governor’s Office of

Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 112.3261(8) FS.

LAW IMPLEMENTED: 112.3261 FS.

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

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: South Florida Water Management District Clerk at 1(800)432-2045, x 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Derek Brown, Senior Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone: 1(800)432-2045, ext. 2603 or (561)682-6278 or by email: debrown@sfwmd.gov. For procedural questions, please contact Charron Follins, Senior Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone: 1(800)432-2045, ext. 6293 or (561)682-6293 or by email: cfollins@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.800 Lobbyist Registration.

(1) A person who is a “lobbyist” as defined in Section 112.3215, F.S., may not lobby the South Florida Water Management District (the “District”) until he or she has registered as a lobbyist with the District. Registration shall be made by completing, under oath, the “Lobbyist Registration Form,” which is incorporated by reference in subsection (7) below, and submitting that form to the District Clerk at the mail or email address provided in the form.

(2) A separate completed Lobbyist Registration Form must be submitted for each principal represented by the lobbyist before the District.

(3) For identifying and designating a principal’s main business on the Authorization to Represent the Principal part of the Lobbyist Registration Form, the District adopts and incorporates by reference the 6-digit NAICS code published in the North American Industry Classification System – United States, 2012. Classification system information can be obtained by contacting the NAICS Association, 129 Lakeshore Drive, Rockaway, NJ 07866, or by visiting its website: www.naics.com.

(4) Changes to the information provided on a Lobbyist Registration Form must be reported to the District within 15 days by submitting a completed Lobbyist Registration Form and checking the box indicating the submitted form is for the purpose of changing previously filed information.

(5) A lobbyist may renew his or her registration to lobby by filing a completed Lobbyist Registration Form with the District and checking the box indicating the submitted form is for renewal purposes. Renewals must be filed before January 1 of each year.

(6) The principal of a lobbyist may cancel the lobbyist’s registration by submitting a completed “Lobbyist Registration Cancellation Form,” which is incorporated by reference in subsection (7) below, informing the District that a particular lobbyist is no longer authorized to represent that principal. A lobbyist must cancel his or her registration with the District upon termination of his or her contract or other such employment relationship with the principal by promptly submitting a completed Lobbyist Registration Cancellation Form.

(7) The Lobbyist Registration Form, form number 1400, (effective date) (hyperlink), and the Lobbyist Registration Cancellation Form, form number 1402, (effective date) (hyperlink), are hereby incorporated by reference and may be obtained without cost from the District Clerk either at South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, or at clerk@sfwmd.gov. These forms may also be downloaded from the District’s website at: www.sfwmd.gov/opengov. Rulemaking Authority 112.3261(8) FS. Law Implemented 112.3261 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Derek Brown, Senior Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone: 1(800)432-2045, ext. 2603 or (561)682-6278 or by email: debrown@sfwmd.gov.  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 6, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NOS.:      RULE TITLES:  
 61B-78.002      Definitions and Purpose  
 61B-78.003      Educational Resolution  
 61B-78.004      Enforcement Resolution and Civil Penalties

PURPOSE AND EFFECT: The Division proposes the rule amendment to update the cooperative resolution guidelines for unit owner controlled associations to reflect legislative changes to Chapter 719, F.S.

SUMMARY: The amendment updates the cooperative resolution guidelines for unit owner controlled associations.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted by the agency.

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

RULEMAKING AUTHORITY: 719.501(1)(f) FS.  
 LAW IMPLEMENTED: 719.301(5), 719.501(1)(d)4., 719.501(1)(m) 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: Debbie Miller, Government Analyst I, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-78.002 Definitions and Purpose.

(1) Definitions. For the purposes of this rule chapter, Rules 61B-78.002, 61B-78.003, and 61B-78.004, F.A.C., the following definitions shall apply:

(a) "Accepted complaint" means a complaint received by the division from someone with standing to file a complaint containing sufficient documentation and addressing a subject within the jurisdiction of the division, pursuant to Section 719.501(1), F.S. A complaint that merely recites the statutes or is based on mere suspicion or speculation, without a plain statement of facts clearly describing what is alleged to have occurred, will not be accepted.

(b) No change.

(c) "Alleged repeated violation" means ~~any accepted complaint for~~ the same or substantially similar recurring conduct cited in an accepted complaint received by the division within two years from the resolution of a previous complaint, the issuance of a final arbitration order or court order, or the entering of a final order by the division regarding that conduct.

(d) through (e) No change.

(2) No change.

(3) These resolution penalty guidelines are promulgated pursuant to the division's authority in Section 719.501(1)(d), (f), and ~~(m)(4)~~, F.S. These rules do not preclude the division from imposing affirmative or corrective action pursuant to Section 719.501(1)(d)2., F.S. Nothing in these rules shall limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, settlement agreement, or consent order. Rules 61B-78.002, 61B-78.003, and 61B-78.004, F.A.C., are necessary to explain ~~explicate~~ the division's education and enforcement policies ~~policy~~. ~~These rules are not intended to cover, or be applied to, willful and knowing violations of Chapter 719, F.S., or the administrative rules by an officer or association board member, pursuant to Section 719.501(1)(d)4., F.S. Such violations shall be strictly governed by the provisions of Section 719.501(1)(d)4., F.S. These rules are not intended to cover, or be applied to, violations of Chapter 719, F.S., or the administrative rules by a cooperative developer as defined by Section 719.103(16)(13), F.S. Such violations shall be strictly governed by the provisions of Chapter 61B-77, F.A.C., and Section 719.301(5), F.S.~~

Rulemaking Specific Authority 719.501(1)(f) 719.501(1)(d)4., (f) FS. Law Implemented 719.501(1)(d)4., 719.501(1)(m) 719.501(1)(d)4., (4) FS. History—New 6-4-98, Amended \_\_\_\_\_.

61B-78.003 Educational Resolution.

(1) through (2) No change.

(3) Alleged Repeated Minor Violations. A subsequent accepted complaint that is, directed at the same association involving a possible violation identified as minor in these guidelines, will be resolved as follows:

~~If based on the complaint,~~ the division has reasonable cause to believe that a statutory or rule violation may have occurred, a Warning Letter will be sent to the association. The Warning Letter will give the association 14 calendar days ~~a reasonable period of time~~ in which to address, correct, or dispute the violation. The Warning Letter will identify the violation, and provide a contact telephone number and an investigator's name so that the association may contact the division for educational assistance or an educational conference in obtaining compliance. However, it is solely the responsibility of the association to take action, when applicable, to achieve statutory or rule compliance. Failure to respond to a Warning Letter, or take affirmative or corrective action as requested by the division, will result in the division proceeding with an enforcement resolution ~~lead to further investigation~~. The Warning Letter shall not be considered final agency action. The division will notify the complainant of the ~~educational resolution of the complaint,~~ or if applicable, alternative dispute resolution options.

(4) Alleged Major Violations. An initial accepted complaint that is, directed at an association and involving a possible violation identified as major in these guidelines, will be resolved as follows:

~~If based on the complaint,~~ the division has reasonable cause to believe that a statutory or rule violation may have occurred, a Warning Letter will be sent to the association. The Warning Letter will give the association 14 calendar days ~~a reasonable period of time~~ in which to address, correct, or dispute the violation. The Warning Letter will identify the violation, and provide a contact telephone number and an investigator's name so that the association may contact the division for educational assistance or an educational conference in obtaining compliance. However, it is solely the responsibility of the association to take action, when applicable, to achieve statutory or rule compliance. Failure to respond to a Warning Letter, or take affirmative or corrective action as requested by the division, will result in the division proceeding with an enforcement resolution ~~lead to further investigation~~. The Warning Letter shall not be considered final agency action. The division will notify the complainant of the ~~educational resolution of the complaint,~~ or if applicable, alternative dispute resolution options.

Rulemaking Specific Authority 719.501(1)(f) 719.501(1)(d)4., (f) FS. Law Implemented 719.501(1)(d)4., 719.501(1)(m) 719.501(1)(d)4., (e) FS. History—New 6-4-98, Amended \_\_\_\_\_.

61B-78.004 Enforcement Resolution and Penalty Guidelines Civil Penalties.

(1) The division will seek compliance through an enforcement resolution for repeated minor or major violations, or for the failure to correct or address a violation or provide unit owner redress as requested by the division. If the division issues a notice to show cause, it will notify the association of its right to a hearing under Chapter 120, F.S. These guidelines list aggravating and mitigating factors that will reduce or increase the listed penalty amounts within the specified range and those circumstances that justify a departure from the range. No aggravating factors will be applied to increase a penalty for a single violation above the statutory maximum of \$5,000. The guidelines in this rule section are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty. Nothing in these rules shall limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, settlement agreement, or consent order.

(2) No change.

(3) Aggravating and Mitigating Factors. The division will consider aggravating and mitigating factors, which will reduce or increase the penalty amounts within the specified range, in determining penalties for both minor and major violations listed in this rule section. No aggravating factors will be applied to increase a penalty for a single violation above the statutory maximum of \$5,000. The factors are not necessarily listed in order of importance, and they shall be applied against each single count of the listed violation.

(a) Aggravating Factors:

No.	Description
1.	Filing or causing to be filed any materially incorrect document in response to any division request or subpoena.
2.	Financial loss to parties or persons affected by the violation.
3.	Financial gain to parties or persons <u>responsible for who perpetrated</u> the violation.
4.	The disciplinary history of the association, including such action resulting in an enforcement resolution as detailed in Rule 61B-78.004, F.A.C., or Section 719.501, F.S.
5.	The violation caused substantial harm, <u>or has potential to cause substantial harm to unit owners, cooperative residents or other persons, or entities.</u>

6.	<del>Undue delay in initiating or completing, or failure to take, affirmative or corrective action after the association received the division's written notification of the violation.</del>
<del>6.7.</del>	<del>The violation had occurred for a long period of time.</del>
<del>7.8.</del>	<del>The violation was repeated within <u>2 years</u> a short period of time.</del>
<del>8.9.</del>	<del>The association impeded the division's investigation or authority.</del>
10.	<del>The investigation involved the issuance of a notice to show cause or other proceeding.</del>

(b) Mitigating Factors:

No.	Description
<del>1.</del>	<del>Whether current members of the association board have sought and received educational training, other than information provided pursuant to Rule 61B-78.003, F.A.C., on requirements of Chapter 719, F.S., within the past two years.</del>
<del>2.</del>	<del>Reliance on written professional or expert counsel and advice.</del>
<del>1.3.</del>	<del>The violation or harm was related to a natural or manmade disaster(s). Acts of God or nature.</del>
<del>2.</del>	<del>Financial hardship to respondent.</del>
<del>3.4.</del>	<del>The violation caused no harm to unit owners, cooperative residents or other persons, or entities.</del>
<del>4.</del>	<del>The violation occurred despite reliance on written professional or expert counsel advice.</del>
5.	The association took affirmative or corrective action before it received the division's written notification of the violation.
6.	The association expeditiously took affirmative or corrective action after it received the division's written notification of the violation.
7.	The association cooperated with the division during the investigation.
<del>8.</del>	<del>The investigation was concluded through consent proceedings.</del>

(4) through (6) No change.

(7) Penalties.

