

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-1.09412                Course Requirements – Grades K-12  
                                  Basic and Adult Secondary  
                                  Programs

**PURPOSE AND EFFECT:** The purpose of the rule development is to update course descriptions for the 2012-13 school year in the areas of social studies, English language arts, the Arts, Mathematics, Science, Health, Research and Critical Thinking, World Languages, JROTC, and Physical Education to align them with the Next Generation Sunshine State Standards and Common Core State Standards. The effect will be updated course descriptions for the 2012-13 school year.

**SUBJECT AREA TO BE ADDRESSED:** Course Descriptions to align with the Next Generation Sunshine State Standards.

**RULEMAKING AUTHORITY:** 1001.03(1), 1011.62(1)(s) FS.  
**LAW IMPLEMENTED:** 1001.42(9), 1003.42, 1011.62(1)(s) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Teresa Sweet, Chief, Bureau of Curriculum and Instruction, K-12 Public Schools, (850)245-9032 or [teresa.sweet@fldoe.org](mailto:teresa.sweet@fldoe.org)

TO REQUEST A RULE DEVELOPMENT WORKSHOP please contact Lynn Abbott at [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09412 Course Requirements – Grades K-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades K-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publications “2012-13 ~~2011-2012~~ Florida Course Descriptions for Grades K-12/Adult, Basic Education,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00222>) which is hereby incorporated by reference and made a part of this rule. Copies of approved course descriptions may be obtained from

K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or online at <http://www.floridastandards.org>.

Rulemaking Authority 1001.03(1), 1003.42, 1011.62(1)(u) FS. Law Implemented 1003.42, 1011.62(1)(u) FS. History–New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, 10-15-01, 12-17-02, 7-26-05, 11-21-05, 7-27-06, 1-18-07, 3-24-08, 10-21-09, 5-3-10, 7-27-11\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

RULE NO.:                   RULE TITLE:  
6B-4.009                    Criteria for Suspension and  
                                  Dismissal

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to update the Criteria for Suspension and Dismissal to include a definition of just cause.

**SUBJECT AREA TO BE ADDRESSED:** Define “just cause” and other criteria for which a district may dismiss or suspend instructional personnel.

**RULEMAKING AUTHORITY:** 1012.33, 1012.335 FS.

**LAW IMPLEMENTED:** 1012.33, 1012.335 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

**DATE AND TIME:** January 19, 2012, 9:30 a.m., EST

**PLACE:** Via Conference call # 1(866)304-6786, Code 28789527. The conference call will last for a minimum of 30 minutes but will conclude after 30 minutes if no additional callers are on the line.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marian W. Lambeth, Chief, Professional Practices Services, Florida Department of Education, 325 W. Gaines St., Room 203, Tallahassee, FL 32399, (850)245-0438 or e-mail [marian.lambeth@fldoe.org](mailto:marian.lambeth@fldoe.org).

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6B-4.009 follows. See Florida Administrative Code for present text.)

6B-4.009 Criteria for Suspension and Dismissal.

The bases for charges upon which dismissal action against specified school personnel may be pursued are set forth in Sections 1012.33 and 1012.335, Florida Statutes. The basis for each of such charges is hereby defined:

(1) “Immorality” means conduct that is inconsistent with the standards of public conscience and good morals. It is conduct that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual’s service in the community.

(2) “Misconduct in Office” means one or more of the following:

(a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;

(b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;

(c) A violation of the adopted school board rules;

(d) Behavior that disrupts the student’s learning environment; or

(e) Behavior that reduces the teacher’s ability or his or her colleagues’ ability to effectively perform duties.

(3) “Incompetency” means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

(a) “Inefficiency” means one or more of the following:

1. Failure to perform duties prescribed by law;

2. Failure to communicate appropriately with and relate to students;

3. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;

4. Disorganization of his or her classroom to such an extent that the health, safety or welfare of the students is diminished; or

5. Excessive absences or tardiness.

(b) “Incapacity” means one or more of the following:

1. Lack of emotional stability;

2. Lack of adequate physical ability;

3. Lack of general educational background; or

4. Lack of adequate command of his or her area of specialization.

(4) “Gross insubordination” means the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.

(5) “Willful neglect of duty” means intentional or reckless failure to carry out required duties.

