

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

**RULE NO.:** 5K-4.002      **RULE TITLE:** Adoption of Federal Regulations and Other Standards

**PURPOSE AND EFFECT:** The purpose of this rule development is to update the federal regulations and standards previously adopted by reference in this rule section and used by this agency to facilitate the regulation and inspection of agriculture based food establishments. The proposed rule will adopt the 2009 U.S. Food and Drug Administration (FDA) Food Code (Food Code) and related federal regulations, which are the national standards for food safety regulation. The effect of this proposed rule is to provide uniformity and consistency with both our regulated industry that is already operating on the current versions of the Food Code and federal code language and with our federal partners with which we have ongoing cooperative agreements for inspection services.

**SUBJECT AREA TO BE ADDRESSED:** Update the relevant Codes of Federal Regulation and the U.S. Food and Drug Administration (FDA) Food Code which are the national standards and model codes for food safety regulation.

**RULEMAKING AUTHORITY:** 500.09, 500.13, 570.07(23) FS.

**LAW IMPLEMENTED:** 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 500.171, 500.172, 500.177 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:** Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard MS – C 18, Tallahassee, FL 32399-1650, telephone number: (850)245-5595

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

**DEPARTMENT OF EDUCATION**

**Florida’s Office of Early Learning**

**RULE NO.:** 6M-4.710      **RULE TITLE:** School Readiness Program Curricula

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to create a uniform process by which the Office may evaluate and approve curriculum to be used in School Readiness Programs. This will culminate in the creation of a statewide curriculum list that will allow providers to select a curriculum that has been reviewed and determined to meet the statutory requirements. Each provider shall use a curriculum approved pursuant to this rule when offering the School Readiness Program.

**SUBJECT AREA TO BE ADDRESSED:** Policies and procedures for the School Readiness curriculum approval process.

**RULEMAKING AUTHORITY:** 1002.213(2), 1002.82(2)(1) FS.

**LAW IMPLEMENTED:** 1002.82(2)(1) FS.

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

**DATE AND TIMES:** Wednesday, February 26, 2014, 2:00 p.m. – 4:00 p.m. or until business is concluded whichever is earlier and 6:00 p.m. – 7:30 p.m. or until business is concluded, whichever is earlier

**PLACE:** For the 2:00 p.m. – 4:00 p.m., Office of Early Learning, Powerball Room, Lottery Building, 250 Marriott Dr. Tallahassee, FL 32399 or via WebEx: For the 6:00 p.m. – 7:30 p.m., WebEx only. The WebEx may be accessed at the following website: [http://www.floridaearlylearning.com/oel\\_resources/rules\\_guidance\\_technical\\_assistance/proposed\\_rules.aspx](http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.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 48 hours before the workshop/meeting by contacting: Judy Jones at (850)717-8550. 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:** Noelle Bee, School Readiness Program & Policy Manager, Office of Early Learning, 250 Marriott Dr., Tallahassee, Florida 32399, (850)717-8550 or email at [noelle.bee@oel.myflorida.com](mailto:noelle.bee@oel.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE OFFICE'S WEBSITE AT: [http://www.floridaearlylearning.com/oel\\_resources/rules\\_guidance\\_technical\\_assistance/proposed\\_rules.aspx](http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.aspx)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Recreation and Parks**

- RULE NOS.:      RULE TITLES:
- 62D-5.053      Purpose
- 62D-5.054      Definitions
- 62D-5.055      General Requirements
- 62D-5.056      Application Requirements and Processing
- 62D-5.057      Evaluation Criteria
- 62D-5.058      Grant Administration
- 62D-5.059      Compliance Responsibilities

PURPOSE AND EFFECT: The Land and Recreation Grants Program proposes amendment of Chapter 62D-5, F.A.C., including Rules 62D-5.053 through 62D-5.059, F.A.C., to revise and update definitions, scoring criteria, grant administrative details, and to clarify any ambiguities due to evolving program changes.

SUBJECT AREA TO BE ADDRESSED: Outdoor recreation grants for local governments.