(a) Minor Violations. The following violations shall be considered minor due to their lower potential for public consumer harm. If an enforcement resolution is utilized, the division shall impose a civil penalty between \$1 and \$5, per unit, for each minor violation. The penalty will be assessed beginning with the middle of the specified range and adjusted either up or down based upon any accepted aggravating or mitigating factors submitted with proper documentation. An

occurrence of six or more aggravating factors or five or more mitigating factors will result in a penalty being assessed outside of the specified range. The total penalty to be assessed shall be calculated according to these guidelines or \$100, whichever amount is greater. ~~Finally,~~ In no event shall a penalty of more

than \$2,500 be imposed for a single violation. The following are identified as minor violations:

No.	Category	Statute or Rule Cite	Description of Conduct/Violation
1.	<u>Assessments</u>	<u>719.108(6), F.S.</u>	<u>Failure to provide within 15 days a certificate stating all assessments and other moneys owed to the association by the unit owner with respect to the cooperative parcel.</u>
2.	<u>Board</u>	<u>719.1055(4)(b), F.S.</u>	<u>Failure to include the full text showing underlined or strikethrough language in the proposed amendment to the cooperative documents.</u>
3.	<u>Board</u>	<u>719.1035(1), F.S.</u>	<u>Failure to maintain corporate status of the association.</u>
	<u>Board</u>	<u>719.104(8)(b), F.S.</u>	<u>Improper use of secret ballot, or use of proxy, by board members at a board meeting.</u>
4.	Board	719.106(1)(a)2., F.S.	Failure to provide a timely or substantive response to a written inquiry received by certified mail.
5.	Board	719.106(1)(b)1., F.S.	<u>Action taken at unit owner meeting without quorum.</u> <u>Improper quorum at unit owner meeting.</u>
	<u>Board</u>	<u>719.106(1)(b)2., F.S.</u>	<u>Failure of proxy to contain required elements.</u>
6.	Board	719.106(1)(c), F.S.	Failure to properly notice and conduct board of administration or committee meetings; Notice failed to indicate assessment would be considered; Failure to maintain affidavit by person who gave notice of special assessment meeting; Failure to ratify emergency action at next meeting; Failure to adopt a rule regarding posting of notices; Failure to notice meeting; <del>non-emergency action taken at board meeting, not on agenda; no meeting agenda; Action on item not on agenda.</del> Notice did not include agenda. Failure to allow unit owners to speak <u>or unreasonably restricting the frequency, duration, or manner of unit owner statements at meetings;</u> <del>Failure to permit a unit owner to tape record or videotape meeting;</del> Failure to allow unit owner to attend meeting.
7.	Board	719.106(1)(d), F.S.	Failure to provide notice of the annual meeting not less than 14 days prior to the meeting. Failure to include agenda. Failure to maintain affidavit by person who gave notice of annual meeting. Failure to adopt a rule designating a specific place for posting notice of unit-owner meetings.
8.	Board	719.106(1)(d)2., F.S.	<u>Permitting unit owner action by written agreement without express authority from Chapter 719, F.S., or the cooperative governing documents.</u> <del>Failure to hold a unit owner meeting to obtain unit owners' approval when written agreements are not authorized.</del>
9.	Board	719.106(1)(h), F.S.	<u>Failure to include the of amendment to bylaws to contain full text showing underlined or strikethrough language in the proposed amendment to the bylaws; etc.</u>

	Board	719.106(1)(i), F.S.	<del>Failure to have the authority in the cooperative documents when levying transfer fees or security deposits.</del>
	Board	719.108(3), F.S.	<del>Failure to have the authority in the cooperative documents when levying late fees.</del>
10.	Board	719.3026(1), F.S.	Failure to obtain competitive bids on contracts that exceed five percent of the association's budget.
	Board	719.303(3), F.S.	<del>Failure to have the authority in the cooperative documents when levying fines. Failure to provide proper notice of fines.</del>
11.	Board	719.106(1)(b)5., F.S.	<del>Failure to provide a speaker phone for board or committee meetings held by teleconference.</del>
12.	Board	719.106(1)(c), F.S. 61B-75.004, F.A.C.	<del>Failure to allow a unit owner to tape record or video tape meetings.</del>
	Board	61B-75.005(13), F.A.C.	<del>Failure to fill vacancy properly.</del>
13.	Budgets	719.106(1)(e)1., F.S.	Failure to timely notice budget meeting. Failure to timely deliver proposed budget.
14.	Budgets	719.106(1)(e)2., F.S.	Failure of board to call a unit owners' meeting to consider alternate budget.
15.	Budgets	719.106(1)(j)1., F.S. 719.504(20)(c), F.S.	Failure to include applicable line items in proposed budget.
16.	Budgets	61B-76.003(1)(b), F.A.C.	Failure to disclose the beginning and ending dates of the period covered by the <del>proposed</del> budget.
17.	Budgets	61B-76.003(1)(c), F.A.C.	Failure to disclose periodic assessments for each unit type in proposed budget.
	Budgets	61B-76.003(1)(e),(f), F.A.C. 61B-76.005(1), F.A.C.	<del>Failure to provide for funding of one or more reserve fund categories in the proposed budget.</del>
	Elections	719.106(1)(d)1., F.S. 61B-75.005(3), F.A.C.	<del>Improper nomination procedures in election.</del>
	Elections	719.106(1)(d)1., F.S. 61B-75.005(5), F.A.C.	<del>Including candidate who did not provide timely notice of candidacy.</del>
	Elections	61B-75.005(6), F.A.C.	<del>Failure to provide candidate a receipt for written notice of intent to be a candidate.</del>
18.	Elections	61B-75.005(8), (40), F.A.C.	<del>Counting ballots not cast in inner and outer envelopes.</del> Failure to provide space for name, <u>unit number</u> , and signature on outer envelope.
	Elections	61B-75.005(10)(c), F.A.C.	<del>Failure to timely hold runoff election.</del>
19.	Elections	61B-75.005(9), F.A.C.	<del>Failure to list candidates alphabetically by surname on the ballot.</del>
20.	Elections	61B-75.005(10)(b), F.A.C.	<del>Improper verification of outer envelopes.</del>
21.	Records	719.104(2)(a)2., F.S.	Failure to maintain <u>a copy</u> of the cooperative documents.
22.	Records	719.104(2)(a)5., F.S.	Failure to maintain a current <u>and complete</u> unit owner roster. <del>Failure of roster to include all elements.</del>
23.	Records	719.104(2)(a)12., F.S. 719.104(2)(e), F.S.	Failure to maintain <u>or annually update</u> <del>a copy</del> of the question and answer sheet.
24.	Records	719.104(2)(a)13., F.S.	Failure to maintain other association records related to the operation of the association.
	Records	719.104(2)(b),(c), F.S.	<del>Failure to provide access to records.</del>
25.	Records	719.104(8)(b), F.S.	<del>Failure of minutes to reflect how board members voted at board meeting.</del> Failure to record a vote or an

			abstention in the minutes for each board member present at the board meeting.
26.	Records	61B-76.003(3), F.A.C.	Failure to reflect the adoption of the budget in meeting minutes to reflect adoption of the proposed budget.
	Reporting	719.104(4)(a), F.S. 61B-76.006(6)(a), F.A.C.	Failure to timely provide the annual financial report.
27.	Reporting	61B-76.006(3)(a)5., F.A.C.	Failure to disclose in the <u>annual year-end</u> financial statements the manner by which reserve items were estimated and/or the date the estimates were last made.
28.	Reporting	61B-76.006(3)(b)(e), F.A.C.	Failure to disclose the <del>Improper disclosure in the year-end financial statements of</del> method of allocating <u>income revenues</u> and expenses <u>in the annual financial statements</u> . <del>Improper special assessment disclosures in the year-end financial statements.</del>
	Reporting	61B-76.006(5)(c), F.A.C.	Failure to include the required reserve fund disclosures in the annual financial report.

(b) Major Violations. The following violations shall be considered major due to their increased potential for public consumer harm. If an enforcement resolution is utilized, the penalty will be assessed beginning with the middle of the specified range and adjusted either up or down based upon any accepted aggravating or mitigating factors submitted with proper documentation. An occurrence of six or more aggravating factors or five or more mitigating factors will result

in a penalty being assessed outside of the specified range. The total penalty to be assessed shall be calculated according to these guidelines or \$100, whichever amount is greater. ~~Finally,~~ In no event shall a penalty of more than \$5,000 be imposed for a single violation. The penalties ~~are set forth in categories 1 and 2,~~ for each violation are as follows:

Level Category 1: \$6 – \$10 per unit.

Level Category 2: \$12 – \$20 per unit.

No.	Category	Statute or Rule Cite	Description of Conduct/Violation	Suggested Penalty Level
1.	Accounting Records	719.104(2)(a)9., F.S.	Insufficient <u>or incomplete detail in the</u> accounting records. <del>Failure to maintain sufficient accounting records.</del>	2
2.	Assessing	719.106(1)(g), F.S.	Failure to assess at sufficient amounts <u>to meet expenses</u> .	1
3.	<u>Assessing</u>	<u>719.106(1)(g), F.S.</u>	<u>Collecting assessments less frequently than quarterly.</u>	<u>1</u>
4.	Assessing	719.107(2), F.S.	Failure to assess based upon <u>the shares proportionate share or as stated in the cooperative documents.</u>	2
5.	<u>Assessing</u>	<u>719.108(3), F.S.</u>	<u>Failure to charge interest on past due assessments.</u>	<u>2</u>
6.	<u>Assessing</u>	<u>719.108(1), (8), F.S.</u>	<u>Developer or other owner improperly excused from paying assessments.</u>	<u>2</u>
	<u>Board</u>	<u>719.106, F.S.</u>	<u>Failure to follow method of amendment.</u>	<u>2</u>
7.	<u>Board</u>	<u>719.104(3), F.S.</u>	<u>Failure to insure the association property.</u>	<u>2</u>
8.	<u>Board</u>	<u>719.104(5), F.S.</u>	<u>Improper use fee.</u>	<u>1</u>
9.	<u>Board</u>	<u>719.104(8)(b), F.S.</u>	<u>Use of proxies or improper use of secret ballots by board members at a board meeting.</u>	<u>1</u>



10.	<u>Board</u>	<u>719.105, F.S.</u> <u>719.109(1), F.S.</u>	<u>Unit owner denied access to unit or to common areas.</u>	<u>1</u>
11.	<u>Board</u>	<u>719.1055, F.S.</u>	<u>Improperly amending the cooperative documents.</u>	<u>2</u>
12.	<u>Board</u>	<u>61B-75.005(13), F.A.C.</u>	<u>Improperly filling a vacancy of an unexpired term on the board.</u>	<u>1</u>
13.	<u>Board</u>	<u>719.106(1)(a)1., F.S.</u>	<u>Compensating <del>Improper compensation of</del> officers or <u>members of the board without express authority from the cooperative governing documents</u> <del>directors.</del></u>	<u>2</u>
14.	<u>Board</u>	<u>719.106(1),F.S.</u>	<u>Allowing ineligible person to serve on board of administration.</u>	<u>2</u>
15.	<u>Board</u>	<u>719.106(1)(b)2., F.S.</u>	<u>Improper use of general proxies. Use of non-conforming limited proxies.</u>	<u>1</u>
16.	<u>Board</u>	<u>719.106(1)(c), F.S.</u>	<u>Excluding unit owners from board or committee meetings.</u>	<u>1</u>
17.	<u>Board</u>	<u>719.106(1)(d), F.S.</u>	<u>Failure to hold annual meeting.</u>	<u>2</u>
18.	<u>Board</u>	<u>719.106(1)(f), F.S.</u>	<u>Improper removal of board member.</u>	<u>1</u>
19.	<u>Board</u>	<u>719.106(1)(h), F.S.</u>	<u>Improperly amending the association bylaws.</u>	<u>2</u>
20.	<u>Board</u>	<u>719.106(1)(i), F.S.</u>	<u>Requiring transfer fees or security deposits without express authority from the cooperative governing documents.</u> <u>Requiring excessive transfer fees.</u>	<u>1</u>
21.	<u>Board</u>	<u>719.106(1)(k), F.S.</u>	<u>Failure to maintain adequate fidelity bonding for all persons who control or disburse <del>distribute</del> association funds.</u>	<u>2</u>
22.	<u>Board</u>	<u>719.108(3), F.S.</u>	<u>Levying late fees without express authority from the cooperative governing documents.</u>	<u>1</u>
23.	<u>Board</u>	<u>719.115(3), F.S.</u>	<u>Failure to notify, or timely notify, unit owners of legal action.</u>	<u>1</u>
24.	<u>Board</u>	<u>719.303(3),(4),(5),(6), F.S.</u>	<u>Imposing fines without proper notice.</u> <u>Imposing excessive fines. Improper suspension of use rights and voting rights; failure to provide proper notice.</u>	<u>1</u>
	<u>Board</u>	<u>719.501(2)(a), F.S.</u>	<u>Failure to pay annual fees to the division.</u>	<u>2</u>
25.	<u>Budgets</u>	<u>719.106(1)(e), F.S.</u>	<u>Failure to propose/adopt budget for a given year.</u>	<u>2</u>
26.	<u>Budgets</u>	<u>61B-76.003(1)(e), 5., F.A.C.</u>	<u>Failure to disclose converter reserve funding.</u>	<u>1</u>
27.	<u>Budgets</u>	<u>61B-76.003(1)(e), (f), (g), F.A.C.</u>	<u>Failure to include reserve schedule in the proposed budget.</u>	<u>1</u>
28.	<u>Budgets</u>	<u>61B-76.003(1)(e),(f), F.A.C.</u> <u>61B-76.005(1), F.A.C.</u>	<u>Failure to include a required reserve item in proposed budget.</u>	<u>1</u>
29.	<u>Budgets</u>	<u>719.106(1)(j)2., F.S.</u> <u>61B-76.005(3), F.A.C.</u>	<u>Improper calculation of reserve requirements.</u>	<u>1</u>
30.	<u>Commingle</u>	<u>719.104(7), F.S.</u>	<u>Commingle association funds with non-association funds.</u>	<u>2</u>

