

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:        RULE TITLE:  
6A-1.09414      Course Requirements - Grades PK-12  
                          Exceptional Student Education

PURPOSE AND EFFECT: To adopt course requirements for each course contained in the “Course Code Directory and Instructional Personnel Assignments” for Grades PK-12 Exceptional Student Education. The effect will be the proposed adoption of the exceptional education course descriptions as appropriate for each grade level and content area.

SUBJECT AREA TO BE ADDRESSED: Public school course descriptions for exceptional student education in grades PK-12.  
RULEMAKING AUTHORITY: 1001.02, 1001.03, 1011.62(1)(t), FS.

LAW IMPLEMENTED: 1001.03, 1011.62(1)(t), 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: Monica Verra-Tirado, Ed.D., Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-0475. To comment on this rule development or to request a rule development workshop, please go to <https://web02.fldoe.org/rules> or contact: Christian Emerson, Agency Clerk, Department of Education, (850)245-9601 or email: [Christian.Emerson@fldoe.org](mailto:Christian.Emerson@fldoe.org).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://web02.fldoe.org/rules>.

**DEPARTMENT OF EDUCATION**

**Florida's Office of Early Learning**

RULE NO.:        RULE TITLE:  
6M-4.610        Statewide Provider Contract for the School  
                          Readiness Program

PURPOSE AND EFFECT: The proposed revisions update the rule and the contract to comply with statutory mandate.

SUBJECT AREA TO BE ADDRESSED: School Readiness Program Statewide Provider Contract

RULEMAKING AUTHORITY: 1001.213(2), 1002.82(2)(m) FS.

LAW IMPLEMENTED: 1002.82(2)(m), (6), 1002.84(7), (8), (10), 1002.87(2), 1002.88, 1002.91, 1002.97(3) FS.

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

DATE AND TIME: Wednesday, July 18, 2018, 6:30 p.m. to 7:30 p.m. or until business is concluded, whichever is earlier.

PLACE: Hilton Tampa Downtown 211 North Tampa Street, Tampa, Florida 33602 Room: Palma Ceia III.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Katerina Maroney, 250 Marriott Drive, Tallahassee, FL 32399, Telephone: (850)717-8635. 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: Katerina Maroney, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8614 or email: [katerina.maroney@oel.myflorida.com](mailto:katerina.maroney@oel.myflorida.com)  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

NOT CURRENTLY AVAILABLE. IT WILL BE AVAILABLE PRIOR TO THE WORKSHOP AT: [http://www.floridaearlylearning.com/statewide\\_initiatives/laws\\_and\\_rules/proposed\\_rules.aspx](http://www.floridaearlylearning.com/statewide_initiatives/laws_and_rules/proposed_rules.aspx).

## Section II Proposed Rules

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE NOS.:        RULE TITLES:  
61B-21.001        Definitions and Purpose  
61B-21.002        Educational Resolution  
61B-21.003        Enforcement Resolution and Civil Penalties

PURPOSE AND EFFECT: To amend Rules 61B-21.001, 61B-21.002 and 61B-21.003, F.A.C. in order to bring current with amendments made to Chapter 718, F.S.

SUMMARY: The proposed rulemaking amends Rules 61B-21.001, 61B-21.002 and 61B-21.003, F.A.C. in order to address amendments made to Chapter 718, F.S.

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: 718.501(1)(f), FS.

LAW IMPLEMENTED: 718.501(1)(d), 120.695, 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: Rikki Anderson, Government Analyst, Division of Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-21.001 Definitions and Purpose.

(1) Definitions. For the purposes of this rule chapter, the following definitions shall apply:

(1)(a) “Affirmative or corrective action” means putting remedial procedures in place to ensure that the violation does not recur, making any injured person whole as to the harm suffered in relation to the violation, or taking any other appropriate measures to redress the harm caused. “Accepted Complaint” means a complaint received by the division containing sufficient documentation and addressing a subject within the jurisdiction of the division, pursuant to Section 718.501(1), F.S.

(2)(b) “Association” shall have the same meaning as stated in section 718.103(2), F.S. “Affirmative or corrective action” means putting remedial procedures in place to ensure that the violation does not recur, making any injured person whole as to the harm suffered in relation to the violation, or taking any other appropriate measures to redress the harm caused.

(3)(c) “Minor violation” is a violation in which the division will issue a Notice of Noncompliance as a first response to a violation of a rule pursuant to rule 61B-21.002, F.A.C., due to the violation’s lower potential for public harm. Failure to timely comply with the Notice of Noncompliance may result in further sanctions and enforcement. “Alleged repeated violation” means any accepted complaint for the same or substantially similar

~~recurring conduct received by the division within two years from the resolution of a previous complaint regarding that conduct.~~

~~(d) “Association,” for purposes of these guidelines, shall have the same meaning as stated in Section 718.103(2), F.S.~~

~~(e) “Bad check” means any worthless check, draft, or order of payment identified under Section 68.065, F.S.~~

~~(2) Purpose. The purpose of the resolution guidelines is to implement the division’s responsibility to ensure compliance with the provisions of Chapter 718, F.S., and the division’s administrative rules. The division recognizes that unit owner controlled associations are comprised of volunteer members who, in most circumstances, are lay people without specialized knowledge of the complex statutory and administrative rule structure of Chapter 718, F.S. Based upon this understanding, the division, as set forth in these rules, will first and foremost attempt to seek statutory and rule compliance through an educational resolution. For repeated statutory or rule violations, where the violations have not been corrected or otherwise resolved by the association, the division will seek statutory or rule compliance through an enforcement resolution. The guidelines are also intended to implement the division’s statutory authority to give reasonable and meaningful notice to persons regulated by Chapter 718, F.S., and the administrative rules of the range of penalties that normally will be imposed, if an enforcement resolution is taken by the division. Finally, the rules are intended, pursuant to statutory mandate, to distinguish between minor and major violations based upon the potential harm that the violation may cause.~~

~~(3) These penalty guidelines are promulgated pursuant to the division’s authority in Section 718.501(1)(d) and (f), F.S. This rule chapter does not preclude the division from imposing affirmative or corrective action pursuant to Section 718.501(1)(d)2., F.S. Nothing in this rule chapter shall limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, settlement agreement, or consent order. Rules 61B-21.001, and 61B-21.002, and 61B-21.003, F.A.C., are necessary to explicate the division’s education and enforcement policy. This rule chapter is not intended to cover, or be applied to, willful and knowing violations of Chapter 718, F.S., or the administrative rules by an officer or association board member, pursuant to Section 718.501(1)(d)4., F.S. Such violations shall be strictly governed by the provisions of Section 718.501(1)(d)4., F.S. This rule chapter is not intended to cover, or be applied to, violations of Chapter 718, F.S., or the administrative rules by a condominium developer as defined by Section 718.103(16), F.S. Such violations shall be strictly governed by the provisions of Rules 61B-20.004, 61B-20.005, and 61B-20.006, F.A.C., and Section 718.301(5), F.S.~~

Rulemaking Authority 120.695, F.S., 718.501(1)(d)64.,(f) FS. Law Implemented 718.501(1)(d)64. FS. History--New 6-4-98-, Amended

61B-21.002 Minor Violations Educational Resolution.

(1) The minor violation educational resolution process, as detailed in this rule chapter, is only applicable to unit owner controlled associations.

(2) Alleged Initial Violation. An initial accepted complaint, directed at an association and involving a possible violation identified as minor in these guidelines, will be resolved as follows:

The division will review the matter and will contact the association board by letter or telephone regarding the complaint. The division will provide educational materials or guidance to the association board to assist it with addressing the subject matter of the complaint and provide the association with the opportunity to respond. The division will notify the complainant of the educational resolution and the division's complaint file will be closed.

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

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

(3)(4) The division will notify the complainant of the resolution of the complaint, or if applicable, alternative dispute resolution options. Alleged Major Violations. An initial accepted complaint, 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 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 lead to further investigation. The Warning Letter shall not be considered final agency action. The division will notify the complainant of the educational resolution, or if applicable, alternative dispute resolution options.