(6) “Drunkenness” applies only to persons who hold a contract issued on or before July 1, 1984, and means:

(a) That condition which exists when an individual publicly is under the influence of alcoholic beverages or drugs to such an extent that his or her normal faculties are impaired;  
or

(b) Conviction on the charge related to drunkenness by a court of law.

(7) Unsatisfactory or ineffective performance evaluation ratings as defined in Section 1012.33(1)(a), Florida Statutes.

(8) “Crimes involving moral turpitude” means offenses listed in Section 1012.315, Florida Statutes, and the following crimes:

(a) Section 775.085, Florida Statutes, relating to evidencing prejudice while committing offense, if reclassified as a felony.

(b) Section 782.051, Florida Statutes, relating to attempted felony murder.

(c) Section 782.09(1), Florida Statutes, relating to killing of unborn quick child by injury to mother.

(d) Section 787.06, Florida Statutes, relating to human trafficking.

(e) Section 790.166, Florida Statutes, relating to weapons of mass destruction.

(f) Section 838.015, Florida Statutes, relating to bribery.

(g) Section 847.0135, Florida Statutes, relating to computer pornography and/or traveling to meet a minor.

(h) Section 859.01, Florida Statutes, relating to poisoning of food or water.

(i) Section 876.32, Florida Statutes, relating to treason.

(j) An out-of-state offense, federal offense or an offense in another nation, which, if committed in this state, constitutes an offense prohibited under Section 1012.315(6), Florida Statutes.

Rulemaking Specific Authority 1001.02, 229.053(1), 231.546(2)(a), (b) FS. Law Implemented 1012.33, 1012.335, 231.36(4)(c), 231.546(2) FS. History—New 12-25-66, Amended 9-8-68, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-4.09, Amended \_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

RULE NO.: 25-4.0665  
RULE TITLE: Lifeline Service

PURPOSE AND EFFECT: Rule 25-4.0665, F.A.C., would be amended to eliminate the requirement of quarterly reporting, to require that a customer’s Lifeline local service may not be discontinued if the charges, taxes and fees applicable to dial tone, local usage, dual tone multifrequency dialing, emergency services such as “911,” and relay service are paid, and to clarify eligible telecommunications carrier responsibilities regarding record retention, resale of Lifeline lines, and advertising, including developing outreach materials for specific consumer groups and outreach strategies. Consistent with the 2011 changes made to Chapter 364 F.S., Rule 25-4.113, F.A.C., would be repealed. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 364.10(2)(j) FS.

LAW IMPLEMENTED: 364.10, 364.105, 364.183(1) FS.

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

DATE AND TIME: Wednesday, January 18, 2012, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

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: Office of Commission Clerk. 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: Rosanne Gervasi

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-102.101  
 RULE TITLE: Public Information and Inspection of Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify Form DC1-201, Invoice for Production of Records, to update what is exempt from disclosure.

SUBJECT AREA TO BE ADDRESSED: Public Records Inspection.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.101 Public Information and Inspection of Records.

(1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on Form DC1-201, Invoice for Production of Records. Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as

required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is 8-18-09.

Rulemaking Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History--New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, 4-16-08, 12-25-08, 8-18-09, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Beaches and Coastal Systems**

RULE NO.: 62B-54.002  
 RULE TITLE: Determination of Fines

PURPOSE AND EFFECT: To amend the existing rules that states multi-day fines will not be assessed for minor impacts.

SUBJECT AREA TO BE ADDRESSED: The Bureau proposes amendment of subsection 62B-54.002(2), F.A.C. in order to address comments from the Joint Administrative Procedures Committee. The rule amendment will remove the statement that multi-day fines will not be assessed for minor impacts.

RULEMAKING AUTHORITY: 161.052, 161.053, 161.054 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.054 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James Martinello (850)488-7708 or by e-mail at james.martinello@dep.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62B-54.002 Determination of Fines.

(1) No change.

(2) Each day during any portion of which a violation occurs or continues to occur hereunder constitutes a separate offense. Multi-day fines will compound beginning on the date of receipt of the Department’s warning notice. ~~Multi-day fines will not be assessed for minor impacts.~~

(3) No change.

Rulemaking Specific Authority 161.052, 161.053, 161.054 FS. Law Implemented 161.052, 161.053, 161.054 FS. History--New 3-20-00, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0144  
 RULE TITLE: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate by reference form DH-MQA 1253, and to delete and add language to update the rule to comply with the current dental hygiene examination being administered and accepted.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges.