31.	<u>Commingle</u>	<u>719.104(7), F.S.</u>	<u>Association funds deposited in account not in association's name.</u>	<u>1</u>
32.	Commingle	719.104(7), F.S. 61B-76.005(2), F.A.C.	Commingle reserve funds with operating funds.	1
33.	Common Expenses	719.107(1), F.S.	Using association funds for other than common expenses.	2
34.	Converter Reserves	719.618(3)(b), F.S.	Improper use of converter reserves.	1
<del>35.</del>	<del>Converter Reserves</del>	<del>61B-76.003(1)(e)5., F.A.C. 61B-76.006(3)(a)6., F.A.C. 61B-76.006(5)(c), F.A.C.</del>	<del>Failure to include converter reserve disclosures in the proposed budget, year-end financial statements, or annual financial report.</del>	<del>1</del>
36.	Elections	719.106(1)(d), F.S. 61B-75.005(2), F.A.C.	Failure to hold election.	2
37.	<u>Elections</u>	<u>61B-75.005(2), F.A.C.</u>	<u>Election not held at time and place of annual meeting.</u>	<u>1</u>
38.	<u>Elections</u>	<u>719.106(1)(d)1., F.S. 61B-75.005(3), F.A.C.</u>	<u>Use of nomination procedures in an election.</u>	<u>2</u>
39.	Elections	719.106(1)(d)1.a., F.S. 61B-75.005(4), F.A.C.	Failure to provide, or timely provide, first notice of election.	<del>2</del>
40.	<u>Elections</u>	<u>719.106(1)(d)1.a., F.S. 61B-75.005(5), F.A.C.</u>	<u>Ballot included candidate who did not timely submit notice of candidacy.</u>	<u>2</u>
41.	<u>Elections</u>	<u>61B-75.005(6), F.A.C.</u>	<u>Failure to provide candidate a receipt for personally delivered written notice of candidacy.</u>	<u>1</u>
42.	Elections	719.106(1)(d)1.a., F.S. 61B-75.005(7), (8), F.A.C.	Failure to provide, or timely provide, second notice of election or omitting <del>materials such as</del> ballots, envelopes, and candidate information sheets.	<del>2</del>
43.	<u>Elections</u>	<u>61B-75.005(7), F.A.C.</u>	<u>Distributing candidate information sheets consisting of more than one page.</u>	<u>1</u>
44.	<u>Elections</u>	<u>61B-75.005(8), F.A.C.</u>	<u>Voters allowed to rescind or change their previously cast ballots.</u>	<u>1</u>
45.	<u>Elections</u>	<u>61B-75.005(8), F.A.C.</u>	<u>Second notice of election included comments by board about candidates.</u>	<u>2</u>
46.	<u>Elections</u>	<u>719.106(1)(d)1.a., F.S. 61B-75.005(7), F.A.C.</u>	<u>Association altered or edited candidate information sheets.</u>	<u>2</u>
47.	<u>Elections</u>	<u>719.106(1)(d)1., F.S.</u>	<u>Failure to use ballots or voting machines.</u>	<u>2</u>
48.	<u>Elections</u>	<u>61B-75.005(10)(a), F.A.C.</u>	<u>Inner envelopes not placed in separate receptacle before being opened.</u>	<u>2</u>
49.	<u>Elections</u>	<u>719.106(1)(d)1.a., F.S. 61B-75.005(9), F.A.C.</u>	<u>Failure to include all timely submitted names of eligible candidates on the ballot.</u>	<u>21</u>
50.	<u>Elections</u>	<u>61B75.005(9), F.A.C.</u>	<u>Ballots not uniform. Ballots identify voter. Ballots included space for write-in candidate.</u>	<u>2</u>
51.	<u>Elections</u>	<u>61B-75.005(10), F.A.C.</u>	<u>Outer envelopes not checked against list of eligible voters.</u>	<u>1</u>
52.	Elections	61B-75.005(10)(a), (b), F.A.C.	Counting ineligible ballots. <del>Not counting ballots in the presence of unit owners.</del>	1
53.	<u>Elections</u>	<u>61B-75.005(10)(a), F.A.C.</u>	<u>Failure to count properly cast ballots.</u>	<u>1</u>

54.	<u>Elections</u>	<u>61B-75.005(10), F.A.C.</u>	<u>Outer envelopes opened prior to election meeting. Outer envelopes not opened in presence of unit owners.</u>	<u>2</u>
55.	<u>Elections</u>	<u>61B-75.005(10)(a), F.A.C.</u>	<u>Not counting ballots in the presence of unit owners.</u>	<u>2</u>
56.	<u>Elections</u>	<u>61B-75.005(10)(a), F.A.C.</u>	<u>Ballots not counted by impartial committee.</u>	<u>1</u>
57.	<u>Elections</u>	<u>61B-75.005(10)(b), F.A.C.</u>	<u>Failure to notice meeting to verify outer envelope information.</u>	<u>1</u>
58.	<u>Elections</u>	<u>61B-75.005(10)(c), F.A.C.</u>	<u>Failure to hold, or timely hold, runoff election.</u>	<u>2</u>
59.	<u>Elections</u>	<u>61B-75.005(10)(a), F.A.C.</u>	<u>No blank ballots available at election meeting.</u>	<u>2</u>
60.	<u>Final Order</u>	<u>719.501(1)(d)4., F.S.</u>	<u>Failure to comply with final order of the division.</u>	<u>2</u>
	<u>Records</u>	<u>719.104(2)(a)10., F.S.</u>	<u>Failure to maintain election materials for one year.</u>	<u>1</u>
61.	<u>Records</u>	<u>719.104(2)(a)4., F.S.</u>	<u>Failure to maintain minutes of meetings.</u>	<u>1</u>
62.	<u>Records</u>	<u>719.104(2)(a)6., F.S.</u>	<u>Failure to maintain a copy of a current insurance policy.</u>	<u>1</u>
63.	<u>Records</u>	<u>719.104(2)(a)7., F.S.</u>	<u>Failure to maintain copy of management agreement or other contract under which the association has obligations.</u>	<u>1</u>
64.	<u>Records</u>	<u>719.104(2)(a)8., F.S.</u>	<u>Failure to maintain bills of sale or transfer.</u>	<u>1</u>
65.	<u>Records</u>	<u>719.104(2)(a)10., F.S.</u>	<u>Failure to maintain election or voting materials for one year.</u>	<u>1</u>
66.	<u>Records</u>	<u>719.104(2)(a)11., F.S.</u>	<u>Failure to maintain rental records.</u>	<u>1</u>
67.	<u>Records</u>	<u>719.104(2)(c), F.S.</u> <u>719.107(1)(a), F.S.</u>	<u>Requiring a unit owner to pay a fee for access to association records.</u>	<u>1</u>
68.	<u>Records</u>	<u>719.104(2)(b), F.S.</u>	<u>Failure to maintain records within Florida.</u>	<u>2</u>
69.	<u>Records</u>	<u>719.104(2)(b), (c), F.S.</u>	<u>Failure to provide access to records. Failure to allow scanning or copying of records.</u>	<u>1</u>
70.	<u>Records</u>	<u>719.104(2)(e), F.S.</u>	<u>Failure of outgoing board or committee member to relinquish all official records and property of the association in his or her possession or under his or her control to the incoming board within 5 days after the election.</u>	<u>2</u>
71.	<u>Reporting</u>	<u>719.104(4)(a), F.S.</u> <u>61B-76.006(6), (8), F.A.C.</u>	<u>Failure to provide, or timely provide, the annual financial report or statements.</u>	<u>2</u>
	<u>Reporting</u>	<u>719.104(4)(b), F.S.</u> <u>61B-76.006(6)(b), F.A.C.</u>	<u>Failure to provide year-end financial statements in a timely manner.</u>	<u>1</u>
	<u>Reporting</u>	<u>719.104(4)(b), F.S.</u> <u>61B-76.006(8), F.A.C.</u>	<u>Failure to provide year-end financial statements.</u>	<u>2</u>
72.	<u>Reporting</u>	<u>61B-76.006(1), F.A.C.</u>	<u>Failure to prepare annual year-end financial statements using fund accounting. Failure to prepare annual year-end financial statements on accrual basis.</u>	<u>1</u>
73.	<u>Reporting</u>	<u>719.104(4)(a), F.S.</u> <u>61B-76.006(1), F.A.C.</u>	<u>Failure to prepare annual year-end financial statements in accordance with Generally Accepted Accounting Principles (GAAP).</u>	<u>2</u>

			Failure to have reviewed or audited <u>annual year-end</u> financial statements prepared by a Florida licensed CPA.	
74.	Reporting	61B-76.006(2), F.A.C.	Failure to include one or more components of the <u>annual year-end</u> financial statements (incomplete).	1
75.	Reporting	61B-76.006(3)(a)1.-5.4., F.A.C. <del>61B-76.006(5)(c), F.A.C.</del>	Failure to make significant reserve fund disclosures in the <u>annual year-end</u> financial statements <del>or annual financial report.</del>	1
76.	<u>Reporting</u>	<u>61B-76.006(3)(a)6., F.A.C.</u>	<u>Failure to include converter reserve disclosures in the annual financial statements.</u>	<u>1</u>
77.	<u>Reporting</u>	<u>61B-76.006(5)(c), F.A.C.</u>	<u>Failure to include converter reserve disclosures in the annual financial report.</u>	<u>1</u>
78.	<u>Reporting</u>	<u>61B-76.006(5)(c), F.A.C.</u>	<u>Failure to include the required reserve fund disclosures in the annual financial report.</u>	<u>1</u>
79.	<u>Reporting</u>	<u>61B-76.006(3)(c), F.A.C.</u>	<u>Failure to include the special assessment disclosures in the annual financial statements.</u>	<u>1</u>
80.	<u>Reporting</u>	<u>61B-76.006(3)(d), F.A.C.</u>	<u>Incomplete or missing guarantee disclosures in the annual financial statements.</u>	<u>1</u>
81.	<u>Reporting</u>	<u>61B-76.006(5)(a), (b), F.A.C.</u>	<u>Failure to prepare the annual financial report on a cash basis. Failure to include in the annual financial report specified receipt or expenditure line items.</u>	<u>1</u>
82.	<u>Reporting</u>	<u>719.104(4)(a), F.S.</u>	<u>Failure to include in the annual financial report specified receipt or expenditure items.</u>	<u>1</u>
83.	Reporting	61B-76.006(8), F.A.C.	Providing lower level of <u>annual financial</u> reporting <del>for year-end financial statements</del> than required.	2
	<u>Reserves</u>	<u>719.106(1)(j)2., F.S.</u> <del>61B-76.005(3), F.A.C.</del>	<del>Failure to calculate reserve funds properly.</del>	<del>1</del>
84.	Reserves	719.106(1)(j)2., F.S. 61B-76.005(6), F.A.C.	Failure to fund reserves in a timely manner. Failure to fully fund reserves.	1
85.	Reserves	719.106(1)(j)2., F.S. 61B-76.005(6), (8), F.A.C.	Failure to follow proper method to waive or reduce reserve funding.	1
86.	Reserves	719.106(1)(j)3., F.S. 61B-76.005(7), F.A.C.	<del>Failure to obtain unit owner approval prior to</del> Using reserve funds for other purposes <u>without proper unit owner approval.</u>	2
87.	Special Assessment	719.108(9), F.S.	<del>Failure to</del> <u>Using use</u> special assessment funds for <u>other than</u> intended purposes.	1
88.	<u>Special Assessment</u>	<u>719.108(9), F.S.</u>	<u>Failure to state purpose of special assessment in the special assessment notice.</u>	<u>1</u>