RULEMAKING AUTHORITY: 375.075(2) FS.

LAW IMPLEMENTED: 375.075 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: A. Diane Langston, 3800 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)245-2702, Diane.Langston@dep.state.fl.us

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

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Community Development**

- RULE NO.:      RULE TITLE:
- 73C-3.001      Eligible Industry Waiver

PURPOSE AND EFFECT: This rule will provide qualified community development entities that want to request a waiver

of the eligible industry requirement when making qualified low-income community investments with guidance by providing a timeline, application, and definitions, to be used when requesting the waiver. Defining the process will allow the Department to more efficiently manage the New Markets Development Program.

SUBJECT AREA TO BE ADDRESSED: This rule addresses the process by which a qualified community development entity may request an eligible industry waiver from the Department.

RULEMAKING AUTHORITY: 288.9921 FS.

LAW IMPLEMENTED: 288.9914(1)(b) 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: Brook Pace, Division of Community Development, Department of Economic Opportunity, 107 East Madison Street, MSC 160, Tallahassee, Florida 32399, (850)339-7171

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

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**Section II  
Proposed Rules**

NONE

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

NONE

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**Section IV  
Emergency Rules**

NONE

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Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on February 3, 2014, the
Department of Business and Professional Regulation, Division
of Hotels and Restaurants, Bureau of Elevator Safety, received
a petition for Ashley-601, Inc. Petitioner seeks a variance of
the requirements of Section 3003.1.6, Florida Building Code,
unknown edition for doors other than the hoistway door and
the elevator car door shall be prohibited at the point of access
to an elevator car which poses a significant economic/financial
hardship. Any interested person may file comments within 14
days of the publication of this notice with Mark Boutin,
Bureau of Elevator Safety, 1940 North Monroe Street,
Tallahassee, Florida 32399-1013 (VW2014-030).

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 February 3, 2014, the
Department of Business and Professional Regulation, Division
of Hotels and Restaurants, Bureau of Elevator Safety, received
a petition for Shingle Creek Elementary School (2). Petitioner
seeks an emergency variance of the requirements of ASME
A17.1, Section 2.4.1.5 and 2.15.9.2, as adopted by subsection
61C-5.001(1), Florida Administrative Code, that requires
upgrading the elevators with retractable toe guards 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 (VW2014-029).

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 February 3, 2014, the
Department of Business and Professional Regulation, Division
of Hotels and Restaurants, Bureau of Elevator Safety, received
a petition for John Young Elementary School (1). Petitioner
seeks an emergency variance of the requirements of ASME
A17.1, Section 2.4.1.5 and 2.15.9.2, as adopted by subsection
61C-5.001(1), Florida Administrative Code, that requires
upgrading the elevators with retractable toe guards 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 (VW2014-026).

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 February 3, 2014, the
Department of Business and Professional Regulation, Division
of Hotels and Restaurants, Bureau of Elevator Safety, received
a petition for Shingle Creek Elementary School (1). Petitioner
seeks an emergency variance of the requirements of ASME
A17.1b, Section 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) as
adopted by paragraph 61C-5.001(1)(a), Florida Administrative
Code, that requires steel ropes of a minimum diameter of 9.5
mm 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 (VW2014-028).

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 February 3, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for John Young Elementary School (2). Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm 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 (VW2014-027).

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.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

State Board of Education

The Florida Department of Education, Charter School Appeal Commission announces a hearing to which all persons are invited.

DATE AND TIME: February 24, 2014, 9:00 a.m. – completion

PLACE: 325 West Gaines Street, Conference Room 1706, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Charter School Appeal Commission will hear the Application denials of the following schools:

Acceleration Educational Services vs. School Board of Lake County

Florida Charter Educational Foundation, Inc., and MacDill Charter Academy vs. School Board of Hillsborough County

A copy of the agenda may be obtained by contacting: Florida Department of Education, 325 W. Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Florida Department of Education, 325 W. Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0502. 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: Florida Department of Education, 325 W. Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0502.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

The Florida Prepaid College Board announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 14, 2014, 9:00 a.m.