RULEMAKING AUTHORITY: 466.004, 466.007, 456.067 FS.

LAW IMPLEMENTED: 466.007 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0148  
 RULE TITLE: Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records Are Unavailable

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete that the National Board must be completed within 10 years and to delete the time frame in which the applicant’s credentials must be submitted before the exam to comply with legislative changes made to Chapter 466, F.S.

SUBJECT AREA TO BE ADDRESSED: Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records Are Unavailable.

RULEMAKING AUTHORITY: 466.004 (4) FS.

LAW IMPLEMENTED: 466.006 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0150  
 RULE TITLE: Full-Time Practice Requirements for Applicants Submitting ADLEX Scores from a Jurisdiction Other Than Florida

PURPOSE AND EFFECT: The Board proposes the creation of the rule as it is mandated by statute.

SUBJECT AREA TO BE ADDRESSED: Full-Time Practice Requirements for Applicants Submitting ADLEX Scores from a Jurisdiction Other Than Florida.

RULEMAKING AUTHORITY: 466.004(4), 466.006(4)3.e.(III) FS.

LAW IMPLEMENTED: 466.004, 466.006(6) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0152  
 RULE TITLE: Full-Time Practice Requirements for Licensees Granted Based on Out-of-State ADLEX Scores

PURPOSE AND EFFECT: The Board proposes the creation of the rule as it is mandated by statute.

SUBJECT AREA TO BE ADDRESSED: Full-Time Practice Requirements for Licensees Granted Based on Out-of-State ADLEX Scores.

RULEMAKING AUTHORITY: 466.004(4), 466.006(6)(b)2. FS.

LAW IMPLEMENTED: 466.004, 466.006(6) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-14.003  
 RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: The Board proposes to review the rule to clarify the number of hours for certification and to delete unnecessary language and add new language to clarify procedures for training, education, certification, and requirements for issuance of permits.

SUBJECT AREA TO BE ADDRESSED: Training, Education, Certification, and Requirements for Issuance of Permits.

RULEMAKING AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF LEGAL AFFAIRS**

RULE NO.: 2-40.006  
 RULE TITLE: Addition of Alphamethyltryptamine (AMT) to Schedule I, Subsection 893.03(1), F.S.

PURPOSE AND EFFECT: The Department proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Section 120.745, F.S. The rule has previously been incorporated into law and its repeal will have no practical effect.

SUMMARY: The rule amendment will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Section 120.745, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 893.035 FS.

LAW IMPLEMENTED: 893.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Tellechea, Chief Assistant Attorney General-DLA, PL-01, The Capitol, Bin #4100, 107 West Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

2-40.006 Addition of Alphamethyltryptamine (AMT) to Schedule I, Subsection 893.03(1), F.S.

Rulemaking Specific Authority 893.035 FS. Law Implemented 893.035 FS. History–New 1-12-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Tellechea, Chief Assistant Attorney General-DLA

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Bondi, Attorney General  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2011

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NOS.:	RULE TITLES:
5M-10.001	Purpose and Applicability
5M-10.002	Definitions
5M-10.003	Land Application Requirements
5M-10.004	Record Keeping

PURPOSE AND EFFECT: The purpose is to repeal Chapter 5M-10, F.A.C., as similar provisions have been adopted in Rule 5M-3.004, F.A.C.

SUMMARY: Repeal Chapter 5M-10, F.A.C.

**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: None of the requirements in Section 120.541(1), Florida Statutes, for preparing a SERC were triggered.

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: 373.4595(4)(a)2.g., (b)2.g. FS.

LAW IMPLEMENTED: 373.4595(4)(a)2.g, (b)2.g. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)617-1705 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-10.001 Purpose and Applicability.

Rulemaking Specific Authority 373.4595(4)(a)2.g., (b)2.g. FS. Law Implemented 373.4595(4)(a)2.g, (b)2.g. FS. History–New 2-5-09, Repealed.

5M-10.002 Definitions.

Rulemaking Specific Authority 373.4595(4)(a)2.g., (b)2.g. FS. Law Implemented 373.4595(4)(a)2.g, (b)2.g. FS. History–New 2-5-09, Repealed.

5M-10.003 Land Application Requirements.