Rulemaking Specific Authority 719.501(1)(f), ~~719.501(1)(d)4~~ FS.  
Law Implemented 719.501(1)(d)4., 719.501(1)(m) ~~719.501(1)(k)~~ FS.  
History--New 6-4-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ronnie Whitaker, Director, Division of Florida Condominiums,  
Timeshares, and Mobile Homes, 1940 North Monroe Street,  
Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2014  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 9, 2014

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Regulatory Council of Community Association Managers

RULE NO.: RULE TITLE:

61E14-2.001 Standards of Professional Conduct.

PURPOSE AND EFFECT: To update rule and implement statutory changes from the 2013 and 2014 legislative sessions.

SUMMARY: Update rule and implement statutory changes concerning standards of conduct to be followed by licensees when performing community association management services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule amendments implement statutory changes from the 2013 and 2014 legislative sessions. Further, the amendments clarify, streamline and refine the correct rule's provision. Accordingly, the Council believes the rule amendments will reduce regulatory burdens and compliance costs, which the Council also believes will result in a positive economic benefit for all affected entities, including small businesses and government.

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

RULEMAKING AUTHORITY: 468.4315(2), 468.436(3) FS.

LAW IMPLEMENTED: 468.431(2), 468.4315(2), 468.4334, 468.436 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Regulatory Council of Community Association Managers,

1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395

### THE TEXT OF THE PROPOSED RULE IS:

61E14-2.001 Standards of Professional Conduct.

Licensees shall adhere to the following provisions, standards of professional conduct, and such provisions and standards shall be deemed automatically incorporated, as duties of all licensees, into any written or oral agreement for the rendition of community association management services, ~~the violation of which shall constitute gross misconduct or gross negligence:~~

(1) Definitions. As used in this rule, the following definitions apply:

~~(a) The word "control" means the authority to direct or prevent the actions of another person or entity pursuant to law, contract, subcontract or employment relationship, but shall specifically exclude a licensee's relationship with a community association, its board of directors, any committee thereof or any member of any board or committee.~~

~~(a)(b) "Licensee" means a person licensed pursuant to Sections 468.432(1) and (2), F.S.~~

~~(b) "Community association" means a residential homeowners' association as defined in Section 468.431(1), F.S.~~

~~(c) "Community Association Management Services" means performing any of the practices requiring specialized knowledge, judgment, and management skill as defined in Section 468.431(2), F.S.~~

~~(d)(e) "Funds" The word "funds" as used in this rule includes money and negotiable instruments including checks, notes and securities.~~

~~(e) "Professional standards" means, while performing community association management services, exercising the level of care, diligence, and skill in the management, operation, and financial accountability of the community association required to ensure the association's full compliance with Chapters 718, 719, 720 or 721, F.S.~~

~~(2) Honesty. During the performance of management services, a licensee shall not do the following: knowingly make an untrue statement of a material fact or knowingly fail to state a material fact.~~

~~(a) Make misleading, deceptive or fraudulent representations in or related to the practice of community association management; or~~

~~(b) Make or employ a trick or scheme in or related to the practice of community association management.~~

~~(3) Professional Standards Competence. During the performance of community association management services, a licensee shall do the following: undertake to perform only those community association management services which he or~~

~~it can reasonably expect to complete with professional competence.~~

~~(a) Comply with the requirements of the governing documents by which a community association is created or operated.~~

~~(b) Only deposit or disburse funds received by the community association manager or management firm on behalf of the association for the specific purpose or purposes designated by the board of directors, community association management contract or the governing documents of the association.~~

~~(c) Perform all community association management services required by the licensee's contract to professional standards and to the standards established by Section 463.4334(1), F.S.~~

~~(d) Comply with all provisions of Chapters 718, 719, 720 or 721, F.S. as applicable to the performance of community association management services pursuant to the licensee's contract with a community association. In the event of an apparent conflict between a statutory provision and the community association's governing documents, in the absence of a rendered legal opinion, the licensee shall comply with the statutory provision and notify the board of directors of the apparent conflict for resolution.~~

~~(e) In the event of a potential conflict of interest, provide full disclosure to the association and obtain authorization or approval.~~

~~(4) Due Professional Care.~~

~~(a) A licensee shall exercise due professional care in the performance of community association management services.~~

~~(b) A licensee shall not knowingly fail to comply with the requirements of the documents by which the association is created or operated so long as such documents comply with the requirements of law.~~

~~(5) Control of Others. A licensee shall not permit others under his or the management firm's control to commit on his or the firm's behalf, acts or omissions which, if made by either licensee, would place that licensee in violation of Chapter 455, 468, Part VIII, F.S., or Chapter 61 20, F.A.C. or other applicable statutes or rules. A licensee shall be deemed responsible by the department for the actions of all persons who perform community association management related functions under his or its supervision or control.~~

~~(4)(6) Records. During the performance of community association management services pursuant to a contract with a community association, a licensee shall not:~~

~~(a) Withhold A licensee shall not withhold possession of the association's official records, in violation of Section 718.111(12), 719.104(2), 720.303(4) or 721.13(3)(d), F.S. or any original books, records, accounts, funds, or other property of a community association when requested by the community~~

association to deliver the same to the association upon reasonable notice. Reasonable notice shall extend no later than 10 business days after termination of any management or employment agreement and receipt of a written request from the association. The manager may retain those records necessary for up to 20 days to complete an ending financial statement or report. Failure of the association to provide access or retention of accounting records to prepare the statement or report shall relieve the manager of any further responsibility or liability for preparation of the statement or report. The provisions of this rule apply regardless of any contractual or other dispute between the licensee and the community association. ~~It shall be considered gross misconduct, as provided by Section 468.436(2), F.S., for a licensee to violate the provisions of this subsection.~~

~~(b) Deny or delay A licensee shall not deny access to association official records to an owner or his or her authorized representative who is entitled to access within the timeframe and under the procedures set out in Section 718.111(12), 719.104(2), 720.303(4) or 721.13(3)(d), F.S., for the purpose of inspecting or photocopying the same, to a person entitled to such by law, to the extent and under the procedures set forth in the applicable law.~~

~~(c) Create A licensee shall not create false records or alter the official records of an community association in violation of Section 718.111(12), 719.104(2), 720.303(4) or 721.13(3)(d), F.S., or of the licensee except in such cases where an alteration is permitted by law (e.g., the correction of minutes per direction given at a meeting at which the minutes are submitted for approval).~~

~~(d) Fail A licensee shall not, to the extent charged with the responsibility of maintaining records, fail to maintain the records for a community association manager or management firm or the official his or its records, and the records of any applicable community association, as required by Section 718.111(12), 719.104(2), 720.303(4) or 721.13(3)(d), F.S. in accordance with the laws and documents requiring or governing the records.~~

~~(7) Financial Matters. A licensee shall use funds received by him or it on the account of any community association or its members only for the specific purpose or purposes for which the funds were remitted.~~

~~(5)(8) Other Licenses.~~

~~(a) A licensee shall not commit acts of gross negligence or gross misconduct in the pursuit of community association management or any other profession for which a state or federal license is required or permitted. It shall be presumed that gross negligence or gross misconduct has been committed where a licensee's other professional license has been suspended or revoked for reasons other than non payment of fees or~~

~~noncompliance with applicable continuing education requirements.~~

~~(a)(b)~~ A licensee shall not perform, agree to perform or hold himself or itself out as being qualified to perform any services which, under the laws of the State of Florida or of the United States, are to be performed only by a person or entity holding the requisite license for the service same, unless the licensee also holds such license or registration; provided, however, that no violation of this rule hereof shall be deemed to have occurred unless and until the authority administering the license or registration in question makes a final determination that the licensee or registrant has failed to obtain a license or registration in violation of the law requiring same.

~~(b)(e)~~ A licensee shall reveal all other licenses or registrations held by him or it under the laws of the State of Florida or the United States, if, as a result of such license or registration, a licensee receives any payment for services or goods from the community association or its board.

~~(d) Violation of any provision of Section 455.227(1), F.S., or of any part of this rule shall subject the licensee to disciplinary measures as set out in Section 468.436, F.S.~~

(6) Other Discipline. Violation of any provision of Sections 455.227(1) or 468.436(2), F.S., or of any provision of this rule shall subject the licensee to disciplinary action by the Department.

Rulemaking Authority 468.4315(2), 468.436(3) FS. Law Implemented 468.431(2), 468.4315(2), 468.433, 468.4334, 468.436 FS. History—New 5-5-88, Amended 2-5-91, Formerly 7D-55.007, 61B-55.007, Amended 1-8-98, 5-31-99, Formerly 61-20.503, Amended 4-21-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: RULE TITLE:  
61J1-3.004 Issuance of Certification

PURPOSE AND EFFECT: The Board proposes the substantial rewrite of the rule to clarify the qualifications and procedures for issuance of certification.

SUMMARY: The substantial rewrite of the rule will clarify the qualifications and procedures for issuance of certification.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule is mandated by statute and the rule will not require ratification by the Legislature because all costs of the rule are required by the statute. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.613, 475.614, 475.6171 FS.

LAW IMPLEMENTED: 475.6171 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of the Rule 61J1-3.004 follows. See Florida Administrative Code for current text)

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) Have completed and submitted an application for certification in the manner prescribed by Rule 61J1-3.001, F.A.C., that demonstrates compliance with qualifications for certification as specified in Section 475.615, F.S.;

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S., and as further defined in Rules 61J1-10.002, 61J1-10.003, 61J1-10.004, F.A.C.; and

(3) Provide the Board with proof of completion of the experience component for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C.

(4) Effective January 1, 2015, an applicant who is certified in another state shall:

(a) Demonstrates successful completion of the Florida Supplemental exam with a passing score; and

(b) Demonstrates that the applicant has complied with subsections 61J1-3.001(1), (5), and (6), F.A.C.

Rulemaking Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History—New 5-14-07, Amended 12-11-07, 3-24-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: September 4, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.:        RULE TITLE:

61J1-4.001        Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the rule to clarify the course approval and examinations for distance education courses.

SUMMARY: The rule amendment will update the rule to clarify the course approval and examinations for distance education courses.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule is mandated by statute and the rule will not require ratification by the Legislature because all costs of the rule are required by the statute. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.614, 471.617 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.001 Education.

(1) through (5) No change.

(6)(a) The qualifying education courses required in this rule may be satisfied by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be evaluated in the same manner as the course offered by classroom instruction, having due regard however, to the different method of presentation. The institution offering distance education courses must provide proof of certification of the delivery method by an independent certified organization approved by the AQB.

(b) No change.