(4) The following violations shall be considered minor violations for which a Notice of Noncompliance shall be issued:

<u>Categ ory</u>	<u>Statute or Rule</u>	<u>Description of Conduct/Violation</u>
<u>Budget s</u>	<u>61B-22.003(1)(b), F.A.C.</u>	<u>Failure to disclose the beginning and ending dates of the period covered by the proposed budget.</u>
<u>Budget s</u>	<u>61B-22.003(1)(c), F.A.C.</u>	<u>Failure to disclose periodic assessments for each unit type in the proposed budget.</u>
<u>Electio ns</u>	<u>61B-23.0021(7), F.A.C.</u>	<u>Distributing candidate information sheets consisting of more than one page.</u>
<u>Electio ns</u>	<u>61B-23.0021(9), F.A.C.</u>	<u>Ballot does not list candidates alphabetically by surname.</u>
<u>Electio ns</u>	<u>61B-23.0021(10)(b), F.A.C.</u>	<u>Outer envelope information verified before the date of the election.</u>
<u>Report ing</u>	<u>61B- 22.006(3)(a)5.,6. F.A.C.</u>	<u>Failure to disclose the amount required to fully fund each reserve account as of the end of the fiscal period covered by the annual financial statements; and the</u>

		<u>manner by which reserve items were estimated and/or the date the estimates were last made in the annual financial statements or turnover audit. Failure to disclose in the year-end financial statements the manner by which reserve items were estimated and/or the date the estimates were last made.</u>
<u>Reporting</u>	<u>61B-22.006(3)(b),(c), F.A.C.</u>	<u>Failure to disclose the method of allocating income and expenses in the annual financial statements or turnover audit.</u>

(5) Upon a determination of an association’s failure to comply with a Notice of Noncompliance, an enforcement action shall be taken in which the division shall impose a civil penalty between \$5 and \$10, 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 aggravating or accepted mitigating circumstances, pursuant to rule 61B-21.003(3), F.A.C. The minimum total penalty to be assessed shall be calculated according to these guidelines or \$500, whichever amount is greater. In no event shall a penalty of more than \$2,500 be imposed for a single minor violation. The guidelines in this rule chapter 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 this rule chapter shall limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, settlement agreement, or consent order. Nothing in this rule chapter shall limit the division’s ability to seek judicial enforcement and remedies through the courts. The provisions of this rule chapter shall not be construed so as to prohibit or limit any other administrative, civil, or criminal action that may be brought, including notices to cease and desist.

Rulemaking Authority 718.501(1)(d)64.,(f) FS. Law Implemented 120.695, F.S., 718.501(1)(d)64.,(k) FS. History—New 6-4-98, Amended \_\_\_\_\_.

61B-21.003 Penalty Guidelines Enforcement Resolution, Costs and Civil Penalties.

(1) Pursuant to section 718.501(1)(d)6., F.S., the division sets forth below disciplinary guidelines from which disciplinary

penalties will be imposed upon affected parties guilty of violating Chapter 718, F.S., and the rules promulgated thereunder. The purpose of the disciplinary guidelines is to provide notice to affected parties of the range of penalties which may be imposed for each count. 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 this rule chapter shall limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, settlement agreement, or consent order. Nothing in this rule chapter shall limit the division’s ability to seek judicial enforcement and remedies through the courts. The provisions of this rule chapter shall not be construed so as to prohibit or limit any other administrative, civil, or criminal action that may be brought, including notices to cease and desist. 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. 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 chapter 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 this rule chapter shall limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, settlement agreement, or consent order.

(2) Penalties will be assessed beginning with the middle of the specified range and adjusted up or down based upon any aggravating or accepted mitigating circumstances. The minimum total penalty to be assessed shall be calculated according to these guidelines or \$1,000, whichever amount is greater. In no event shall a penalty of more than the statutory maximum be imposed for a single violation. A penalty range of \$10 to \$30 per unit are set forth for each violation. The absence of any violation from this rule chapter shall not be construed to indicate that the violation does not cause substantial harm or is not subject to a penalty. In any instance where the violation is not listed in this rule chapter, the penalty will be determined by consideration of the closest analogous violation. General Provisions:

<u>Category</u>	<u>Statute or Rule</u>	<u>Description of Conduct/Violation</u>
<u>Accounting Records</u>	<u>718.111(12)(a) 11., F.S. 61B-22.002, F.A.C.</u>	<u>Insufficient or incomplete accounting records.</u>

<u>Accounting Records</u>	<u>718.111(12)(a) 11., F.S.</u>	<u>Failure to maintain separate accounting records for each condominium.</u>
<u>Assessing</u>	<u>718.112(2)(g), F.S.</u>	<u>Assessments not sufficient to meet expenses.</u>
<u>Assessing</u>	<u>718.112(2)(g), F.S.</u>	<u>Collecting assessments less frequently than quarterly</u>
<u>Assessing</u>	<u>718.115(2), F.S.</u>	<u>Assessments not based upon the shares stated in the declaration of condominium or required by statute.</u>
<u>Assessing</u>	<u>718.115(4), F.S.</u>	<u>Assessments not properly apportioned among multiple condominiums.</u>
<u>Assessing</u>	<u>718.116(3), F.S.</u>	<u>Failure to charge interest on past-due assessments.</u>
<u>Assessing</u>	<u>718.116(9), F.S.</u>	<u>Developer or other owner improperly excused from paying assessments.</u>
<u>Board</u>	<u>718.110(4), F.S.</u>	<u>Improperly amending the declaration of condominium to change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium.</u>
<u>Board</u>	<u>718.111(4), F.S.</u>	<u>Improper use fee.</u>
<u>Board</u>	<u>718.111(7)(a), F.S.</u>	<u>Mortgaging or conveying association property without unit-owner approval.</u>
<u>Board</u>	<u>718.111(11)(h), F.S.</u>	<u>Failure to maintain adequate fidelity bonding.</u>
<u>Board</u>	<u>718.112(2)(a)1., F.S.</u>	<u>Compensating officers or members of the board without documentary authority.</u>
<u>Board</u>	<u>718.112(2)(i), F.S.</u>	<u>Improper transfer fees or security deposits.</u>
<u>Board</u>		

	<u>718.116(3), F.S.</u>	<u>Levying late fees without documentary authority.</u>
<u>Board</u>	<u>718.303, F.S.</u>	<u>Imposing fines without proper notice and opportunity for hearing. Imposing excessive fines. Improper suspension of voting rights without proper notices.</u>
<u>Board</u>	<u>718.112(2)(d)2., F.S.</u>	<u>Allowing ineligible person to run for board of administration.</u>
<u>Board</u>	<u>718.3026(1), F.S.</u>	<u>Failure to obtain competitive bids on contracts that exceed five percent of the association's budget.</u>
<u>Budgets</u>	<u>718.112(2)(e), F.S.</u>	<u>Failure to propose/adopt budget for a given year.</u>
<u>Budgets</u>	<u>718.112(2)(f)1., F.S.</u>	<u>Failure to include a schedule of limited common element expenses in budget.</u>
<u>Budgets</u>	<u>61B-22.003(4)(a), F.A.C.</u>	<u>Failure to prepare a separate budget for each condominium operated by the association as well as for the association.</u>
<u>Budgets</u>	<u>61B-22.003(1)(e), (f), (g), F.A.C.</u>	<u>Failure to include reserve schedule in the proposed budget. Failure to disclose converter-reserve funding.</u>
<u>Budgets</u>	<u>718.112(2)(f)2., F.S. 61B-22.005(3), (5) F.A.C.</u>	<u>Improper calculation of reserve requirements.</u>
<u>Comming le</u>	<u>718.111(14), F.S.</u>	<u>Commingling association funds with non-association funds.</u>
<u>Comming le</u>	<u>718.111(14), F.S. 61B-22.005(2), F.A.C.</u>	<u>Commingling reserve funds with operating funds.</u>

<u>Common Expenses</u>	<u>718.103(9), 718.115(1), F.S. 61B-23.003(3), F.A.C.</u>	<u>Using association funds for other than common expenses.</u>
<u>Conflict of Interest</u>	<u>718.112(2)(p), F.S.</u>	<u>Contracting with a service provider owned by a board member.</u>
<u>Conflict of Interest</u>	<u>718.3027(1),(2),(4), F.S.</u>	<u>Failing to properly disclose a conflict of interest.</u>
<u>Converter Reserves</u>	<u>718.618(3)(b), F.S.</u>	<u>Improper use of converter reserves.</u>
<u>Debit Card</u>	<u>718.111(15), F.S.</u>	<u>Use of an association debit card for any association expense.</u>
<u>Elections</u>	<u>718.112(2)(d), F.S. 61B-23.0021(2), F.A.C.</u>	<u>Failure to hold an annual election.</u>
<u>Elections</u>	<u>718.112(2)(d)4., F.S.</u>	<u>Failure to use ballots or voting machines.</u>
<u>Elections</u>	<u>61B-23.0021(8), F.A.C.</u>	<u>Failure to provide space for name, unit number, or signature on outer envelope.</u>
<u>Elections</u>	<u>718.112(2)(d)4. a., F.S. 61B-23.0021(4), F.A.C.</u>	<u>Failure to provide, or timely provide, first notice of election.</u>
<u>Elections</u>	<u>61B-23.0021(3), F.A.C.</u>	<u>Improper nomination procedures in election.</u>
<u>Elections</u>	<u>61B-23.0021(2), F.S.</u>	<u>Election not held at time and place of annual meeting.</u>
<u>Elections</u>	<u>61B-23.0021(6), F.A.C.</u>	<u>Failure to provide candidate with a receipt for written notice of candidacy.</u>
<u>Elections</u>	<u>718.112(2)(d)4. a., F.S.</u>	<u>Failure to provide, or timely provide, second notice of election or omitting ballots.</u>