Rulemaking Specific Authority 373.4595(4)(a)2.g., (b)2.g. FS. Law Implemented 373.4595(4)(a)2.g, (b)2.g. FS. History–New 2-5-09, Repealed.

5M-10.004 Record Keeping.

Rulemaking Specific Authority 373.4595(4)(a)2.g., (b)2.g. FS. Law Implemented 373.4595(4)(a)2.g, (b)2.g. FS. History–New 2-5-09, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Budell, Director, Office of Agricultural Water Policy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NOS.:	RULE TITLES:
5M-14.001	Purpose
5M-14.002	Approved Best Management Practices
5M-14.003	Presumption of Compliance
5M-14.004	Notice of Intent to Implement
5M-14.005	BMP Record Keeping

PURPOSE AND EFFECT: The purpose of this rule is to effect agricultural nonpoint source pollutant reduction in Florida through the implementation of Best Management Practices to ensure that agricultural discharges have minimal individual or cumulative adverse impacts to state water resources.

SUMMARY: The proposed rule establishes a procedure for agricultural equine operations to submit a Notice of Intent (NOI) to implement agricultural water quality and quantity best management practices (BMPs) applicable to the operation. Submittal of the NOI to the Florida Department of Agriculture and Consumer Services and implementation of identified BMPs that have been verified effective by the Florida Department of Environmental Protection provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), Florida Statutes, for those pollutants addressed by the practices. This rulemaking also provides that records maintained by the participant confirming the implementation of BMPs are subject to inspection.

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: 1) none of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered and 2) based on past experiences with voluntary Best Management Practices implementation activities and costs, if any, they would not exceed the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

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: 403.067(7)(c)2., 570.07(10), (23) FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)617-1705 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-14.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of agricultural Best Management Practices (BMPs) that may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented: 403.067(7)(c)2. FS. History–New \_\_\_\_\_.

5M-14.002 Approved Best Management Practices.

The manual titled Water Quality/Quantity Best Management Practices for Florida Equine Operations (2011 Edition), DACS P-01531, is hereby adopted and incorporated by reference. Copies of the manual may be obtained from the University of Florida Cooperative Extension Service county office or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor

Square Boulevard, Suite 200, Tallahassee, FL 32301 or accessed online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00772>.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New \_\_\_\_\_.

5M-14.003 Presumption of Compliance.

Pursuant to Section 403.067(7)(c)3., F.S., agricultural operations that implement BMPs, in accordance with FDACS rules, that have been verified by the Florida Department of Environmental Protection as effective in reducing pollutants addressed by the practices are presumed to comply with state water quality standards, and are released from the provisions of Section 376.307(5), F.S., for those pollutants. In order to meet the requirements for a presumption of compliance and release from Section 376.307(5), F.S., the producer must:

(1) Submit a Notice of Intent to Implement, as provided in Rule 5M-14.004, F.A.C., that identifies the applicable BMPs;

(2) Implement all applicable BMPs in accordance with the timeline requirements in Rule 5M-14.004, F.A.C.; and

(3) Maintain records to document the implementation and maintenance of the identified BMPs, in accordance with Rule 5M-14.005, F.A.C.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New \_\_\_\_\_.

5M-14.004 Notice of Intent to Implement.

A Notice of Intent to Implement (NOI) and the accompanying BMP Checklist, both of which are in the Appendix of the manual referenced in Rule 5M-14.002, F.A.C., shall be submitted to the FDACS Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301. The Notice of Intent to Implement Water Quality/Quantity BMPs for Florida Equine Operations (DACs-01549, Rev. 06/10), hereby adopted and incorporated by reference, may be obtained from FDACS or accessed online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00772>.

(1) The NOI shall include:

(a) The name of the property owner, the location of the property, and the property tax ID number(s) or other property identification information;

(b) The amount of acreage on which BMPs will be implemented;

(c) The name and contact information of a person to contact;

(d) The signature of the land owner, lease holder, or an authorized agent; and

(e) A BMP Checklist with a schedule for implementation, as contained in the manual. The producer shall select the applicable BMPs by following the instructions in the manual.

Except as provided in the manual, all applicable Level I BMPs must be implemented as soon as practicable, but no later than 18 months after submittal of the Notice of Intent to Implement.

(2) Submittal of the NOI enables the producer to receive assistance with BMP implementation.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New\_\_\_\_\_.

5M-14.005 BMP Record Keeping.