(c) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The Board will issue a status report to



the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with ~~the Board rules and AQB criteria approved standard as subsequently modified by changing times, standards and laws.~~ It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(d) through (h) No change.

Rulemaking Authority 475.614, 471.617 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06, 2-6-07, 12-6-07, 3-24-09, 4-28-10, 8-1-10, 7-30-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2014  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-10.002 RULE TITLE: Registered Trainee Real Estate Appraiser  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the rule to clarify the procedures for registration as a trainee real estate appraiser and to renumber the rule accordingly.

SUMMARY: The rule amendment will modify the rule to clarify the procedures for registration as a trainee real estate appraiser and to renumber the rule accordingly.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. The

agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule is mandated by statute and the rule will not require ratification by the Legislature because all costs of the rule are required by the statute. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.614 FS.  
 LAW IMPLEMENTED: 475.611(1), (u), (v), 475.613(2), 475.615, 475.617(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-10.002 Registered Trainee Real Estate Appraiser.

(1) An applicant for registration as a trainee real estate appraiser must present evidence satisfactory to the Board that the applicant has successfully completed within five (5) years of making application at least 100 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required curriculum:

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

Rulemaking Authority 475.614 FS. Law Implemented 475.611(1)(r), (u), (v), 475.613(2), 475.615, 475.617(1) FS. History—New 12-27-07, Amended 3-31-09, 7-17-11, 12-23-12, 8-6-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2014  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2014

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: RULE TITLE:  
 64B2-10.0055 Notice to the Department of Mailing  
 Address and Place of Practice of Licensee

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning the types of written notification provided to the Department and to change the amount of time required for providing that notification.

SUMMARY: The amount of time required for providing types of written notification has been amended. The language concerning the types of written notification provided to the Department has been amended.

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

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

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

RULEMAKING AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 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: Adrienne Rodgers, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-10.0055 Notice to the Department of Mailing Address and Place of Practice of Licensee.

(1) Each licensee shall provide ~~by mail~~ written notification by mail or by electronic means with confirmation to the Department notice of the licensee's current mailing address and

place of practice. The term "place of practice" means the primary physical location where the chiropractor practices the profession of chiropractic.

(2) Each licensee shall provide written ~~by mail~~ notification by mail or by electronic means with confirmation to the Department of a change of address within ~~30~~ 45 days.

~~Rulemaking Specific~~ Authority 456.035 FS. Law Implemented 456.035 FS. History—New 2-20-95, Formerly 59N-10.0055, Amended 5-3-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 15, 2014

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: RULE TITLE:  
 64B2-13.004 Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning the amount of continuing education credit awarded for course instructors or speakers, panelists at conferences of healthcare professionals, current board members, and any Florida licensee who publishes chiropractic material.

SUMMARY: Language concerning the amount of continuing education credit awarded for course instructors or speakers, panelists at conferences of healthcare professionals, current board members, and any Florida licensee who published chiropractic material, will be updated.

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

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

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

RULEMAKING AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 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: Adrienne Rodgers, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) through (10) No change.

(11) In addition to the continuing chiropractic education credits authorized above, a course instructor or speaker, for one presentation only per biennium, will receive ten (10) hours of credit for a continuing education program sponsored by a Board approved provider approved by the Board, except that credit will be limited to the number of credits for which the instructor was personally responsible and shall not exceed the credit allowed for attending the program. A panelist at a conference of healthcare professionals at a Board approved conference, shall receive five (5) hours of continuing education credit per biennium.

(12) No change.

(13) In addition to the continuing chiropractic education credits authorized above, former Board members will receive thirteen hours of continuing education credit for the required hours in laws and rules, risk management, prevention of medical errors, boundaries and ethics, and record-keeping and documentation per biennium for service on a Probable Cause Panel. Current board members shall receive six (6) hours of general continuing education credit for service on a Probable Cause Panel.

(14) through (15) No change.

(16) In addition to the continuing chiropractic education credits authorized above, any Florida licensee who publishes chiropractic material shall receive general continuing education credits per biennium as follows: five (5) hours for being a primary author of an article in a non-refereed journal; fifteen (15) hours for being a primary author of an article in a refereed journal; ten (10) hours for being a secondary author of an article in a refereed journal; twenty (20) hours for being a contributing author of a published textbook; and forty (40) hours for being the primary author of a published textbook. In order to obtain

the continuing education credit, the licensee must submit proof of publishing to the Board office.

Rulemaking Authority 456.025(7), 460.408(3) FS. Law Implemented 456.013(6), 456.025(7), 456.036(10), 460.408 FS. History—New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, 4-17-05, 11-14-06, 11-13-07, 7-1-09, 5-17-10, 8-22-11, 10-21-12, 7-10-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 15, 2014

## DEPARTMENT OF HEALTH

### Board of Chiropractic

RULE NO.: RULE TITLE:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition

PURPOSE AND EFFECT: The Board proposes the rule amendment to add another chiropractic specialty area to the list of those recognized by the Board.

SUMMARY: Another chiropractic specialty area will be added to the list of those recognized by the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not

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

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

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

RULEMAKING AUTHORITY: 460.405 FS.  
 LAW IMPLEMENTED: 456.062, 460.413(1)(d) 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: Adrienne Rodgers, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

- (1) No change.
- (2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:
  - (a) through (d) No change.
  - (e) Conveys the impression that the chiropractor or chiropractors, disseminating the advertising or referred to therein, possess qualifications, skills, or other attributes which are superior to other chiropractors, other than a simple listing of earned professional post-doctoral or other professional achievements. However, a chiropractor is not prohibited from advertising that he has attained Diplomate status in a chiropractic specialty area recognized by the Board of Chiropractic.

1. Chiropractic Specialities recognized by the Board are those recognized by the various Councils of the American Chiropractic Association, the International Chiropractic Association, ~~or~~ International Academy of Clinical Neurology, or the International Chiropractic Pediatric Association. Each specialty requires a minimum of 300 hours of post-graduate credit hours and passage of a written and oral examination approved by the American Chiropractic Association, International Chiropractic Association, or International Academy of Clinical Neurology. Titles used for the respective specialty status are governed by the definitions articulated by the respective councils.

- 2. through 4. No change.
- (f) through (m) No change.
- (3) No change.

Rulemaking Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00, 10-24-04, 11-27-05, 11-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2014  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 15, 2014

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-16.002 RULE TITLE: Probable Cause Determination

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language regarding probable cause panel members.

SUMMARY: Language regarding probable cause panel members will be updated.

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

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

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

RULEMAKING AUTHORITY: 460.405, 456.073(4) FS.  
 LAW IMPLEMENTED: 456.073(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adrienne Rodgers, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.002 Probable Cause Determination.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 456 or 460, F.S., or of the rules promulgated thereunder has occurred shall be made by a panel of two (2) ~~Panel Board~~ members appointed by the chairman, at least one of which shall be a current chiropractic member of the Board. The chairman may appoint a former chiropractic Board member to serve on the probable cause panel in lieu of a current member of the Board of Chiropractic.

(2) No change.

Rulemaking Specific Authority 460.405, 456.073(4) FS. Law Implemented 456.073(4) FS. History—New 1-10-80, Amended 3-15-81, Formerly 21D-16.02, Amended 4-26-93, Formerly 21D-16.002, 61F2-16.002, Amended 7-18-95, Formerly 59N-16.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 15, 2014

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: RULE TITLE:

64B3-2.003 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the acceptable courses.

SUMMARY: Acceptable courses will be updated.

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

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

person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 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: Adrienne Rodgers, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.003 Definitions.

(1) through (5) No change.

(6) Academic science is a science course with a chemical or biological science prefix. Acceptable courses include general chemistry, organic chemistry, biochemistry, qualitative or quantitative analysis, general biology, zoology, physiology, comparative anatomy, bacteriology, parasitology, cell biology, physics and immunology. For purposes of this rule, the courses of geology, astronomy, entomology, oceanography, marine biology, ~~physics~~ and physical science or remedial, preparatory or introductory science courses shall not be acceptable.

(7) through (18) No change.

Rulemaking Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04, 1-8-06, 8-14-06, 1-30-12, 2-7-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Clinical Laboratory Personnel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2014

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: RULE TITLE:  
64B3-4.001 Trainee Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the requirement of a certified copy of a high school diploma or its equivalent.

SUMMARY: The requirement of a certified copy of a high school diploma or its equivalent will be deleted.

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

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

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

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 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: Adrienne Rodgers, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-4.001 Trainee Registration.

(1) through (4) No change.

(5) All trainee applicants shall submit either a ~~certified~~ copy of a high school diploma or its equivalent, or an official transcript from a training program as described in subsection (1) above, sent directly to the Department.

(6) through (7) No change.

Rulemaking Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(2), (3), (4), 483.825 FS. History—New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 590-4.001, Amended 3-19-98, 2-15-01, 3-24-02, 3-30-04, 6-17-09, 5-11-10, 7-20-10, 1-30-12, 12-24-12, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2014

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: RULE TITLE:  
64B3-5.0011 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to add physics as an “Academic Science” college level course.

SUMMARY: Physics will be added to the definition of “Academic Science” college level course.

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

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

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

RULEMAKING AUTHORITY: 483.805, 483.823 FS.

LAW IMPLEMENTED: 483.823 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: Adrienne Rodgers, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.0011 Definitions.

(1) through (46) No change.

(47) "Academic Science" means college level courses in the areas of chemistry, biology, physiology, anatomy, microbiology, immunology, medical sciences, genetics, physics and molecular biology, pursuant to subsection 64B3-2.003(6), F.A.C.

(48) through (51) No change.

Rulemaking Authority 483.805, 483.823 FS. Law Implemented 483.823 FS. History--New 6-29-06, Amended 12-16-07, 4-28-10, 1-30-12, 12-25-13, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2014

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: RULE TITLE:

64B3-5.003 Technologist

PURPOSE AND EFFECT: The Board proposes the rule amendment to amend the specialties included as a generalist; modify options for histotechnology specialty.

SUMMARY: The specialties included as a generalist will be amended; options for histotechnology specialty will be modified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase

directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034(3), 483.809, 483.811(2), 483.823 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: Adrienne Rodgers, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.003 Technologist.

(1) through (2) No change.

(3) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases there are multiple options for meeting the requirement.

(a) Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, Immunochemistry, ~~Molecular Pathology~~. A Generalist Technologist license includes the specialties of microbiology, serology/immunology, clinical chemistry, hematology, and immunochemistry.

Education	Option	Training/Experience	Certification
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Bachelors Degree (or higher) in Clinical Laboratory, Chemical, or Biological Science	1	Clinical laboratory training program, or 3 years experience with a minimum of 6 months in each specialty for which licensure is sought	MLS(ASCP), MT(ASCP <sup>i</sup> ), MT(AMT), MT(AAB) NRCC examinations or specialist examinations in single discipline for licensure in that specialty area
90 semester hours college credit	2	Clinical laboratory training program	MLS(ASCP), MT(ASCP <sup>i</sup> ), MT(AMT), MT(AAB), or specialist examinations in single discipline for licensure in that specialty area
Associate Degree in Clinical/Medical Laboratory Technology	3	as required by certifying body	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
Associate Degree	4a	Successfully completed a Department of Defense clinical laboratory training program	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
	4b	5 years of pertinent clinical laboratory experience with one year of experience in each specialty area for which licensure is sought	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area

(b) through (f) No change.

(g) Histology.

Education	Option	Training/Experience	Certification
Associate Degree (or higher)	1	NAACLS-approved Histotechnology Program	HT(ASCP)
as required by certifying body	2a	as required by certifying body	HTL(ASCP) <del>or HT(ASCP)QIHC</del>
60 semester hours 12 hours chemical/biological science	2b	Board approved training program	HT(ASCP)
As required by certifying body	2c	3 years of pertinent experience as Florida licensed histology technician or equivalent	HT(ASCP)QIHC
as required by certifying body	3a	5 years of pertinent experience, and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques	HT(ASCP)



	3b 5 years of pertinent experience, and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques, and licensure as a technician in the specialty of histology	Not required
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(h) No change.