	<u>61B-23.0021(7), (8), F.A.C.</u>	<u>envelopes, or candidate information sheets.</u>
<u>Elections</u>	<u>718.112(2)(d)4., F.S. 61B-23.0021(5), F.A.C.</u>	<u>Ballot included a candidate who is ineligible. Ballot not including an eligible candidate.</u>
<u>Elections</u>	<u>61B-23.0021(8), F.A.C.</u>	<u>Voters allowed to rescind or change their previously cast ballots.</u>
<u>Elections</u>	<u>61B-23.0021(8), F.A.C.</u>	<u>Second notice of election and accompanying documents included comments by board about candidates.</u>
<u>Elections</u>	<u>61B-23.0021(10)(a), F.A.C.</u>	<u>Ballots not counted by impartial committee.</u>
<u>Elections</u>	<u>718.112(2)(d)4., F.S. 61B-23.0021(7), F.A.C.</u>	<u>Association altered or edited candidate-information sheets.</u>
<u>Elections</u>	<u>61B-23.0021(10)(a), F.A.C.</u>	<u>Inner envelopes not placed in separate receptacle before being opened.</u>
<u>Elections</u>	<u>61B-23.0021(9), F.A.C.</u>	<u>Ballots not uniform. Ballots identify voter. Ballot contained space for write-in candidate.</u>
<u>Elections</u>	<u>61B-23.0021(10), F.A.C.</u>	<u>Outer envelopes not checked against list of eligible voters.</u>
<u>Elections</u>	<u>61B-23.0021(10)(a), (b), F.A.C.</u>	<u>Counting ineligible ballots.</u>
<u>Elections</u>	<u>61B-23.0021(10), F.A.C.</u>	<u>Failure to count properly cast ballots.</u>
<u>Elections</u>	<u>61B-23.0021(10), F.A.C.</u>	<u>Outer envelopes opened prior to election meeting. Outer envelopes not opened in presence of unit owners.</u>
<u>Elections</u>		

	<u>61B-23.0021(10)(a), F.A.C.</u>	<u>Not counting ballots in the presence of unit owners.</u>
<u>Elections</u>	<u>61B-23.0021(10)(b), F.A.C.</u>	<u>Failure to notice meeting to verify outer envelope information.</u>
<u>Elections</u>	<u>61B-23.0021(10)(c), F.A.C.</u>	<u>Failure to timely hold a runoff election.</u>
<u>Elections</u>	<u>61B-23.003(7)(f), F.A.C.</u>	<u>Improperly permitting a developer to vote for a majority of the board.</u>
<u>Elections</u>	<u>61B-23.0021(10)(a), F.A.C.</u>	<u>No blank ballots available at election meeting.</u>
<u>Estoppel Certificate</u>	<u>718.116(8), F.S.</u>	<u>Failure to timely provide an estoppel certificate or failure of the certificate to contain all required components.</u>
<u>Final Order</u>	<u>718.501(1)(d)6., F.S.</u>	<u>Failure to comply with final order of the division.</u>
<u>Fiduciary Duty</u>	<u>718.111(1)(a), F.S.</u>	<u>Violating a fiduciary duty.</u>
<u>Investigation</u>	<u>718.501(1)(n), F.S.</u>	<u>Failure to reasonably cooperate with an investigation.</u>
<u>Property</u>	<u>718.111(7)(a), F.S.</u>	<u>Failing to get approval for acquisition, conveyance, lease, or mortgage of association real property.</u>
<u>Property</u>	<u>718.111(9), F.S.</u>	<u>Improper purchase of unit at a foreclosure sale.</u>
<u>Records</u>	<u>718.111(12)(a), F.S.</u>	<u>Failure to maintain official records.</u>
<u>Records</u>	<u>718.111(12)(c), F.S.</u> <u>718.115(1)(a), F.S.</u>	<u>Requiring a unit owner to pay a fee for access to association records.</u>
<u>Records</u>	<u>718.111(12)(b), F.S.</u>	<u>Failure to maintain records within 45 miles, or within the county, of the condominium property.</u>
<u>Records</u>		

	<u>718.111(12)(b), (c), F.S.</u>	<u>Failure to timely provide access to records.</u> <u>Failure to allow scanning or copying of records.</u>
<u>Records</u>	<u>718.111(12)(f), F.S.</u> <u>718.501(1)(d)6., F.S.</u>	<u>Failure of outgoing board or committee member or relinquish all official records and property of the association in his or her possession or under their control to the incoming board within 5 days after the election.</u>
<u>Reporting</u>	<u>718.111(13), F.S.</u>	<u>Failure to timely provide annual financial report or statements.</u>
<u>Reporting</u>	<u>61B-22.006(1), F.A.C.</u>	<u>Failure to timely prepare annual financial statements using fund accounting.</u> <u>Failure to prepare annual financial statements on accrual basis.</u>
<u>Reporting</u>	<u>61B-22.006(1), F.A.C.</u>	<u>Failure to prepare annual financial statements in accordance with Generally Accepted Accounting Principles (GAAP).</u> <u>Failure to have reviewed or audited annual financial statements prepared by a Florida-licensed CPA.</u>
<u>Reporting</u>	<u>61B-22.006(2), F.A.C.</u>	<u>Failure to include one or more components of the annual financial statements (incomplete).</u>
<u>Reporting</u>	<u>61B-22.006(3)(a)1., 6., F.A.C.</u> <u>61B-22.006(6), F.A.C.</u>	<u>Failure to make significant reserve fund disclosures in annual financial statements or annual financial report.</u>
<u>Reporting</u>	<u>61B-22.006(3)(a)7., F.A.C.</u> <u>61B-22.006(6), F.A.C.</u>	<u>Failure to include converter reserve disclosures in the annual financial statements or annual financial report.</u>
<u>Reporting</u>	<u>61B-22.006(4), F.A.C.</u>	<u>Failure to include reserve fund disclosures and/or revenues, expenses, and changes in fund balances for each condominium and the</u>

		<u>association in the annual financial statements of a multi-condominium association.</u>
<u>Reporting</u>	<u>61B-22.006(5), F.A.C.</u>	<u>Failure to show developer assessments separately from other assessment revenues in the annual financial report (statement).</u>
<u>Reporting</u>	<u>61B-22.006(3), F.A.C.</u> <u>61B-22.006(6)(c), F.A.C.</u>	<u>Failure to include the special assessments disclosures in the annual financial statements or annual financial report.</u>
<u>Reporting</u>	<u>61B-22.006(6)(e), F.A.C.</u>	<u>Failure to separately present revenues and expenses for each condominium and the association in the annual financial report of a multi-condominium association.</u>
<u>Reporting</u>	<u>61B-22.006(3)(e), F.A.C.</u>	<u>Guarantee disclosures incomplete or missing from annual financial statements.</u>
<u>Reporting</u>	<u>61B-22.004(5), F.A.C.</u>	<u>Improper calculation of guarantor's final obligation.</u>
<u>Reporting</u>	<u>718.111(13)(b), F.S.</u> <u>61B-22.006(6)(a), F.A.C.</u>	<u>Annual financial report not prepared on a cash basis.</u>
<u>Reporting</u>	<u>718.111(13)(b) 3., F.S.</u>	<u>Annual financial report does not include specified receipt or expenditure items.</u>
<u>Reporting</u>	<u>61B-22.006(3)(d), F.A.C.</u> <u>61B-22.006(6)(d), F.A.C.</u>	<u>Annual financial statements or annual financial report does not disclose revenues and expenses related to limited common elements.</u>
<u>Reporting</u>	<u>718.111(13)(a), F.S.</u>	<u>Providing lower level of annual financial reporting than required based on the number of units and annual revenues.</u>

<u>Reserves</u>	<u>718.112(2)(f)2., F.S.</u> <u>61B-22.005(6), F.A.C.</u>	<u>Failure to fund reserves in a timely manner. Failure to fully fund reserves.</u>
<u>Reserves</u>	<u>718.112(2)(f)2., F.S.</u> <u>61B-22.005(8), F.A.C.</u>	<u>Failure to follow proper method to waive or reduce reserve funding.</u>
<u>Reserves</u>	<u>718.112(2)(f)3., F.S.</u> <u>61B-22.005(7), F.A.C.</u>	<u>Using reserve funds for other purposes without proper unit owner approval.</u>
<u>Special Assessment</u>	<u>718.116(10), F.S.</u>	<u>Using special assessment funds for other purposes.</u>
<u>Special Assessment</u>	<u>718.116(10), F.S.</u>	<u>Special assessment notice does not state purpose of assessment.</u>
<u>Website</u>	<u>718.111(12)(g), F.S.</u>	<u>Failing to include required documents on website.</u>

~~(a) Rule Not All Inclusive. This rule chapter contains illustrative violations. It does not, and is not intended to, encompass all possible violations of statute or division rule that might be committed by an association. The absence of any violation from this rule chapter shall in no way be construed to indicate that the violation does not cause substantial harm or is not subject to a penalty. In any instance where the violation is not listed in this rule chapter, the penalty will be determined by consideration of:~~

- ~~1. The closest analogous violation, if any, that is listed in this rule chapter; and~~
- ~~2. The mitigating or aggravating factors listed in this rule chapter.~~

~~(b) Violations Included. This rule chapter applies to all statutory and rule violations subject to a penalty authorized by Chapter 718, F.S.~~

~~(c) Rule Establishes Norm. These guidelines do not supersede the division's authority to order an association to cease and desist from any unlawful practice, or order other affirmative action in situations where the imposition of administrative penalties is not adequate. For example, notwithstanding the specification of relatively smaller penalties for particular violations, the division will suspend the imposition of a penalty and impose other remedies where aggravating or mitigating factors warrant it. If an enforcement resolution is utilized, the total penalty to be assessed shall be~~



calculated according to these guidelines or \$100, whichever amount is greater.