Participants must keep records as directed in the manual to document implementation and maintenance of the practices submitted to FDACS. Records must be retained for at least 5 years. All records are subject to inspection.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), 570.07(23) FS. Law Implemented 403.067(7)(c)2. FS. History–New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard J. Budell, Director, Office of Agricultural Water Policy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 18, 2011

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Division of Planning and Budgeting**

RULE NOS.:	RULE TITLES:
27D-1.001	Applicability and Definitions
27D-1.002	Types of State Financial Assistance
27D-1.003	Recipient/Subrecipient and Vendor Relationships
27D-1.006	Criteria for Major State Projects
27D-1.007	Criteria for Selecting State Projects for Audit Based on Inherent Risk

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The rulemaking authority for these rules no longer exists. Section 11, 2005-152, L.O.F., amended Section 215.97(3), F.S., to remove the rulemaking authority of the Executive Office of the Governor and transfer that rulemaking authority to the Department of Financial Services.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: N/A

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 agency has determined that the proposed rule repeal is not expected to require legislative ratification based on the fact that the rules are currently ineffective and without authority.

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: 215.97 FS.

LAW IMPLEMENTED: 215.97 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia Nelson, Deputy Director, Office of Fiscal Accountability and Regulatory Reform, (850)487-1880

THE FULL TEXT OF THE PROPOSED RULES IS:

27D-1.001 Applicability and Definitions.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History–New 7-16-00, Repealed\_\_\_\_\_.

27D-1.002 Types of State Financial Assistance.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History–New 7-16-00, Repealed\_\_\_\_\_.

27D-1.003 Recipient/Subrecipient and Vendor Relationships.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History–New 7-16-00, Repealed\_\_\_\_\_.

27D-1.006 Criteria for Major State Projects.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History–New 7-16-00, Repealed\_\_\_\_\_.

27D-1.007 Criteria for Selecting State Projects for Audit Based on Inherent Risk.

Rulemaking Specific Authority 215.97(3) FS. Law Implemented 215.97 FS. History–New 7-16-00, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Nelson, Deputy Director, Office of Fiscal Accountability and Regulatory Reform, (850)487-1880

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Rick Scott  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2011

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Retirement Commission**

RULE NOS.:                   RULE TITLES:  
 60R-1.0026                   Jurisdiction of the Commission  
 60R-1.0049                   Witnesses; Penalties

PURPOSE AND EFFECT: The Commission proposes to repeal the rules after a comprehensive rule review in accordance with executive orders. Fla. Exec. Order No. 11-211 (Oct. 19, 2011), superseding Fla. Exec. Order No. 11-72 (Apr. 8, 2011), superseding Fla. Exec. Order No. 11-01 (Jan. 4, 2011).

SUMMARY: The rules are being repealed because both are verbatim duplications of existing statutes and are unnecessary and duplicative.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS, AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its meeting, the Commission, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that the rule repeals will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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: 121.24(5) FS.

LAW IMPLEMENTED: 121.23, 121.23(2)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Christina Sykes, Clerk, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULES IS:

60R-1.0026 Jurisdiction of the Commission.

Rulemaking Specific Authority 121.24(5) ~~121.031(1)~~ FS. Law Implemented 121.0515, 121.23, 121.35 FS. History--New 8-19-87, Amended 8-12-91, Formerly 22J-1.0026, Repealed.

60R-1.0049 Witnesses; Penalties.

Rulemaking Specific Authority 121.24(5) ~~121.031(1)~~ FS. Law Implemented 121.23(2)(b) FS. History--New 8-19-87, Formerly 22J-1.0049, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: State Retirement Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State Retirement Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:                   RULE TITLE:  
 61G4-15.008                   False Statements

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. Further the rule repeal will have no practical effect as the rule has been determined to be invalid by an Administrative law Judge.

SUMMARY: The rule repeal will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. Further the rule repeal will have not practical effect as the rule has been determined to be invalid by an Administrative law Judge.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 489.129(3) FS.

LAW IMPLEMENTED: 489.129(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.008 False Statements.

Rulemaking Specific Authority 489.129(3) FS. Law Implemented 489.129(3) FS. History--New 1-6-80, Formerly 21E-15.08, 21E15.008, Amended 7-18-94, 11-13-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-17.006  
RULE TITLE: Mitigation; Notice of Mitigation and Aggravation

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The rule is cumulative to current law.