Rulemaking Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034(3), 483.809, 483.811(2), 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02, 8-16-04, 5-15-05, 12-19-05, 5-25-06, 7-9-07, 2-7-08, 6-17-09, 1-30-12, 2-7-13, 10-3-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2014

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-10.005  
RULE TITLE: Scope of Practice Relative to Specialty of Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a reference to a website for specialty testing.  
SUMMARY: A reference to a website for specialty testing will be added to the rule.

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

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

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

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 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: Adrienne Rodgers, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty (refer to [http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCLIA/Se\\_arch.cfm](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCLIA/Se_arch.cfm)). Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (19) No change.

Rulemaking Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History—New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, 10-30-02, 4-27-04, 2-23-06, 11-25-08, 12-30-09, 1-30-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2014

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: RULE TITLE:  
 64B3-11.003 Requirements for Continuing Education Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language.

SUMMARY: Outdated or unnecessary language will be removed from the rule.

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

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

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

RULEMAKING AUTHORITY: 456.013(9), 483.805(4), 483.821 FS.

LAW IMPLEMENTED: 456.013(9), 483.821 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: Adrienne Rodgers, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-11.003 Requirements for Continuing Education Programs.

Programs seeking Board approval shall meet the following requirements:

- (1) through (4) No change.
- (5) Each participant shall be provided with an ~~authenticated~~ certificate or letter of attendance which shall include the

participant's name, license number, course title, number of contact hours earned by specialty area, dates of attendance, program provider's name, approval number, and the signature of the provider.

Rulemaking Specific Authority 456.013(9), 483.805(4), 483.821 FS. Law Implemented 456.013(9), 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 59O-11.003, Amended 12-13-99, 4-16-01, 10-12-03, 2-24-04, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2014

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: RULE TITLE:  
 64B17-9.001 Continuing Education

PURPOSE AND EFFECT: To revise language concerning continuing education courses sponsored or approved by the American Physical Therapy Association.

SUMMARY: Revise language concerning courses eligible for Florida continuing education credit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule amendment removes language which does not appear in the implemented statute and is intended to conform the rule to the statutory authority. Accordingly, the rule amendment should not have any adverse economic impact upon any entity, including small businesses or government. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013(6), 486.025, 486.109(5) FS.

LAW IMPLEMENTED: 456.013(6), 486.109 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

THE TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (7)(a) No change.

(b) Courses sponsored or approved by the American Physical Therapy Association ~~or any of its components.~~

(c) through (9) No change.

Rulemaking Authority 456.013(6), 486.025, 486.109(5) FS. Law Implemented 456.013(6), 486.109 FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04, 4-9-06, 5-28-06, 2-17-08, 5-21-09, 8-10-09, 6-30-10, 9-23-10, 12-24-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2014

**Section III**

**Notice of Changes, Corrections and Withdrawals**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NO.: 5F-11.002  
RULE TITLE: Standards of National Fire Protection Association Adopted  
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. 40, No. 164, August 22, 2014 issue of the Florida Administrative Register.

These changes are in response to written comments received from the Joint Administrative Procedures Committee dated September 5, 2014.

The following statement is added to the Summary Statement in the Notice of Proposed Rule:

“The Department has determined that posting the incorporated material on the Internet would constitute a violation of federal copyright law. The incorporated material will be available for public inspection and examination during regular business hours at the Bureau of Liquefied Petroleum Gas Inspection, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500.”

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) No change.

(2) “NFPA” is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association, which are copyrighted. It would be a violation of federal copyright law to post the materials incorporated in this rule on the Internet for public viewing. Accordingly, tThe public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269, or at <http://www.nfpa.org>. In addition, copies of the incorporated materials are available for viewing during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Liquefied Petroleum Gas Inspection offices located at 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500.

Rulemaking Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, 1-29-06, 8-2-07, 5-28-08, 4-6-12,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.: 61G7-10.0015  
RULE TITLE: Alternative Reporting Compliance by Accredited Employee Leasing Companies.  
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. 40, No. 73, April 15, 2014 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

61G7-10.0015 Alternative Reporting Compliance by Accredited Employee Leasing Companies.

An employee leasing company (referenced in this rule “an authorizing employee leasing company”) may satisfy the requirements of its quarterly and annual filing obligations as set forth in Rules 61G7-10.001 and 61G7-10.0011, Florida Administrative Code, by being accredited in good standing by the Employer Services Assurance Corporation (ESAC), and by authorizing ESAC to provide the Department, on the licensee’s behalf, certification of compliance and electronic access to information provided to ESAC by the licensee that is consistent with the reporting requirements of Rules 61G7-10.001 and 61G7-10.0011, Florida Administrative Code, and is consistent with the requirements of Section 668.50, F.S., (the Florida Uniform Electronic Transactions Act). Should ESAC determine that any filing made with ESAC by any authorizing employee leasing company does not meet any requirement of Chapter 468, Part XI, F.S. or the rules promulgated thereto, such authorizing employee leasing company shall have on file with ESAC an authorization for ESAC to disclose to the Board and the Department all information in ESAC’s possession pertinent to the failure to meet the applicable requirement, and ESAC shall disclose such information to the Board and the Department within five (5) working days of ESAC’s determination of such failure. Such information disclosed by ESAC to the Board and the Department shall remain confidential in accordance with Section 455.229(1), F.S. Additionally, should an employee leasing company lose its accredited in good standing status with ESAC, within five (5) working days of the loss of such status, both ESAC and the employee leasing company shall notify the board in writing of the loss of such. Nothing in this rule shall limit or change the Board or Department’s authority to license, ensure compliance with statutory or rule requirements applicable to an employee leasing company, terminate licensing of an employee leasing company or to investigate or enforce any provision of Part XI of Chapter 468, F.S. or the rules promulgated pursuant thereto. This rule shall stand repealed on July 1, 2017, unless reviewed and saved from repeal through repromulgation by the Board. Rulemaking Authority 468.522, 468.529(4) FS. Law Implemented 468.525(3) FS. History–New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

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 August 27, 2014, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from El Castillo de las Frutas Latin Proud 2 located in Miami. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent business under the same ownership for use by customers only. The Petition for this variance was published in Vol. 40, No. 171, F.A.R., on September 3, 2014. The Order for this Petition was signed and approved on September 18, 2014. 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 El Castillo de las Frutas Latin Proud (SEA2332578) 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 El Castillo de las Frutas Latin Proud (El Castillo de las Frutas Latin Proud LLC) changes, a signed agreement for use of the bathroom facilities between the two establishments must be provided to the division immediately.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on September 30, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Halifax Professional Center (5106). Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3 and 3.10.4(u), as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations and emergency stop switch which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-353).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on September 30, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Halifax Professional Center (5107). Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-354).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-23.003 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

The Board of Professional Engineers hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on April 4, 2013, by Broward County Environmental Protection & Growth Management Department. The Notice of Petition for Waiver or Variance was published in Vol. 39, No. 71, of the April 11, 2013, Florida Administrative Register. Petitioner sought a waiver or variance of subsection 61G15-23.003(3), F.A.C., which requires that as part of an electronic seal process, a report be created, printed, and manually signed, dated and sealed.

The Board's Order, filed on March 18, 2014, denied the petition finding that the petition was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has not otherwise met the purpose of the underlying statute, and has not established that the Board's full application of subsection 61G15-23.003(3), F.A.C., to her circumstances would violate principles of fairness nor shown a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, 2369 North Monroe Street, Suite B-112, Tallahassee, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:RULE TITLES:

62-610.466 Aquifer Storage and Recovery (ASR)

62-610.563 Waste Treatment and Disinfection

The Department of Environmental Protection's Northwest District hereby gives notice:

On September 29, 2014, it issued an order granting a variance with conditions from subparagraph 62-610.466(9)(a)1. and subparagraph 62-610.563(3)(b)1.a., F.A.C., to Destin Water Users, Inc., for its George F. French Water Reclamation Facility based on its demonstration that the rule would present a substantial hardship or violate the principles of fairness, and that the purpose of the underlying statute would otherwise be met.

BACKGROUND: Destin Water Users, Inc., filed the petition for a variance from subparagraph 62-610.466(9)(a)1. and subparagraph 62-610.563(3)(b)1.a., F.A.C., on August 8, 2014, requesting the Total Trihalomethanes compliance values be limited as an annual average 0.080 mg/L. The petition was assigned OGC No. 14-0442 and PA File No. FLA010194-020-

DWF/VO. Notice of receipt of the petition was published in the Florida Administrative Register on August 14, 2014.

A copy of the Order may be obtained by contacting: Bill Evans, Department of Environmental Protection, Wastewater Permitting Section, Northwest District, 160 W. Governmental Street, Suite 308, Pensacola, Florida 32502, bill.evans@dep.state.fl.us, (850)595-0584.

**DEPARTMENT OF HEALTH**

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-15.001 Continuing Education for License Renewal  
 NOTICE IS HEREBY GIVEN that on September 16, 2014, the Board of Opticianry received a petition for waiver or variance filed by Gerald W. Shell, from Rules 64B12-9.001 and 64B12-15.001, F.A.C., and requests to be permitted to take the Optician Licensure Exam without having to retake the NCLE based on Petitioners qualifications and background.

Comments on this petition should be filed with the Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone: (850)245-4474.

**DEPARTMENT OF HEALTH**

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-5.502 General Requirements  
 NOTICE IS HEREBY GIVEN that on September 29, 2014, the Department of Health, Bureau of Radiation Control, received a petition for the Manatee County Sheriff's Office. The petitioner is seeking a waiver from subparagraph 64E-5.502(1)(a)6., F.A.C., which 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Yvette Forrest, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Orange Park, FL 32073 or (904)278-5730. Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-1.047 Crisis Status Criteria

The Agency for Persons with Disabilities hereby gives notice that on September 30, 2014, the Agency for Persons with

Disabilities has issued an order granting a petition for emergency variance.

Petitioner's Name: Peter Digre, Deputy Secretary, Department of Children and Families

Date Petition Filed: September 29, 2014

Rule No.: 65G-1.047

Nature of the rule for which variance or waiver is sought: Crisis status criteria establishing priority for enrollment into the Home and Community-Based waiver.

Date Petition Published in the Florida Administrative Register: October 1, 2014.

General Basis for Agency Decision: Petitioner demonstrated that due to T.H.'s unique circumstances, strict application of the rule would create a substantial hardship and a result contrary to the intent of the statute.

A copy of the Order or additional information may be obtained by contacting: Brian McGrail, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, brian.mcgrail@apdcares.org.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Administration

The Florida Agricultural Museum announces public meetings to which all persons are invited.

DATE AND TIMES: Thursday, October 9, 2014, 9:00 a.m., 10:00 a.m., 11:00 a.m.

PLACE: Palm Coast Holdings, 145 City Place, Palm Coast, Florida 32164

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance & Insurance at 9:00 a.m.; Strategic Planning Meeting at 10:00 a.m.; Board Meeting at 11:00 a.m.

A copy of the agenda may be obtained by contacting Andrew Morrow, (386)446-7630.

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 Andrew Morrow, (386)446-7630. 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).

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Marketing and Development

The Florida Viticulture Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 11, 2014, 9:00 a.m. – 1:00 p.m. (EST)

PLACE: Mid-Florida Research and Education Center, Institute of Food and Agricultural Sciences, University of Florida, 2725 Binion Road, Apopka, FL 32703-8504, phone: (407)410-6946, fax: (407)814-6186

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Reports on the Status of the Industry, Research and Promotion. Report on Viticulture Trust Fund Collections.

A copy of the agenda may be obtained by contacting: Jackie Moalli at (850)617-7339.

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: Jackie Moalli at (850)617-7339. 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.

For more information, you may contact: Jackie Moalli at (850)617-7339.