(d) ~~Description of Violations. Although the violations in Rule 61B 21.003, F.A.C., include specific references to statutes and administrative rules, the violations are described in general language and are not necessarily stated in the same language that would be used to formally allege a violation in a specific case. If any statutory or rule citation in Rule 61B 21.003, F.A.C., is changed, then the use of the previous statutory citation will not invalidate this rule chapter.~~

(3) When either the Petitioner or Respondent is able to demonstrate aggravating or mitigating circumstances to the division or hearing officer in an enforcement action by clear and convincing evidence, the division or hearing officer shall be entitled to deviate from the above guidelines in imposing or recommending discipline.

(a) Aggravating circumstances may include, but are not limited to, the following:

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 responsible for the violation.
4. The disciplinary history of the association.
5. The harm caused to unit owner(s) or other persons or entities.
6. The violation occurred for a long period of time.
7. The length of time between violations
8. The association impeded the division's investigation or authority.

(b) Mitigating circumstances may include, but are not limited to, the following:

1. The violation or harm was related to a natural or manmade disaster.
2. The violation caused no harm to unit owner(s) or other persons or entities.
3. The association took affirmative or corrective action before it received the division's written notification of the violation.
4. The association expeditiously took affirmative or corrective action after it received the division's written notification of the violation.
5. The association cooperated with the division during the investigation.

~~Aggravating and Mitigating Factors. The division will consider aggravating and mitigating factors in determining penalties for violations listed in this rule chapter. 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:

- ~~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 who perpetrated the violation.~~
- ~~4. The disciplinary history of the association, including such action resulting in an enforcement resolution as detailed in Rule 61B 21.003, F.A.C., or Section 718.501, F.S.~~
- ~~5. The violation caused substantial harm, or has the potential to cause substantial harm, to condominium residents or other persons.~~
- ~~6. 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.~~
- ~~7. The violation had occurred for a long period of time.~~
- ~~8. The violation was repeated within a short period of time.~~
- ~~9. The association impeded the division's investigation or authority.~~
- ~~10. The investigation involved the issuance of a notice to show cause or other proceeding.~~

(b) Mitigating Factors:

- ~~1. Whether current members of the association board have sought and received educational training, other than information provided pursuant to Rule 61B 21.002, F.A.C., on the requirements of Chapter 718, F.S., within the past two years.~~
- ~~2. Reliance on written professional or expert counsel and advice.~~
- ~~3. Acts of God or nature.~~
- ~~4. The violation caused no harm to condominium residents or other persons.~~
- ~~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.~~
- ~~8. The investigation was concluded through consent proceedings.~~

(4) In addition to the penalties established in this rule chapter, the division reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law. The provisions of this rule chapter shall not be construed so as to prohibit or limit any other civil or criminal prosecution that may be brought.

(5) The imposition of a penalty does not preclude the division from imposing additional sanctions or remedies provided under Chapter 718, F.S.

(6) In addition to the penalties established in this rule chapter, the division reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law.

(a) Cost of Onsite Reviews and Investigations. Expenses charged pursuant to this subsection are computed in the manner prescribed by Section 112.061, F.S. The division will seek to collect from a developer, association, officer, director, bulk buyer, or bulk assignee the actual cost of an onsite review or investigation under Section 781.501(1)(d)8., F.S. as verified by the agency travel reimbursement approved under Section 112.061, F.S.

(b) Additionally, the division reserves the right to seek to recover any costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages imposed by law if an association submits a bad check to the division.

(7) Penalties.

(a) Minor Violations. The following violations shall be considered minor due to their lower potential for 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. 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:

Category	Statute or Rule Cite	Description of Conduct/Violation
Board	Section 718.110(1)(b), F.S.	Failure of amendment to declaration or bylaws to contain full text showing underlined or language; etc.
Board	Section 718.111(1)(a), F.S.	Failure to maintain corporate status.
Board	Section 718.111(1)(b), F.S.	Improper use of secret ballot, or use of proxy, by board members at a board meeting.
Board	Section 718.112(2)(a)2., F.S.	Failure to provide a timely or substantive response to a written inquiry received by certified mail.

Board	Section 718.112(2)(b)1., F.S.	Improper quorum at unit owner meeting.
Board	Section 718.112(2)(b)2., F.S.	Failure of proxy to contain required elements.
Board	Section 718.112(2)(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; non-emergency action taken at board meeting, not on agenda; no meeting agenda; failure to allow unit owners to speak at meeting or speech is limited to less than three minutes.
Board	Section 718.112(2)(d)2., 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.
Board	Section 718.112(2)(d)4., F.S.	Failure to hold a unit owner meeting to obtain unit owners' approval when written agreements are not authorized.
Board	Section 718.112(2)(i), F.S.	Failure to have the authority in the documents when levying transfer fees or security deposits.

Board	Section 718.113(5), F.S.	Failure to comply with hurricane shutter requirements.	Budgets	paragraph 61B	Failure to disclose periodic assessments for each unit in proposed budget.
Board	Section 718.116(3), F.S.	Failure to have the authority in the documents when levying late fees.	Budgets	paragraph 61B	Failure to propose full reserve funding in proposed budget.
Board	Section 718.3026(1), F.S.	Failure to obtain competitive bids on contracts that exceed five percent of the association's budget.	Budgets	paragraphs 61B	Failure to provide for funding (g), F.A.C.
Board	Section 718.303(3), F.S.	Failure to have the authority in the documents when levying fines. Failure to provide proper notice of fines.	Budgets	subsection 61B	categories in the proposed budget.
Board	subsection 61B	Failure to allow unit owners to attend board or committee meetings.	Budgets	paragraph 61B	Failure to provide the required separate proposed budget for each condominium operated by the association.
Board	Section 718.112(2)(b)5., F.A.C.	Failure to provide a speaker phone for board or committee meetings held by teleconference.	Elections	Section 718.112(2)(d)3., F.S.	Improper nomination procedures in election.
Board	subsection 61B	Failure to employ a licensed manager when licensure is required.	Elections	subsection 61B	23.0021(3), F.A.C.
Board	subsection 61B	Failure to permit a unit owner to tape record or video tape meetings.	Elections	Section 718.112(2)(d)3., F.S.	Including a candidate who did not provide timely notice of candidacy.
Board	paragraph 61B	Failure to fill vacancy properly.	Elections	subsection 61B	23.0021(5), F.A.C.
	23.0021(1)(d), F.A.C.		Elections	subsection 61B	Failure to provide candidate a receipt for written notice of intent to be a candidate.
	Section 718.112(2)(d)8., F.S.		Elections	subsections 61B	Counting ballots not cast in 23.0021(8), (10), inner and outer envelopes.
Budgets	Section 718.112(2)(e), F.S.	Failure to timely notice budget meeting. Failure to timely deliver proposed budget. Failure of board to call a unit owners' meeting to consider alternate budget.	Elections	paragraph 61B	Failure to provide space for name and signature on outer envelope.
			Elections	paragraph 61B	Failure to timely hold runoff election.
Budgets	Section 718.112(2)(f)1., F.S.	Failure to include applicable line items in proposed budget.	Records	Section 718.111(1)(b), F.S.	Failure of minutes to reflect how board members voted at board meeting. Failure to record a vote or an abstention in the minutes for each board member present at the board meeting.
Budgets	Section 718.112(2)(f)1., F.S.	Failure to show limited common element expenses in proposed budget.	Records	Section 718.111(12)(a)2., F.S.	Failure to maintain a copy of recorded declaration and amendments.
	subsection 61B		Records	Section 718.111(12)(a)3., F.S.	Failure to maintain a copy of recorded bylaws and amendments.
Budgets	paragraph 61B	Failure to disclose the beginning and ending dates of the period covered by the proposed budget.			