PLACE: The Hermitage Centre, Everglades Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: All responses to be publicly opened in regards to the Invitation to Negotiate, ITN 14-01, Advertising, Digital Marketing, and Public Relations Services for the Florida Prepaid College Board and Stanley G. Tate Florida Prepaid College Foundation.

A copy of the agenda may be obtained by contacting: The Florida Prepaid College Board, ITN Administrator by email at ITNinfo.PrePaid@MyFloridaPrepaid.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 5 days before the workshop/meeting by contacting: the ITN Administrator at the e-mail address provided 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).

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: February 20, 2014, 9:00 a.m.

PLACE: The Hearing Room, Suite 101, 4070 Esplanade Way, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Commission Business Meeting.

A copy of the agenda may be obtained by contacting: Joel Lorde, Commissioner Melinda Coonrod's Office at (850)487-1978 or via email: joellorde@fpc.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Joel Lorde, Commissioner Melinda Coonrod's Office at (850)487-1978. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

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

**DATE AND TIME:** February 26, 2014, 9:00 a.m.

**PLACE:** Access phone: 1(888)670-3525, conference code: 6493057517

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause panel meeting, portions of which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1982.

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

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**DEPARTMENT OF HEALTH**

**Board of Medicine**

The Electrolysis Council, under the Board of Medicine announces telephone conference calls to which all persons are invited.

**DATES AND TIMES:** April 14, 2014; July 14, 2014; October 13, 2014, 9:00 a.m., E.S.T. or soon thereafter

**PLACE:** Conference call: 1(888)670-3525. After dialing the meet me number, when prompted, insert public conference

code number: 4389078941 followed by the # sign in order to join the meeting

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting.

A copy of the agenda may be obtained by contacting: Electrolysis Council, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399-3255, by visiting our website at: [www.floridahealth.gov/licensing-and-regulation/electrolysis](http://www.floridahealth.gov/licensing-and-regulation/electrolysis) or by calling the board office at (850)245-4373, ext. 3468.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board/council office at (850)488-0595. 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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**FLORIDA HOUSING FINANCE CORPORATION**

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

**DATE AND TIME:** February 14, 2014, 9:00 a.m.

**PLACE:** Closing Room A, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329. The meeting will be accessible via phone at: 1(888)339-2688, participant code: 197 712 66

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Housing Finance Corporation (the Corporation) was appropriated \$10 million in non-recurring grant funds by the 2013 Legislature for housing for Persons with Developmental Disabilities as defined in Section 393.063, F. S. On October 11, 2013, Florida Housing issued a Request for Applications (RFA) to allocate \$4 million of the \$10 million appropriation for small properties consisting of no more than four (4) Units. Through this RFA, Florida Housing selected to finance 14 small Permanent Supportive Housing developments for persons with developmental disabilities for a total allocation of \$2,016,991. The remaining balance (\$1,983,009) of the \$4 million allocation will be made available, through this RFA, for the same purpose of financing small permanent supportive housing developments consisting of no more than four (4) units.

The legislation specifies that the Corporation will offer the funding through a competitive grant program to private Non-Profit organizations that have a primary mission which includes serving Persons with Developmental Disabilities. Funding must be used for new construction and renovation of existing housing Units, including Community Residential Homes as defined in Section 419.001, F.S.

A copy of the agenda may be obtained by contacting: Jean Salmonsens at (850)488-4197.

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

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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**SUNSHINE STATE ONE CALL OF FLORIDA**

The Sunshine One Call of Florida, Inc. d/b/a Sunshine 811 announces public meetings to which all persons are invited.

**DATES AND TIMES:** Thursday, February 20, 2014, 12:30 p.m. – 5:00 p.m.; Friday, February 21, 2014, 8:00 a.m. – 4:00 p.m.

**PLACE:** 11 Plantation Road, DeBary, Florida 32713

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Regular quarterly Committee and Board of Directors meetings in which all interested persons are invited to participate.