**DEPARTMENT OF EDUCATION**

The Florida Rehabilitation Council for the Blind announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 14, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: Teleconference number: 1(888)670-3525, participant passcode: 1242528392, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Subcommittee Meeting for the continuing discussion of the development of Camps for Blind Children, that was offered at the July 25, 2014 meeting of the Florida Rehabilitation Council for the Blind.

A copy of the agenda may be obtained by contacting: The Division of Blind Services, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, telephone:(850)245-0392, email: Alise.Fields@dbs.fldoe.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 10 days before the workshop/meeting by

contacting: Alise Fields, telephone: (850)245-0392, email: Alise.Fields@dbs.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Alise Fields, telephone: (850)245-0392, email: Alise.Fields@dbs.fldoe.org.

**DEPARTMENT OF EDUCATION**

University of North Florida

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

DATE AND TIME: Friday, October 17, 2014, 3:00 p.m.

PLACE: Adam W. Herbert University Center, 12000 Alumni Dr., Jacksonville, FL 32224-2678

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the agenda may be obtained by contacting: Dr. Earle C. Traynham, Exec. Dir., DCRDA/AA, 1 UNF Dr., Jacksonville, FL 32224.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Driver Licenses

RULE NOS.:RULE TITLES:

15A-8.001 Purpose

15A-8.002 Definitions

15A-8.006 Course Approval

15A-8.0061 Traffic Law and Substance Abuse Education Course

15A-8.007 Course Conduct – BDI and ADI Courses

15A-8.008 Assessment Fees Collection and Reporting – BDI and ADI Courses

15A-8.0081 Course Completion Certificates - BDI and ADI Courses

15A-8.009 Student Records – BDI and ADI Courses

15A-8.0091 Course Completion – BDI and ADI Courses

15A-8.0092 Denial, Suspension or Revocation of Course Approval

15A-8.018 Forms

The Department of Highway Safety and Motor Vehicles announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2014, 9:00 a.m.

PLACE: The Florida Safety Council & The United Safety Council, 1505 East Colonial Drive, Orlando, Florida 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the DHSMV to discuss various sections and forms under Chapter 15A-8, F.A.C., Driver Improvement Schools, for proposed rule amendment revisions. In addition, other general business may be addressed.

A copy of the agenda may be obtained by contacting: Julie Gentry, Chief, Bureau of Motorist Compliance, 2900

Apalachee Parkway, Tallahassee, Florida 32399, [juliegentry@flhsmv.gov](mailto:juliegentry@flhsmv.gov), (850)617-2570.

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: Julie Gentry, Chief, Bureau of Motorist Compliance, 2900 Apalachee Parkway, Tallahassee, Florida 32399, [juliegentry@flhsmv.gov](mailto:juliegentry@flhsmv.gov), (850)617-2570. 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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#### 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, October 22, 2014, 2:00 p.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Springs Coast Management Committee: discussion will include the framework for management plans, approval of BMAP Nutrient Management Strategy & Management Actions and other water quality drivers.

A copy of the agenda may be obtained by contacting: [WaterMatters.org](http://WaterMatters.org) – Boards, Meetings & Event Calendar; 1(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 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email: [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.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).

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: [Chris.zajac@watermatters.org](mailto:Chris.zajac@watermatters.org); 1(800)423-1476 (FL only) or (352)796-7211, ext. 4413 (Ad Order EXE0348).

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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, October 22, 2014, 11:00 a.m.

PLACE: Rotunda Boulevard South, Rotunda West, FL 33947

GENERAL SUBJECT MATTER TO BE CONSIDERED: Coral Creek Ecosystem Restoration Project Dedication Ceremony. Dedicate approximately 250 acres of restored uplands and wetlands through this important project. Restoration of these communities will help offset habitat losses suffered throughout Charlotte Harbor and will prove valuable for the public and thousands of coastal species that use the Charlotte Harbor ecosystem. One or more Governing Board members may attend.

A copy of the agenda may be obtained by contacting: [WaterMatters.org](http://WaterMatters.org) – Boards, Meetings & Event Calendar; 1(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 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email: [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.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).

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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: Monday, October 20, 2014, 3:00 p.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citrus/Hernando Waterways Restoration Council Meeting. To develop plans for the restoration of all waterways within Hernando and Citrus counties.

A copy of the agenda may be obtained by contacting: [WaterMatters.org](http://WaterMatters.org) – Boards, Meetings & Event Calendar; 1(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



1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email: ADACoordinator@swfwmd.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).

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: Chris.zajac@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4413 (Ad Order EXE0352).

**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: Monday, October 20, 2014, 1:00 p.m.  
PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citrus County Task Force Meeting. To discuss issues relative to the Tsala Apopka Chain of Lakes, Lake Rousseau and Crystal River/Kings Bay.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(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 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103; or email: ADACoordinator@swfwmd.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).

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: Chris.zajac@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4413. (Ad Order EXE0353)

**DEPARTMENT OF ELDER AFFAIRS**

Long-Term Care Ombudsman Program  
The Department of Elder Affairs, Long-Term Care Ombudsman Program announces public meetings to which all persons are invited.

DATES AND TIMES: October 23, 2014, 9:30 a.m. – 10:30 a.m. (new date October); November 20, 2014, 9:30 a.m. – 10:30 a.m.; December 18, 2014, 9:30 a.m. – 10:30 a.m.

PLACE: 1060 Shoreline Drive, Gulf Breeze, FL 32561 (new location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Northwest Council Long-Term Care Ombudsman Program business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.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 72 hours before the workshop/meeting by contacting: above referenced number. 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).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Building Code Administrators and Inspectors Board  
The Building Code Administrators & Inspectors Board announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 11, 12, 2014, 9:00 a.m. each day

PLACE: Floridays Resort, 12562 International Drive, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions of which may be closed to the public), general board business.

A copy of the agenda may be obtained by contacting: MyFloridaLicense.com – Our Businesses & Professions - Building Code.

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 board office. 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.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Building Commission

The Florida Building Commission, "THE COMMISSION", Energy Technical Advisory Committee, announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 9, 2014, 8:30 a.m. until completion

**PLACE:** Meeting to be conducted using communications media technology, specifically teleconference and webinar: To join the online meeting (now from mobile devices) GoToMeeting® Online Meetings Made Easy® is a newly contracted vendor. Please note the access is different than previous meetings.

1. Please join my meeting.

<https://global.gotomeeting.com/join/239749541>

2. Join the conference call:

United States: (626)521-0017

United States (toll-free): 1(877)309-2070

Access Code: 239-749-541

Audio PIN: Shown after joining the meeting

Meeting ID: 239-749-541

Not at your computer? Click the link to join this meeting from your iPhone®, iPad®, Android® or Windows Phone® device via the GoToMeeting app.

Public point of access: Office of Codes and Standards, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review and provide recommendations to the Commission, a letter with comments regarding the deletion of R110 from the Florida Building Code and other business for the Commission per the Committee's agenda.

A copy of the agenda may be obtained by contacting: Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at: <http://floridabuilding.org/c/default.aspx>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, phone:

(850)487-1824 or fax: (850)414-8436. 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.

For more information, you may contact: Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at: <http://floridabuilding.org/c/default.aspx>.

**DEPARTMENT OF HEALTH**

Board of Dentistry

**RULE NO.:** **RULE TITLE:**

64B5-17.002 Written Dental Records; Minimum Content; Retention

The Board of Dentistry, Dental Records Taskforce Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** October 22, 2014, 6:00 p.m.

**PLACE:** 1(888)670-3525; when prompted, enter conference code: 9653369235

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review rules relating to dental practice.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

**DEPARTMENT OF HEALTH**

Board of Dentistry

The Board of Dentistry, Anesthesia Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** November 12, 2014, 6:00 p.m.

**PLACE:** 1(888)670-3525; when prompted, enter conference code: 9653369235

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Concerning Anesthesia Committee.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

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#### DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

The Board of Speech - Language Pathology and Audiology announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 22, 2014, 9:00 a.m.

PLACE: Conference call number: 1(888)670-3525, participant passcode: 2553375252

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice replaces Notice 14074426. The meeting has been changed to a conference call. Please note the conference call information in the PLACE section.

A copy of the agenda may be obtained by contacting: Christy Robinson, 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, 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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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2014, 1:00 p.m. – 3:00 p.m. EDT

PLACE: This will be a Lync meeting and conference call, those who need to attend in person can do so at: Agency for Persons with Disabilities, 111 South Sapodilla Avenue, Room 204, West Palm Beach, FL 33467. Please call in for audio and follow the instructions below to view the presentation during the call. CALL-IN INFORMATION: 1(888)670-3525, passcode: 611 253 6035.

This meeting will involve Microsoft Lync for sharing presentations over the internet. If you already have access to Microsoft Lync, please use to the following link to join the meeting and then choose “Don’t join audio”:  
<https://meet.lync.com/apdf/rita.castor/9Q1ZFZC1>.

If you do not already have Microsoft Lync installed, please follow the hotlink below and choose “Meeting Readiness”:

<http://office.microsoft.com/client/helppreview.aspx?AssetId=HA102621125&lcid=1033&NS=OCO14&Version=14>

You will be presented with two options: 1) install Active X or 2) download and install Microsoft Attendee. We recommend you install Microsoft Attendee.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting to discuss Dual Diagnosis/Intensive Behaviors housing and service delivery initiatives.

A copy of the agenda may be obtained by contacting: <http://apdcares.org/publications/legal> or Tracey Tolbert, (850)488-4358, [Tracey.Tolbert@apdcares.org](mailto:Tracey.Tolbert@apdcares.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 72 hours before the workshop/meeting by contacting: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4358. 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: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)488-4358, [Tracey.Tolbert@apdcares.org](mailto:Tracey.Tolbert@apdcares.org).

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#### DEPARTMENT OF ECONOMIC OPPORTUNITY

The East Central Florida Corridor Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2014, 8:30 a.m.

PLACE: MetroPlan Orlando, 315 East Robinson Street, Suite 355, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will review partner and public input from community workshops, will continue discussion of potential recommendations on corridor needs and alternatives, will discuss opportunities for greater consistency among regional and local plans, will discuss a potential action plan, will review the draft Task Force report, will provide guidance for

completion of the Task Force report, will obtain public input, and will identify action items and next steps.

A copy of the agenda may be obtained by contacting: James Stansbury at james.stansbury@deo.myflorida.com or going to the East Central Florida Corridor Task Force website at <http://ecfcorridortaskforce.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 96 hours before the workshop/meeting by contacting: James Stansbury at (850)717-8475 or james.stansbury@deo.myflorida.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: James Stansbury at james.stansbury@deo.myflorida.com or go to the East Central Florida Corridor Task Force website at <http://ecfcorridortaskforce.org>.

**GULF CONSORTIUM**

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

DATE AND TIME: October 9, 2014, 10:00 a.m. (ET)

PLACE: Dial-in number: 1(888)670-3525, participant passcode: 998 449 5298#; 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Selection Committee of the Gulf Consortium will meet to approve the solicitation document for a Request for Proposals for independent audit services for FY 2013-14.

A copy of the agenda may be obtained by contacting: Ginger Delegal at (850)922-4300 or [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com) or see [www.FACRestore.com](http://www.FACRestore.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: Ginger Delegal at (850)922-4300 or [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com) or see [www.FACRestore.com](http://www.FACRestore.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).

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: Ginger Delegal at (850)922-4300 or [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com) or see [www.FACRestore.com](http://www.FACRestore.com).

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The Sunshine State Governmental Financing Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 9, 2014, 4:00 p.m. (EDT)

PLACE: Via conference call. This special meeting of the Commission will be conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes. Persons desiring to attend the meeting may do so by conference call which may be in listen-only mode during Commission deliberations and action, or at other times not designated for public comment. A copy of the agenda, conference-call dial-in instructions, and directions to the location of the hosting facility designated for public use of communications media technology (conference call) for this meeting may be obtained from the agency contact listed below. Anyone not having access to a telephone will be entitled to use the telephone facilities located in Room 100, Clerk of the Circuit Court – Leon County, 301 South Monroe Street, Tallahassee, FL, 32301.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting of the Commission’s Board of Directors

A copy of the agenda may be obtained by contacting: Richard C. Dowdy, Program Administrator, at [ssgfc@embarqmail.com](mailto:ssgfc@embarqmail.com) or (850)878-1874.