Records	Section 718.111(12)(a)4., F.S.	Failure to maintain a certified copy of articles of incorporation and amendments.	Reporting subsection 22.006(4), F.A.C.	61B Improper multi-condominium reserve fund disclosures in the year-end financial statements. Multi-condominium revenues, expenses, and changes in fund balance not shown for each condominium in the year-end financial statements. Disclosure of multi-condominium revenues/expenses for the association not specific to a condominium, is omitted, or is incomplete in the year-end financial statements.
Records	Section 718.111(12)(a)7., F.S.	Failure to maintain a current unit owner roster. Failure to roster to include all elements.		
Records	Section 718.111(12)(a)14., F.S.	Failure to maintain or annually update the question and answer sheet.		
Records	paragraph 61B-23.002(7)(a), F.A.C.			
Records	Section 718.111(12)(a)15., F.S.	Failure to maintain other association records related to the operation of the association.		
Records	Section 718.111(12)(b), (c), F.S.	Failure to provide access to records.	Reporting paragraph 22.006(3)(a), F.A.C.	61B Failure to include the required reserve fund disclosures in the annual financial report.
Records	subsection 61B-22.003(3), F.A.C.	Failure of budget meeting minutes to reflect adoption of the proposed budget.	Reporting paragraph 22.006(6)(b), F.A.C.	61B Improper disclosure of receipts and expenditures in the annual financial report in a multi-condominium association.
Records	subsection 61B-23.003(6), F.A.C.	Failure to maintain a copy of the receipt for delivery of association records upon transfer of control.		
Reporting	Section 718.111(13), F.S.	Failure to timely provide the annual financial report.		
Reporting	subparagraph 61B-22.006(3)(a)5., F.A.C.	Failure to disclose in the year-end financial statements the manner by which reserve items were estimated and/or the date the estimates were last made.		
Reporting	paragraphs 61B-22.006(3)(b), (c), F.A.C.	Improper disclosure in the year-end financial statements of method of allocating revenues and expenses. Improper special assessment disclosures in the year-end financial statements.		
Reporting	paragraph 61B-22.006(3)(d), F.A.C.	Improper disclosure in the year-end financial statements of revenues and expenses related to limited common elements.		

(b) Major Violations. The following violations shall be considered major due to their increased potential for 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. 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 as follows:

Category 1:	\$6 — \$10 per unit.		
Category 2:	\$12 — \$20 per unit.		
Category	Statute or Rule Cite	Description	Suggested
Accounting	Section 718.111(12)(a)11., F.S.	Insufficient detail in the accounting records.	2
Records	Rule 61B-22.002, F.A.C.	Failure to maintain sufficient accounting records.	
Assessing	Section 718.112(2)(g), F.S.	Failure to assess at sufficient amounts.	1

Assessing	Section 718.115(2), F.S.	Failure to assess based upon proportionate share or as stated in the declaration of condominium.	2	Converter	Section 718.618(3)(b), F.S.	Improper use of converter reserves.	4
Board	Section 718.110, F.S.	Failure to follow method of amendment.	2	Converter	subparagraph 61B-22.003(1)(e)5., F.A.C.	Failure to include converter reserve disclosures in the proposed budget, year end financial statements, or annual financial report.	4
Board	Section 718.112(2)(a)1., F.S.	Improper compensation of officers or directors.	4	Reserves	subparagraph 61B-22.006(3)(a)6., F.A.C.		
Board	Section 718.112(2)(d)1., F.S.	Failure to hold annual meeting.	2	Elections	Section 718.112(2)(d), F.S.	Failure to hold election.	2
Board	Section 718.111(11)(d), F.S.	Failure to maintain adequate fidelity bonding for all persons who control or distribute association funds.	2	Elections	subsection 61B-23.0021(2), F.A.C.		
Board	Section 718.501(2)(a), F.S.	Failure to pay annual fees to the division.	2	Elections	Section 718.112(2)(d)3., F.S.	Failure to use ballots or voting machines.	2
Budgets	Section 718.112(2)(c), F.S.	Failure to propose/adopt budget for a given year.	2	Elections	Section 718.112(2)(d)3., F.S.	Failure to provide, or timely provide, first notice of election.	4
Budgets	paragraphs 61B-22.003(1)(e), (f), (g), F.A.C.	Failure to include reserve schedule in the proposed budget.	4	Elections	subsection 61B-23.0021(4), F.A.C.		
Commingle	Section 718.111(14), F.S.	Commingling association funds with non-association funds.	2	Elections	Section 718.112(2)(d)3., F.S.	Failure to provide, or timely provide, second notice of election or omitting materials such as ballots, envelopes, and candidate information sheets.	4
Commingle	Section 718.111(14), F.S.	Commingling reserve funds with operating funds.	4	Elections	subsection 61B-23.0021(7), (8), F.A.C.	Failure to include all timely submitted names of eligible candidates on the ballot.	4
Common	Section 718.115(1), F.S.	Using association funds for other than common expenses.	2	Elections	paragraphs 61B-23.0021(10)(a), (b), F.A.C.	Counting ineligible ballots. Not counting ballots in the presence of unit owners.	4
Expenses	subsection 61B-23.003(3), F.A.C.			Elections	paragraph 61B-23.0021(10)(c), F.A.C.	Failure to hold runoff election.	2

Final Order	Section 718.501(1)(d)4., F.S.	Failure to comply with final order of the division.	2	Reporting	subsection 61B 22.006(2), F.A.C.	Failure to include one or more components of the year end financial statements (incomplete).	4
Records	Section 718.111(12)(a)12., F.S.	Failure to maintain election materials for one year.	1				
Records	Section 718.111(12)(a)6., F.S.	Failure to maintain minutes of meetings.	1	Reporting	subparagraphs 61B 22.006(3)(a) 1. 6., F.A.C.	Failure to make significant reserve fund disclosures in the year end financial statements or annual financial report.	4
Records	Section 718.111(12)(b), F.S.	Failure to maintain records within Florida.	2				
Reporting	Section 718.111(13), F.S.	Failure to provide the annual financial report.	2				
Reporting	Section 718.111(13), F.S.	Failure to provide year end financial statements in a timely manner.	1	Reporting	paragraphs 61B 22.006(6)(a), (b), F.A.C.	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, or disclosures on limited common elements.	1
Reporting	Section 718.111(13), F.S.	Failure to provide year end financial statements.	2				
Reporting	subsection 61B 22.006(1), F.A.C.	Failure to prepare year end financial statements using fund accounting. Failure to prepare year end financial statements on accrual basis.	1	Reporting	Section 718.111(13)(d), F.S.	Providing lower level of reporting for year end financial statements than required.	2
Reporting	subsection 61B 22.006(1), F.A.C.	Failure to prepare year end financial statements in accordance with Generally Accepted Accounting Principles (GAAP). Failure to have reviewed or audited year end financial statements prepared by a Florida licensed CPA.	2	Reserves	Section 718.112(2)(f)2., F.S.	Failure to calculate reserve funds properly.	1
				Reserves	subsection 61B 22.005(3), F.A.C.		
				Reserves	Section 718.112(2)(f)2., F.S.	Failure to fund reserves in a timely manner.	1
				Reserves	subsection 61B 22.005(6), F.A.C.	Failure to fully fund reserves.	
				Reserves	Section 718.112(2)(f)2., F.S.	Failure to follow proper method to waive or reduce reserve funding.	1
					subsections 61B 22.005(6), (8),		

	<del>F.A.C.</del>		
<b>Reserves</b>	<del>Section 718.112(2)(f)3., F.S.</del>	<del>Failure to obtain unit owner approval prior to using reserve funds for other purposes.</del>	<del>2</del>
	<del>subsection 61B 22.005(7), F.A.C.</del>		
<b>Special</b>	<del>Section 718.116(10), F.S.</del>	<del>Failure to use special assessment funds for intended purposes.</del>	<del>4</del>

**Assessment**

Rulemaking Authority ~~718.501(1)(d)64., (f), 718.50153 FS.~~ Law Implemented ~~718.501(1)(d)64., 718.50153 FS.~~ History–New 6-4-98, Amended 9-3-13,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Kevin Stanfield, Director, Division of Florida Condominiums, Timeshares and Mobile Homes, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)488-1631

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Jonathan Zachem, Secretary, Department of Business and Professional Regulation

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** 06/21/2018

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** 10/10/2017

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

**RULE NO.:** RULE TITLE:

65C-28.008 Relative Caregiver Program

**PURPOSE AND EFFECT:** The Department intends to amend Rule 65C-28.008, F.A.C, to update the incorporated form CF-FSP 5399, Notice of Action Nonrelative Caregiver Financial Assistance.

**SUMMARY:** The changes to form CF-FSP 5399, Notice of Action Nonrelative Caregiver Financial Assistance, add clarification regarding approvals and closures. In addition, the notification of rights is revised to include more information on the caregiver’s rights and responsibilities.

**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 Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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:** 39.012, 39.0121, 39.5085(2)(a) FS.