Operations, Damage Prevention, Legislative Ad-Hoc, Policy Ad-Hoc, Executive Director Salary Ad Hoc and Finance Committee Meetings: Thursday, February 20, 2014, 12:30 p.m. – 5:00 p.m. Lunch provided at the call center for meeting participants and Sunshine 811 employees beginning at 11:30 a.m.

Board of Directors Meeting: Friday, February 21, 2014, 8:00 a.m. – 4:00 p.m. Lunch provided at the call center for meeting participants and Sunshine 811 employees beginning at 12:00 Noon.

A copy of the agenda may be obtained by contacting: [http://www.callsunshine.com/images/stories/board/201402\\_agenda\\_bylaws.pdf](http://www.callsunshine.com/images/stories/board/201402_agenda_bylaws.pdf).

For more information, you may contact: Lori Budiani, (386)575-2002.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Anthony Fernandez-Gras, In Re: Point Bay North Condominium, Inc., Docket No. 2014004176, filed on January 30, 2014. The petition seeks the agency’s opinion as to the applicability of Section 718.3026, Florida Statutes, as it applies to the petitioner.

Whether the board of directors of your condo association has the authority to hire a property management company without the vote of unit owners under Section 718.3026, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

Please refer all comments to: Brittany Finkbeiner, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

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**DEPARTMENT OF HEALTH**

Board of Nursing

NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Leslie Mellin on November 08, 2013. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement published on July 30, 2013, in Vol. 39, No. 147, of the Florida Administrative Register. Petitioner sought the Board’s interpretation as to whether the administration of Nitrous

Oxide was within the scope of practice for a registered nurse within an outpatient hospital setting. The Board of Nursing considered the Petition at its October 3, 2013 meeting. The Board’s Order filed on November 8, 2013, dismissed the petition as a declaratory statement may not take the place of a rule of general applicability to all licensees.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

Board of Nursing

NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Margaret Walsh on July 15, 2013. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement published on August 20, 2013, in Vol. 39, No. 162, of the Florida Administrative Register. Petitioner sought the Board’s interpretation as to whether a CNS may diagnose human responses to actual or potential behavioral health problems, implement therapeutic interventions without entering into a supervisor relationship or a protocol with a physician and not be subject to discipline for acts performed within the scope of practice of her CNS certification. The Board of Nursing considered the Petition at its October 3, 2013 meeting. The Board’s Order filed on November 8, 2013, finds that under the specific facts of the petition, as set forth above, a clinical nurse specialist may assess patients with behavioral health problems, diagnose patients using the ICD-9 codes and DSM 5, and treat patients with psychotherapy without the supervision of a physician.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, info@floridasnursing.gov or by telephone at (850)245-4125.

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:

D.A.B. Constructors, Inc. vs. Department of Transportation; Case No.: 13-4786RP; Rule Nos.: 14-91.002, 14-91.004, 14-91.005, 14-91.007; Voluntarily Dismissed

Bianca Larios, R.N. vs. Department of Health, Board of Nursing; Case No.: 13-4918RX; Rule No.: 64B9-8.005(12); Dismissed

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

Anderson Columbia Co., Inc. vs. Department of Transportation; Case No.: 14-0410RU

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

Notice of Bid

The University of Florida, Purchasing Services will receive sealed bids for the following: ITB14MB-129, Broward Hall Fire Sprinkler Replacement #14107, estimated budget: \$350,000 to be opened February 27, 2014 at 3:00 p.m. at 971 Elmore Drive, 101 Elmore Hall Conference RM, Gainesville, FL. Scope of Work: The work includes the materials and labor described in the contract documents for the fire sprinkler work and all associated penetration fire stopping as required for rated locations and specification Section 078413 Penetration Firestopping. The contract documents also show work for acoustical ceilings. These items are shown for coordination and completion of the entire project but are not part of the fire sprinkler contractor’s scope of work. Mandatory pre-bid meeting will be held February 17th, 2014 at 10:00 a.m. at Jennings Annex, Museum Road, Gainesville, FL. It will be the sole responsibility of the attendees to allow sufficient time to ensure prompt attendance as doors will close at set time.