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: the agency contact as noted above. 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).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Regulatory Council of Community Association Managers  
NOTICE IS HEREBY GIVEN that Regulatory Council for Community Association Managers has issued an order disposing of the petition for declaratory statement filed by Progressive Community Management, Inc. on January 22,

2014. The following is a summary of the agency's disposition of the petition:

Petitioner sought clarification of Chapter 718.111(1)(a), Florida Statutes, and whether the Petitioner is prohibited from receiving commissions or other compensation from an insurance agency or insurer, either directly or through an affiliated entity, on insurance policies written by the insurance agency or insurer for the condominium associations for which Petitioner provides professional management services. The Notice of Petition for Declaratory Statement was published in Vol. 40, No. 19, of the January 29, 2014, Florida Administrative Register. The Department of Business and Professional Regulation Order, filed on June 3, 2014, declines to answer the Petition for Declaratory Statement. The Department determined it is well-established that an administrative agency is prohibited from using a declaratory statement "as a vehicle for the adoption of broad agency policy or to provide statutory or rule interpretations that apply to an entire class of person. The Department found it couldn't answer Petitioner's questions without issuing a statement of general applicability.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Robyn Barineau, Executive Director, Regulatory Council for Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)487-1395 or at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) > dbpr/pro/cams.

Please refer all comments to: Robyn Barineau, Executive Director, Regulatory Council for Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)487-1395 or at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) > dbpr/pro/cams.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

NOTICE OF PETITION FOR DECLARATORY STATEMENT

The Board of Cosmetology hereby gives notice that on September 16, 2014, it received a Petition for Declaratory Statement filed by Carmen Sardinias on behalf of Garcia Facial Plastic Surgery. The Petitioner does not state which Rule or Florida Statute she is requesting the Board's opinion. However it appears the Petitioner is asking whether providing Intense Pulse Light (IPL laser) services are within the scope of practice of a trained esthetician.

Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. For a copy of this petition contact: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377, (850)487-1395 or at [Robyn.Barineau@myfloridalicense.com](mailto:Robyn.Barineau@myfloridalicense.com).

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

NOTICE IS HEREBY GIVEN that the Department of Business & Professional Regulation, Division of Drugs, Devices, and Cosmetics has issued an order disposing of the petition for declaratory statement filed by Michael J. Glazer, Ausley McMullen, Post Office Box 391, 123 South Calhoun Street, Tallahassee, FL 32301, on behalf of H.D. Smith Wholesale Drug Company on September 29, 2014. The following is a summary of the agency's disposition of the petition:

Currently, Section 499.01(2)(p), Florida Statutes (2014), which requires 3PLs to comply with the wholesale distributor requirements and with pedigree requirements (unless the 3PL is performing a wholesale distribution of a prescription drug for a manufacturer), is inconsistent with the new federal standards. It is not clear from a reading of the other relevant provisions of the DQSA regarding 3PL licensure whether the Department is pre-empted from permitting 3PLs in this interim period prior to the effective date of the regulations referenced in section 584 of the DQSA, or whether the Department is authorized to continue its current permitting program for 3PLs. However, it is clear that Section 585(c) of the DQSA allows state licensure that is not inconsistent with the federal standards. Therefore, so long as the department does not require 3PLs to meet the distributor and pedigree requirements, the Department can continue to license 3PLs. In a declaratory statement, the Department is limited to providing a statement of how statutes over which the agency has regulatory authority, agency rules or agency orders affect the Petitioner. Accordingly, the Department cannot interpret the provisions of the DQSA regarding 3PL licensure as it applies to Petitioner's facts. However, there is no prohibition against the Department determining in a declaratory statement whether its statutes (or portions thereof) are pre-empted by a federal statute, and how that statute, whether pre-empted or not, affects a Petitioner. The Department determines that the requirements of the Department's 3PL licensing program that relate to 3PLs being treated as wholesale distributors and the requirements for pedigrees will not be administratively enforced by the Department. Section 499.002(1), Florida Statutes, states that Chapter 499, Part I, is intended to safeguard the public health and promote the public welfare by protecting the public from injury by product use and by merchandising deceit involving drugs, devices, and cosmetics. The Department is charged with promoting uniformity of state and federal laws and their administration and enforcement throughout the United States. In addition, the Department is charged with administering and enforcing Part I, Chapter 499, Florida Statutes, to prevent fraud, adulteration, misbranding, or false advertising in the preparation, manufacture, repackaging or distribution of drugs, devices, and

cosmetics. In keeping with its legislative mandates set forth in Section 499.002, Florida Statutes, and notwithstanding the DQSA's various provisions regarding 3PL licensure, the Department will continue its present 3PL permitting program and will continue to require permits for 3PLs distributing prescription drugs from or into this state. Accordingly, the Department declares that if HDS obtains prescription drug product from a 3PL for distribution in Florida, then the 3PL must hold a valid Florida 3PL license.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: The Division of Drugs, Devices and Cosmetics, Dinah Greene, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047.

Please refer all comments to: Reggie Dixon, Division Director, Division of Drugs, Devices and Cosmetics, 1940 N. Monroe Street, Suite 26A, Tallahassee, FL 32399-1047, website: [http://interredesignalpha/dbpr/ddc/ddc\\_division\\_notices.html](http://interredesignalpha/dbpr/ddc/ddc_division_notices.html).

**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 EDUCATION

University of Florida

UAA-34 Office of Student Life Commissioning Agent Selection

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of Florida Board of Trustees and University Athletic Association announce that Professional Services in the disciplines for Total Building Commissioning will be required for the project listed below:

Project: UAA-34, Office of Student Life (OSL), (Gainesville, FL)

The current facility for student Academic Advisement Center (AAC) was completed in 1995 and includes approximately 35,000 square feet of space. Office of Student Life (OSL) currently occupies all of third floor, the southwest portion of first floor, and shares the rest of first floor and second floor with the University Academic Advisement Center.

OSL currently uses space in Farrior Hall and in several other buildings on campus. To improve efficiency and student-athlete convenience, it is desired that all OSL needs be accommodated at one location with the remodeling and expansion of the existing building to:

- Create a facility that helps retention of coaches and student athletes. Great facilities are a part of the total package that coaches and student athletes consider when asked to make a commitment to an institution.
- Create a facility that expands and enhances the academic opportunities for all UF students.
- Create a facility that offers a powerful first impression to recruits and parents.
- Optimize efficiency by continuing to share space between OSL and AAC.
- Celebrate the academic success of UF student athletes.
- Offer enough space so all who seek out these services have spaces they can use to improve their academic success.
- Create various types of spaces for study. Include formal large groups, small groups, individual spaces at study tables, and more casual areas. Some spaces could even allow food and beverages.

- The new addition is 45,000 square feet of space. The scope of services shall include design phase peer review; completion and maintenance of the Owner's Project Requirements (OPR) document; development of the Commissioning Plan, Commissioning Specifications, and Systems Manual; and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation, and building envelope systems. The consultant shall also support project efforts to achieve higher-than-normal energy efficiency and pursue (Gold) LEED certification.

Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet for Commissioning Consultants, and other background information. The proposal shall be limited to 20 single-sided pages OR 10 double-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services.
2. A completed, project-specific Commissioning proposal form with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for the applicant and its consultants from the appropriate governing board.
5. Proof of the applicant's ability to be insured for the level of professional liability coverage demanded for this project.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected applicant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

The Commissioning Services Proposal Form and Instructions, Project Fact Sheet, UF Design Services Guide, UF Design & Construction Standards, PD&C non-technical specifications, standard University of Florida Owner-Commissioning Consultant agreement, and other project and process information can be found on the Planning Design & Construction website. Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the required number of electronic and hardcopies prescribed in the Project Fact Sheet. All submittals must be received in the Planning, Design & Construction office by 3:00 p.m. local time, on Monday, November 3, 2014. Facsimile (FAX) submittals are not acceptable and will not be considered.

Planning, Design & Construction  
 Ben Hill Griffin Stadium  
 245 Gale Lemerand Drive  
 P. O. Box 115050  
 Gainesville, FL 32611-5050  
 Telephone: (352)273-4000  
 Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

**JACKSONVILLE PORT AUTHORITY  
 INVITATION FOR BIDS  
 BIMT WHARF RECONSTRUCTION – PHASE 1  
 BLOUNT ISLAND MARINE TERMINAL  
 JAXPORT PROJECT NO.: B2013-08  
 JAXPORT CONTRACT NO.: C-1436**

Sealed bids will be received by JAXPORT until 2:00 p.m., WEDNESDAY, OCTOBER 29, 2014, at which time they shall be opened in the Public Meeting Room of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida, for BIMT WHARF RECONSTRUCTION - PHASE 1. All bids must be submitted in accordance with specifications and drawings for Contract No. C-1436, 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 MONDAY, OCTOBER 6, 2014, AT 9:00 A.M., IN THE PUBLIC MEETING ROOM, FIRST FLOOR OF THE PORT CENTRAL OFFICE BUILDING LOCATED AT ADDRESS STATED ABOVE.

\*\*\* YOU MUST CALL (904)357-3017 BY FRIDAY, OCTOBER 3, 2014, 2:00 P.M. SO THAT AN ACCURATE HEADCOUNT CAN BE MADE TO ARRANGE SHUTTLE BUS ACCOMODATIONS.\*\*\*

\*\*\* IF YOU PLAN TO ATTEND THE SITE VISIT, YOU ARE REQUIRED TO BRING A SAFETY VEST AND HARD HAT \*\*\*

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 with State of Florida Grants AQD86, AR614, AR950 and JPA funds.

The Mandatory JSEB/MBE/WBE/DBE/SBA Participation Goal established for this project is Eight (8%).

## Section XII Miscellaneous

### DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF PROPOSED WATER QUALITY STUDY

Pursuant to subsection 62-650.500(6), Florida Administrative Code, the Florida Department of Environmental Protection (Department) gives notice of the intent of Gainesville Regional Utilities (GRU) to conduct a study of water quality in Sweetwater Branch, the stream to which GRU's Main Street Water Reclamation Facility currently discharges under its FDEP Permit No. FL0027251. The purpose of this study is to establish appropriate numeric interpretations of the narrative water quality standard for nutrients for this existing discharge. At the conclusion of the study, these numeric interpretations may be established in the form of Water Quality Based Effluent Limits (WQBELs) or other site-specific order of the Department.

Any interested person may submit written comments on the plan of study to Ms. Alice Rankeillor, P.E., Gainesville Regional Utilities, Post Office Box 14705, Station A110, Gainesville, FL 32614-7051, and provide a copy to Ken Weaver, Water Quality Standards Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400 or email: [Kenneth.Weaver@dep.state.fl.us](mailto:Kenneth.Weaver@dep.state.fl.us). Comments must be received within 14 days of publication of this notice.

In response to comments received pertaining to the Plan of Study (POS), the applicant may revise the POS if necessary. Upon approval of any revisions to the POS by the Department, the applicant shall conduct the study for purposes of establishing numeric interpretations of the narrative nutrient standard for the affected receiving waters.

Although the Department may allow for informal dispute resolution during the study period, the study is free from agency decision making and does not constitute proposed agency action until notice of such is given pursuant to subsection 62-650.500(8), Florida Administrative Code.

Upon request, the POS 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 Gainesville Regional Utilities, Post Office Box 14705, Station A110, Gainesville, FL 32614-7051 or the Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 205D, Tallahassee, FL 32399, (850)245-8414 or the Florida Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, FL 32256-7590, (904)256-1616.

## 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.