**LAW IMPLEMENTED:** 39.5085 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:** Jodi Abramowitz. Jodi can be reached at (850)717-4470 or Jodi.abramowitz@myflfamilies.com.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

65C-28.008 Relative Caregiver Program Requirements.

(1) through (2) No change.

(3) Nonrelative Caregiver Financial Assistance (NCFA).

(a) No change.

(b) Application.

1. Nonrelative caregivers seeking financial assistance must complete an “Application for Nonrelative Caregiver Financial Assistance,” CF-FSP 5398, ~~June 2018 April 2016~~, incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>.

a. No change.

(c) No change.

(d) Payment.

1. through 4. No change.

5. Nonrelative caregivers are eligible to receive payments effective the day all eligibility requirements specified in the Application for Nonrelative Caregiver Financial Assistance, CF-FSP 5398, incorporated in subparagraph (3)(b)1., of this rule, were met or the day the nonrelative caregiver applied, whichever is later.

6. through 8. No change.

Rulemaking Authority 39.012, 39.0121, 39.5085(2)(a) FS. Law Implemented 39.5085 FS. History–New 5-4-06, Amended 4-27-15, 8-22-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jennifer Perez  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Mike Carroll  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 25, 2018  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: June 27, 2018

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

NONE

**Section IV**  
**Emergency Rules**

NONE

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

WATER MANAGEMENT DISTRICTS  
Southwest Florida Water Management District  
RULE NO.: RULE TITLE:  
40D-22.201 Year-Round Water Conservation Measures  
NOTICE IS HEREBY GIVEN that on June 20, 2018, the  
Southwest Florida Water Management District, received a  
petition for a variance or waiver.  
Petitioner’s Name: St Tropez Association I  
Rule No.: 40D-22.201  
Nature of the rule for which variance or waiver is sought: Lawn  
and landscape irrigation  
The Petition has been assigned tracking No. 18-4284.  
A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Lois Sorensen, 7601 US Highway 301, Tampa,  
Florida 33637, (813)985-7481, ext. 2298,  
water.variances@watermatters.org. Any interested person or  
other agency may submit written comments within 14 days after  
the publication of this notice. (J2018019-1)

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION  
Division of Hotels and Restaurants  
RULE NO.: RULE TITLE:  
61C-1.004 General Sanitation and Safety Requirements

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

On June 25, 2018, the Division of Hotels and Restaurants  
received a Petition for an Emergency Variance for paragraph  
61C-1.004(1)(a), Florida Administrative Code and Paragraph  
5-202.11(A), 2009 FDA Food Code from Dragon Breath LLC  
located in Orlando. The above referenced F.A.C. addresses the  
requirement that each establishment have an approved  
plumbing system installed to transport potable water and  
wastewater. They are requesting to utilize holding tanks to  
provide potable water and to collect wastewater at the  
handwash sink and the three compartment sink.

The Petition for this variance was published in Vol. 44/124 on  
June 26, 2018. The Order for this Petition was signed and  
approved on July 2, 2018. After a complete review of the  
variance request, the Division finds that the application of this  
Rule will create a financial hardship to the food service  
establishment. Furthermore, the Division finds that the  
Petitioner meets the burden of demonstrating that the  
underlying statute has been achieved by the Petitioner ensuring  
the wastewater holding tank for the handwash sink and the three  
compartment sink is emptied at a frequency as to not create a  
sanitary nuisance; and potable water provided must come from  
an approved source and be protected from contamination during  
handling. The Petitioner shall also ensure that the handwash  
sink and the three compartment sink is provided with hot and  
cold running water under pressure, and that the handwash sink  
is provided with soap, an approved hand drying device and a  
handwashing sign.

A copy of the Order or additional information may be obtained  
by contacting: Daisy.Aleman@myfloridalicense.com, Division  
of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee,  
Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Division of Hotels and Restaurants  
RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements  
The Florida Department of Business and Professional  
Regulation, Division of Hotels and Restaurants hereby gives  
notice:

On June 25, 2018, the Division of Hotels and Restaurants  
received a Petition for an Emergency Variance for paragraph  
61C-1.004(1)(a), Florida Administrative Code and Paragraph  
5-202.11(A), 2009 FDA Food Code from Nitro Puffs located in  
Vero Beach. The above referenced F.A.C. addresses the  
requirement that each establishment have an approved  
plumbing system installed to transport potable water and  
wastewater. They are requesting to utilize holding tanks to



provide potable water and to collect wastewater at the handwash sink and the three compartment sink.

The Petition for this variance was published in Vol. 44/124 on June 26, 2018. The Order for this Petition was signed and approved on July 2, 2018. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink and the three compartment sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink and the three compartment sink is provided with hot and cold running water under pressure, and that the handwash sink is provided with soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On June 25, 2018, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2009 FDA Food Code from Mayorga Callejas Corp. located in Clearwater. 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 a nearby establishment under a different ownership for use by customers and employees.

The Petition for this variance was published in Vol. 44/124 on June 26, 2018. The Order for this Petition was signed and approved on July 2, 2018. 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 Danny's Laundromat & Dry Cleaners 901 S Missouri Ave. Suite A, Clearwater FL, 33756, are maintained in a clean and sanitary manner and are provided with hot and 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 Banelly Tienda y Taqueria (Mayorga Callejas Corp.) and/or Danny's Laundromat & Dry Cleaners (Jyotsna Bakriwala) changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-610.462 Reliability and Operator Staffing

The Department of Environmental Protection hereby gives notice:

that on June 29, 2018, the department issued an Order granting Marion County Utilities, NW Regional Wastewater Treatment Facilities petition for variance. The petition was received on May 17, 2018. Notice of receipt of this Petition was published on May 24, 2018. The petition requested a variance to reduce the operator staffing time for weekend days from the required 6 hours per day to only 3 hours per day from subsection 62-610.462(3), F.A.C. and subparagraph 62-699.310(2)(a)1, F.A.C. One public comment was received that objected to the reduction of staffing requirements at wastewater treatment facilities. The Order, DEP File No. FLA272060; OGC No. 18-0986, granted the Petition to subsection 62-610.462(3), F.A.C. and subparagraph 62-699.310(2)(a)1, F.A.C., based on a showing that Petitioner demonstrated that the purpose of the underlying statute will be achieved by other means.

A copy of the Order or additional information may be obtained by contacting: Judy Dennise, Department of Environmental Protection, 3319 Maguire Boulevard, Orlando, Florida 33803, telephone: (407)894-4154, Dennise.Judy@dep.state.fl.us, during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-610.462 Reliability and Operator Staffing

The Department of Environmental Protection hereby gives notice:

that on July 3, 2018, the department issued an Order granting Marion County Utilities, Stonecrest Wastewater Treatment Facilities petition for variance. The petition was received on

May 17, 2018. Notice of receipt of this Petition was published on May 24, 2018. The petition requested a variance to reduce the operator staffing time for weekend days from the required 6 hours per day to only 3 hours per day from subsection 62-610.462(3), F.A.C. and subparagraph 62-699.310(2)(a)1, F.A.C. One public comment was received that objected to the reduction of staffing requirements at wastewater treatment facilities. The Order, DEP File No. FLA010741; OGC No. 18-0985, granted the Petition to subsection 62-610.462(3), F.A.C. and subparagraph 62-699.310(2)(a)1, F.A.C., based on a showing that Petitioner demonstrated that the purpose of the underlying statute will be achieved by other means.

A copy of the Order or additional information may be obtained by contacting: Judy Dennise, Department of Environmental Protection, 3319 Maguire Boulevard, Orlando, Florida 33803, telephone: (407)894-4154, [Dennise.Judy@dep.state.fl.us](mailto:Dennise.Judy@dep.state.fl.us), during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays.

## Section VI Notice of Meetings, Workshops and Public Hearings

### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 2 announces a public meeting to which all persons are invited.

DATE AND TIME: July 12, 2018, 4:30 p.m. – 6:30 p.m.

PLACE: FL Dept. of Agriculture & Consumer Services, The Doyle Conner Bldg., 1911 SW 34th Street, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public meeting to discuss proposed improvements to SR-26 (Newberry Road) from NW 44th Street to SW 38th Street, Financial Project ID: 441046-1 in Gainesville, Florida. The FDOT is proposing to restripe this section of roadway and remove the on-street parking to allow for bike lanes in both directions.

Public participation is sought without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Amanda Farnell, FDOT Project Manager, Florida Department of Transportation, 1109 S. Marion Avenue, Lake City, FL 32025, (386)961-7431 or email: [Amanda.farnell@dot.state.fl.us](mailto:Amanda.farnell@dot.state.fl.us)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Amanda Farnell, FDOT Project Manager, Florida Department of Transportation, 1109 S. Marion Avenue, Lake

City, FL 32025, (386)961-7431 or email: [Amanda.farnell@dot.state.fl.us](mailto:Amanda.farnell@dot.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).

### FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, July 25, 2018, 9:00 a.m. and Thursday, July 26, 2018, 9:00 a.m.

PLACE: Ft. Lauderdale City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850)488-1293.

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: Florida Commission on Offender Review at [ada@fcor.state.fl.us](mailto:ada@fcor.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.

### EXECUTIVE OFFICE OF THE GOVERNOR

The Executive Office of the Governor – Chief Inspector General’s Office announces a public meeting to which all persons are invited.

DATE AND TIME: July 17, 2018, 10:00 a.m. – 11:00 a.m.

PLACE: The Capitol, 2nd Floor, House Committee Room 216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The selection of nominees to be submitted to the Financial Services Commission regarding the selection of the Inspector General for Citizens Property Insurance Corporation.

A copy of the agenda may be obtained by contacting: Blair Mathers, e-mail: [Blair.Mathers@eog.myflorida.com](mailto:Blair.Mathers@eog.myflorida.com) or Phone: (850)717-9264. Audio/Visual distribution of the meeting will be distributed at [www.TheFloridaChannel.org](http://www.TheFloridaChannel.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Blair Mathers, e-mail: [Blair.Mathers@eog.myflorida.com](mailto:Blair.Mathers@eog.myflorida.com) or Phone: (850)717-9264.

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).

**REGIONAL PLANNING COUNCILS**

**South Florida Regional Planning Council**

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

**DATE AND TIME:** Monday, July 16, 2018, 10:00 a.m.

**PLACE:** South Florida Regional Planning Council, 1 Oakwood Boulevard, Suite 221, Hollywood, FL 33020

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss and review the Revolving Loan Fund Loan Applications.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council.

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 days before the workshop/meeting by contacting: South Florida Regional Planning Council at (954)924-3653. 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: South Florida Regional Planning Council at (954)924-3653.

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

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

**DATE AND TIME:** July 24, 2018, 2:30 p.m., ET

**PLACE:** District Headquarters, 81 Water Management Drive, Havana, FL 32333

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with the timeframe set forth in section 120.525, Florida Statutes, a public meeting for opening of sealed bids is hereby noticed within the timeline for the Invitation to Bid (ITB) 18B-008 for RENTAL AND SERVICE OF PORTABLE TOILETS FOR LOCATIONS IN ESCAMBIA AND SANTA ROSA COUNTIES.

A copy of the agenda may be obtained by contacting: Carol Bert, (850)539-5999, carol.bert@nwfwater.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 72 hours before the workshop/meeting by

contacting: Division of Administration, (850)539-5999. 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: Carol Bert, (850)539-5999, carol.bert@nwfwater.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

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

**DATE AND TIME:** Wednesday, July 11, 2018, 5:30 p.m. – 6:30 p.m.

**PLACE:** This meeting is online via webinar and requires a telephone for audio. To join the webinar, please use the following link and webinar ID: <https://attendee.gotowebinar.com/register/144884555285584129>

United States (Toll-free): 1(877)309-2071, Access Code: 683-359-841. If you have any difficulty accessing the teleconference please call the Florida Center’s main number at (850)412-3730.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Pediatric Cardiology Technical Advisory Panel Surgical Rule Subcommittee to which all interested parties are invited. The purpose of this meeting is to discuss matters related to Surgical Rule of the PCTAP.

A copy of the agenda may be obtained by contacting: The agenda will be posted on the Agency website seven (7) days prior to the meeting: <http://ahca.myflorida.com/SCHS/PCTAP/meetings.shtml>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jess Hand, Florida Center for Health Information and Transparency at [Jessica.Hand@ahca.myflorida.com](mailto:Jessica.Hand@ahca.myflorida.com) or (850)412-3750. 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: Jess Hand, Florida Center for Health Information and Transparency at [Jessica.Hand@ahca.myflorida.com](mailto:Jessica.Hand@ahca.myflorida.com) or (850)412-3750.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

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

**DATE AND TIME:** Thursday, July 12, 2018, 5:30 p.m. – 6:30 p.m.

**PLACE:** This meeting is online via webinar and requires a telephone for audio. To join the webinar, please use the following link and webinar ID: <https://attendee.gotowebinar.com/register/2298278760619755779> United States (Toll-free): 1(877)309-2071, Access Code:

974-303-665. If you have any difficulty accessing the teleconference, please call the Florida Center's main number at (850)412-3730.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Public Report & Transparency Subcommittee of the Pediatric Cardiology Technical Advisory Panel (PCTAP) to which all interested parties are invited. The purpose of this meeting is to discuss the Public Reporting & Transparency components of the PCTAP.

A copy of the agenda may be obtained by contacting: The agenda will be posted on the Agency website seven (7) days prior to the meeting: <http://ahca.myflorida.com/SCHS/PCTAP/meetings.shtml>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jess Hand, Florida Center for Health Information and Transparency at [Jessica.Hand@ahca.myflorida.com](mailto:Jessica.Hand@ahca.myflorida.com) or (850)412-3750. 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: Jess Hand, Florida Center for Health Information and Transparency at [Jessica.Hand@ahca.myflorida.com](mailto:Jessica.Hand@ahca.myflorida.com) or (850)412-3750.

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#### DEPARTMENT OF HEALTH

The Department of Health Alzheimer's Disease Research Grant Advisory Board announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Wednesday, July 11, 2018, 3:00 p.m. – 4:00 p.m.

**PLACE:** Conference call: 1(888)670-3525, participant code: 5311418626

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The agenda includes discussion of the Research Agenda and the Funding Opportunity Announcement.

A copy of the agenda may be obtained by contacting: Dr. Dinithia Sampson, (850)558-9678 or [Dinithia.Sampson@flhealth.gov](mailto:Dinithia.Sampson@flhealth.gov).

For more information, you may contact: Dr. Dinithia Sampson, (850)558-9678 or [Dinithia.Sampson@flhealth.gov](mailto:Dinithia.Sampson@flhealth.gov).

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#### DEPARTMENT OF HEALTH

##### Board of Dentistry

The Department of Health, Board of Dentistry, announces a notice of correction as to time of a meeting via telephone conference call which was published in the Florida Administrative Register on July 3, 2018 in volume 44/129. All interested parties are invited to attend with the information listed below and is open to the public.

**DATE AND TIME:** July 27, 2018, 2:00 p.m., ET - CORRECTION AS TO TIME

**PLACE:** 1(888)670-3525 when prompted, enter conference code: 4552635641#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel with reconsiderations.

A copy of the agenda may be obtained by visiting: [www.floridasdentistry.gov](http://www.floridasdentistry.gov). If a 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 the Board Office at (850)245-4474 at least one week prior to meeting date.

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#### DEPARTMENT OF HEALTH

##### Board of Medicine

The Board of Medicine and Board of Osteopathic Medicine's Joint Health History announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, July 12, 2018, 12:00 Noon

**PLACE:** Conference Call In Meet-Me #: 1(888)670-3525 and participant code #: 125-528-7056

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business of the Joint Workgroup. Meetings may be cancelled prior to the meeting date. Please check the Board Web Site at [www.FLBoardofMedicine.gov](http://www.FLBoardofMedicine.gov) for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Board of Medicine (BOM) Meeting Materials at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or call at (850)245-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Board of Medicine (BOM) Meeting Materials at [BOM.MeetingMaterials@flhealth.gov](mailto:BOM.MeetingMaterials@flhealth.gov) or call at (850)245-4131. 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 Medicine (BOM) Meeting Materials at BOM.MeetingMaterials@flhealth.gov or call at (850)245-4131.

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**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

The Board of Podiatric Medicine announces a workshop to which all persons are invited.

**DATE AND TIME:** July 12, 2018, 3:00 p.m.

**PLACE:** Embassy Suites by Hilton Orlando Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL 34746.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

New Board Member's Training.

A copy of the agenda may be obtained by contacting: C. Erica White, Executive Director, (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: C. Erica White, Executive Director, (850)245-4292. 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: C. Erica White, Executive Director, (850)245-4292.

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**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

The Department of Children and Families announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** July 25, 2018, 10:00 a.m. – 12:00 Noon

**PLACE:** Conference Call Number: 1(888)670-3525, NEW Participant Code: 8331900159 then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is for the Independent Living Services Advisory Council to conduct general Council business and continue their efforts of reviewing the implementation and operation of Extended Foster Care, Postsecondary Education Services and Support, and Aftercare Services.

A copy of the agenda may be obtained by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities

Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.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: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

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**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

The Department of Children and Families announces a public meeting to which all persons are invited.

**DATE AND TIME:** August 22, 2018, 10:00 a.m. – 3:00 p.m.

**PLACE:** CBC of Central Florida, 5749 Westgate Drive, Orlando

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is for the Independent Living Services Advisory Council to conduct general Council business and continue their efforts of reviewing the implementation and operation of Extended Foster Care, Postsecondary Education Services and Support, and Aftercare Services.