Questions should be directed to Mercedes Bongiovanni, mbongio@ufl.edu or (352)392-1331, ext. 210. For more information visit www.purchasing.ufl.edu. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

## Section XII Miscellaneous

### DEPARTMENT OF ENVIRONMENTAL PROTECTION State Revolving Fund Program

#### NOTICE OF AVAILABILITY FLORIDA CATEGORICAL EXCLUSION NOTICE Immokalee Water and Sewer District

The Florida Department of Environmental Protection (FDEP) has determined that the Immokalee Water and Sewer District's project involving replacement of existing water mains will not adversely affect the environment. The total cost of the project is estimated to be \$14,209,354. The project may qualify for a State Revolving Fund (SRF) loan composed of federal and state funds. FDEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the FCEN can be obtained by writing to: Brian Moody, SRF Program, FDEP, 2600 Blair Stone Road, MS#3505, Tallahassee, Florida 32399-2400 or calling: (850)245-7546 or emailing: Brian.Moody@dep.state.fl.us.

### DEPARTMENT OF HEALTH Board of Medicine

#### Notice of Emergency Action

On February 5, 2014, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Gino Nicholas Vitiello, MD, license number ME 62492. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

### DEPARTMENT OF HEALTH Board of Nursing

#### Notice of Emergency Action

On February 5, 2014, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Emily Dixon Mack, RN, license number RN 9267635. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

### DEPARTMENT OF HEALTH Board of Nursing

#### Notice of Emergency Action

On February 5, 2014, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Debra Ann Hesson McGee, LPN, license number LPN 813871. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

### DEPARTMENT OF HEALTH Board of Nursing

#### Notice of Emergency Action

On February 5, 2014, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Jeffrey John Williams, RN, license number RN 9340539. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.



DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On February 5, 2014, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Maria Annette Disney, RN, license number RN 331801. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Pharmacy

Notice of Emergency Action

On January 23, 2014, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the registration of Jason Romano, RPT, registration number RPT 9592. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order, DEO-14-008

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY THE CITY OF KEY WEST,  
FLORIDA, ORDINANCE NO.13-19

**FINAL ORDER APPROVING IN PART AND  
REJECTING IN PART KEY WEST  
ORDINANCE NO. 13-19**

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., approving in part and rejecting in part the land development regulations adopted by City of Key West Ordinance No. 13-19 (the “Ordinance”).

**FINDINGS OF FACT**

The City of Key West is designated pursuant to § 380.05(1), Fla. Stat., and Chapter 28-36, Fla. Admin. Code, as an area of critical state concern. Land development regulations

adopted by the City of Key West do not become effective until approved by the Department by final order. §§ 380.05(6) and (11), Fla. Stat.

The Ordinance was adopted by the City of Key West on November 7, 2013, and rendered to the Department on December 9, 2013.

The Ordinance updates definitions and provisions relating to the building permit allocation system (“BPAS”) in the City Code to reflect recent updates to the City’s comprehensive plan that gives the City 91 residential building permit allocations annually and 910 allocations over a ten-year horizon.

The Department approves the amendments to the City’s land development regulations adopted by the Ordinance except for the following amendments, which are rejected:

Section 86-9, definition of “detached habitable space,” allows a variance but does not include variance criteria other than height.

Deletion of definition of “hotel” in Section 86-9 (Ordinance page 32) – the deletion would leave the City with no definition that identifies the size of a hotel room. The existing definition must be retained.

Section 86-9, definition of “Single Room Occupancy (SRO)” defines an SRO as a multi-room or multi-floor facility instead of as a single room.

Deletion of definition of “Accessory units and single room occupancy” in Section 108-986 – the definition appropriately defines a single room occupancy as a single room and must be retained.

Section 108-991, “Development not affected by article,” subsection (1), refers the reader to the definitions in Section 86-9 for types of residential construction determined to be affected and not affected by the BPAS, but many of the definitions do not include this information.