A copy of the agenda may be obtained by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.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: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

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**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

The Department of Children and Families announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 19, 2018, 10:00 a.m. – 3:00 p.m.

PLACE: CBC of Central Florida, 5749 Westgate Drive, Orlando

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is for the Independent Living Services Advisory Council to conduct general Council business and continue their efforts of reviewing the implementation and operation of Extended Foster Care, Postsecondary Education Services and Support, and Aftercare Services.

A copy of the agenda may be obtained by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.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: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

**DEPARTMENT OF CHILDREN AND FAMILIES**  
Family Safety and Preservation Program

The Department of Children and Families announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** October 17, 2018, 10:00 a.m. – 12:00 Noon

**PLACE:** Conference Call Number: 1(888)670-3525, NEW Participant Code: 8331900159 then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is for the Independent Living Services Advisory Council to conduct general Council business and continue their efforts of reviewing the implementation and operation of Extended Foster Care, Postsecondary Education Services and Support, and Aftercare Services.

A copy of the agenda may be obtained by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.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: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

**DEPARTMENT OF CHILDREN AND FAMILIES**  
Family Safety and Preservation Program

The Department of Children and Families announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** December 19, 2018, 10:00 a.m. – 12:00 Noon

**PLACE:** Conference Call Number: 1(888)670-3525, NEW Participant Code: 8331900159 then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is for the Independent Living Services Advisory Council to conduct general Council business and continue their efforts of reviewing the implementation and operation of Extended Foster Care, Postsecondary Education Services and Support, and Aftercare Services.

A copy of the agenda may be obtained by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.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: Brandie McCabe, Department of Children and Families, phone: (850)717-4218 or email: brandie.mccabe@myflfamilies.com.

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

**DEPARTMENT OF CORRECTIONS**

**NOTICE IS HEREBY GIVEN** that the Florida Department of Corrections has issued an order disposing of the petition for declaratory statement filed by Rodney McCutcheon, DC# 037023 on May 22, 2018. The following is a summary of the agency's disposition of the petition:

As an inmate of the Florida Department of Corrections, Rodney

McCutcheon, DC# 037023, may only participate in administrative proceedings that are brought pursuant to paragraphs 120.54(3)(c) and (7), Florida Statutes. Pursuant to subsection 120.81(3), Florida Statutes, the Petitioner lacks standing to bring a Petition for Declaratory Statement, and the Department lacks jurisdiction to issue a declaratory statement in this case.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Betty Money, 501 South Calhoun Street, Tallahassee, Florida 32399, Betty.Money@fdc.myflorida.com, (850)717-3605.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-501.301 Law Libraries

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has issued an order disposing of the petition for declaratory statement filed by inmate Rodney McCutcheon, DC# 037023 on May 29, 2018. The following is a summary of the agency's disposition of the petition:

As an inmate of the Florida Department of Corrections, Rodney McCutcheon, DC# 037023, may only participate in administrative proceedings that are brought pursuant to paragraphs 120.54(3)(c) and (7), Florida Statutes. Pursuant to subsection 120.81(3), Florida Statutes, the Petitioner lacks standing to bring a Petition for Declaratory Statement, and the Department lacks jurisdiction to issue a declaratory statement in this case.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Betty Money, 501 South Calhoun Street, Tallahassee, Florida 32399, Betty.Money@fdc.myflorida.com, (850)717-3605.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that on May 17, 2018, the Office of Financial Regulation has received the petition for declaratory statement from Inmar, Inc. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

WITHDRAWN June 22, 2018: The original petition sought a declaratory statement from the Office on whether Petitioner's proposed business model falls within the Florida Money Transmitter Statute, Chapter 560, Florida Statutes.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889.

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

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

NONE

Notice of Disposition of Petition for Administrative Determination has been filed 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

AULD & WHITE CONSTRUCTORS, LLC  
ROBERT F. ENSSLIN ARMORY PHASE II  
RENOVATIONS

NOTICE IS HEREBY GIVEN that Auld & White Constructors, LLC, in conjunction with the Robert F. Ensslin Armory, will be accepting sealed proposals, which will be received until 2:00 p.m., Tuesday, July 17, 2018, at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, for the referenced project. Bids shall be opened publicly at Auld & White Constructors, LLC,

4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216.

**SCOPE DESCRIPTION:**

This is a CM project consisting of 55,000 sf of phased renovation work to the First & Second Floors. Scopes include selective demolition, concrete, masonry & brick repairs, structural steel, millwork, finish carpentry, waterproofing, spray foam insulation, ACM, roof patching, doors & hardware, exterior windows, ballistics storefront, EIFS repairs, drywall & ceilings, hard & soft flooring, painting, specialties, signage, furniture moving & storage, temporary cubicles, elevator cab upgrade, MEPs & fire sprinklers.

Project includes ten (10) Additive Alternates listed on Sheet G0.4 that should be priced separately.

MANDATORY pre-bid site visit is scheduled for June 28, 2018 at 10:00 a.m. Valid form of government issued ID is required.

Bids shall be sealed & delivered on Auld & White Constructor's Bid Form no later than July 17, 2018 at 2:00 p.m. at which time they will be publicly opened.

AWC Bid Form distribution is forthcoming.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid, in writing, no later than Thursday, June 28, 2018. Interested Bidders who fail to notify Auld & White Constructors, LLC, of their intent to bid by the date referenced above MAY NOT be permitted to bid. Bid drawings, forms, and specifications will be available at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, on June 15, 2018. All interested bidders shall submit their Notice of Intent to Bid by email Tabitha Hochstein at awcestimating@auld-white.com.

Robert F. Ensslin Armory and Auld & White Constructors, LLC are committed to provide equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids, which are considered by Auld & White Constructors, LLC to be in the best interest of the project

**NORTHWEST FLORIDA AREA AGENCY ON AGING**

Northwest Florida Area Agency on Aging, Inc.

The Northwest Florida Area Agency on Aging, Inc. is receiving sealed bids for designation of Lead Agency for Okaloosa County and administering of Community Care for the Elderly, Alzheimer's Disease Initiative and Home Care for the Elderly programs. Provision of services shall be for the contract period beginning October 1, 2018 to June 30, 2019 with the option to renew for an additional five (5) years.

Specifications are contained in the Request for Proposals available on July 5, 2018 after 1:00 p.m. (CT) in the Area Agency office at 5090 Commerce Park Circle, Pensacola, FL

32505, as well as, the agency website at www.nwflaaa.org. Intent to Submit Proposal forms due by July 17, 2018, 4:30 p.m. (CT). Proposals are due in the Area Agency office by 4:30 p.m. (CT), August 15, 2018. The Area Agency on Aging reserves the right to reject any and all proposals. For further information, contact Amber McCool at (850)494-7101 or mccoala@nwflaaa.org.

**TAMPA BAY ESTUARY PROGRAM**

Tampa Bay Estuary Program

The Tampa Bay Estuary Program (TBEP) is requesting proposals from qualified respondents to conduct the following project:

**FINANCE AND ACCOUNTING SUPPORT SERVICES**

Request for proposal instructions and associated proposal documents may be obtained by contacting Ron Hosler at TBEP, 263 - 13th Avenue South, Suite 350, Saint Petersburg, Florida 33701 or ron@tbep.org. One digital version in electronic format (PDF preferred) of proposals must be submitted via email to: Mr. Ron Hosler (ron@tbep.org), TBEP, 263 - 13th Avenue South, Suite 350, Saint Petersburg, Florida 33701 no later than 2:00 p.m. EDT, Friday, July 20, 2018, at which time they will be publicly opened.

TBEP encourages and promotes the utilization of organizations owned or controlled by socially and economically disadvantaged, Minority Business Enterprises and Women's Business Enterprises.

TBEP reserves the right to reject any and all proposals.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Wednesday, June 27, 2018 and 3:00 p.m., Tuesday, July 3, 2018.

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
5B-40.001	6/27/2018	7/17/2018
5B-40.0055	6/27/2018	7/17/2018
12B-7.030	6/29/2018	7/19/2018
12B-7.031	6/29/2018	7/19/2018
53ER18-30	6/27/2018	6/27/2018
53ER18-31	6/27/2018	6/27/2018



53ER18-32	6/27/2018	6/27/2018
53ER18-33	6/27/2018	6/27/2018
53ER18-34	6/27/2018	6/27/2018
62-554.100,	6/29/2018	7/19/2018
62-554.200	6/29/2018	7/19/2018
62-554.300	6/29/2018	7/19/2018
62-554.400	6/29/2018	7/19/2018
62-554.500	6/29/2018	7/19/2018
64B13-18.002	7/2/2018	7/22/2018
69K-7.011	6/27/2018	7/17/2018
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
60FF1-5.009	7/21/2016	**/**/*****
64B8-10.003	12/9/2015	**/**/*****
69L-7.020	12/15/2017	**/**/*****
69L-7.501	12/15/2017	**/**/*****

**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.