Section 108-991, “Development not affected by this article,” subsection (3) exempting public/governmental uses, facilities and services from the City’s BPAS, would exempt publicly-owned affordable housing from the BPAS.

**CONCLUSIONS OF LAW**

The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat. (2012).

“Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and (11), Fla. Stat. The Principles for Guiding Development for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.

The portions of the Ordinance that are approved by this Final Order are consistent with the Principles for Guiding Development as a whole, and specifically further the following Principles:

- (a) Strengthen local government capabilities for managing land use and development;
- (c) Minimize the adverse impacts of development of the quality of water in and around the City of Key West and throughout the Florida Keys;
- (e) Protection of the historical heritage of Key West and the Key West Historical Preservation District;
- (f) Protection of the value, efficiency, cost-effectiveness and amortized life of existing and proposed major public investments, including:
  - 1. The Florida Keys Aqueduct and water supply facilities,
  - 2. Sewage collection and disposal facilities,
  - 3. Solid waste collection and disposal facilities,
  - 4. Key West Naval Air Station,
  - 5. The maintenance and expansion of transportation facilities, and
  - 6. Other utilities, as appropriate;
- (g) Minimize the adverse impacts of proposed public investments on the natural and environmental resources of the City of Key West; and
- (h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

The portions of the Ordinance approved by this Final Order are consistent with Policies 1-1.16.3 and 1-1.1.7 and Objective 1-1.9 of the City of Key West Comprehensive Plan.

The portions of the Ordinance rejected by this Final Order are inconsistent with Principles (a), (f)5., and (h) in subsection 28-36.003(1), Fla. Admin. Code, and are inconsistent with Policies 1-1.16.3 and 1-1.1.7 and Objective 1-1.9 of the City of Key West Comprehensive Plan.

WHEREFORE, IT IS ORDERED that:

- A. The portions of City of Key West Ordinance No. 13-19 identified in paragraph 4., subsections a. through f. above, are found to be inconsistent with the

Principles for Guiding Development for the City of Key West Area of Critical State Concern and are hereby **REJECTED**.

- B. All other portions of City of Key West Ordinance No. 13-19 are found to be consistent with the Principles for Guiding Development for the City of Key West Area of Critical State Concern and are hereby **APPROVED**.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ \_\_\_\_\_  
 WILLIAM B. KILLINGSWORTH  
 Director, Division of Community Development  
 Department of Economic Opportunity

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK

DEPARTMENT OF ECONOMIC OPPORTUNITY  
OFFICE OF GENERAL COUNSEL  
107 EAST MADISON STREET, MSC 110  
TALLAHASSEE, FLORIDA 32399-4128  
FAX NUMBER (850)245-7150

EMAIL:

JAMES.BELLFLOWER@DEO.MYFLORIDA.COM

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order was filed with the undersigned designated Agency Clerk, and that true and correct copies were furnished to the persons listed below by the method indicated this 5 day of February, 2014.

/s/\_\_\_\_\_

James W. Bellflower, Agency Clerk  
Department of Economic Opportunity  
107 East Madison Street, MSC 110  
Tallahassee, FL 32399-4128  
Telephone: (850)245-7150

By U.S. Mail:

The Honorable Craig Cates  
Mayor, City of Key West  
3216 Flagler Avenue  
Key West, FL 33040

Cheryl Smith, City Clerk  
3216 Flagler Avenue  
Key West, FL 33040

Donald Leland Craig, AICP  
City Planner  
3140 Flagler Avenue  
Key West, FL 33040

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development

Final Order, DEO-14-007

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-14-007 on January 27, 2014, in response to an application submitted by Calusa Point Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department determined that the application did not meet the statutory requirements for covenant revitalization because the application was not supported by affirmative votes from a majority of the parcel owners. Accordingly, the Department's Final Order denied the application for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or James.Bellflower@DEO.MyFlorida.com.

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**Section XIII**  
**Index to Rules Filed During Preceding**  
**Week**

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

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