SUMMARY: The rule repeal will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The rule is cumulative to current law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 455.2273, 455.2275 FS.

LAW IMPLEMENTED: 455.2273 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-17.006 Mitigation; Notice of Mitigation and Aggravation.

Rulemaking Specific Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History--New 10-26-86, Formerly 21E-17.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-17.009  
RULE TITLE: Violations of Provisions of This Chapter

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The rule is cumulative to current law.

SUMMARY: The rule repeal will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The rule is cumulative to current law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 489.108, 489.129(3) FS.

LAW IMPLEMENTED: 489.129(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-17.009 Violations of Provisions of This Chapter.

Rulemaking Specific Authority 489.108, 489.129(3) FS. Law Implemented 489.129(3) FS. History—New 12-21-92, Formerly 21E-17.009, Amended 6-27-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-21.001  
RULE TITLE: Florida Homeowners’ Construction Recovery Fund

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The repeal of the rule will have no tangible effect.

SUMMARY: The rule repeal will repeal the rule after a comprehensive review determined that the rule is no longer necessary in accordance with Executive Order 11-01, Section 5. The repeal of the rule will have no tangible effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.140-.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.001 Florida Homeowners’ Construction Recovery Fund.

Rulemaking Specific Authority 489.108 FS. Law Implemented 489.140-143FS. History—New 7-11-95, Amended 7-7-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2011

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-18.005  
RULE TITLE: Probable Cause Determination

PURPOSE AND EFFECT: The Board reviewed the rule pursuant to Executive Order 11-01, Section 5, and proposes the rule amendment to delete unnecessary language and renumber the rule accordingly.

SUMMARY: The rule amendment will delete unnecessary language and renumber the rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: During the discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within

1 year of the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

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

RULEMAKING AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-18.005 Probable Cause Determination.

(+) Probable cause determination as to a violation of Chapter 471, or 455, F.S., and rules promulgated pursuant thereto shall be made by a probable cause panel of three (3) board members or two (2) board members and one (1) past board member. Said members shall be appointed as a standing probable cause committee at the first board meeting of each calendar year and shall serve for a period of one (1) year. All proceedings of the probable cause panel shall be conducted in accordance with Chapters 120 and 455, F.S.

~~(2) Notwithstanding the procedure outlined in subsection (1) above, the Board hereby delegates to the Department the determination of probable cause when the only charge that otherwise would go before the probable cause panel is that of failure to comply with the Board's final order pursuant to Section 471.033(1)(k), F.S., and paragraph 61G15-19.001(6)(e), F.A.C. Should an investigation support charges in addition to the failure to comply with the Board's final order, the case shall be presented to the probable cause panel for a determination of probable cause.~~

~~Rulemaking Specific Authority 455.225 FS. Law Implemented 455.225 FS. History-New 1-8-80, Amended 4-5-81, Formerly 21H-18.05, 21H-18.005, Amended 11-15-94, 1-6-02, \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

NAME AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:  
64B5-1.025

RULE TITLE:  
Delegation of Certification for  
Licensure to Chair of Examination  
Committee; When Permitted

PURPOSE AND EFFECT: The Board proposes to repeal the rule after a comprehensive review in accordance with executive orders. Fla. Exec. Order No. 11-211 (Oct. 19, 2011), superseding Fla. Exec. Order No. 11-72 (Apr. 8, 2011), superseding Fla. Exec. Order No. 11-01 (Jan. 4, 2011).

SUMMARY: The rule is being repealed because it is a delegation that does not need to be promulgated in rule.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS, AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that this rule repeal will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.013(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-1.025 Delegation of Certification for Licensure to Chair of Examination Committee; When Permitted.

~~Rulemaking Specific Authority 466.004(4) FS. Law Implemented 456.013(2) FS. History-New 4-19-87, Formerly 21G-1.025, 61F5-1.025, 59Q-1.025, Amended 5-20-01, Repealed \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: October 28, 2011

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NOS.: 64B5-2.0125 64B5-2.0126 64B5-2.0155	RULE TITLES: Examination Security Conduct at Examination Site Time Requirements for Application, Disposition of Untimely or Incomplete Applications and Associated Fees
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64B5-2.016 Evaluation of Credentials  
 PURPOSE AND EFFECT: The Board proposes to repeal the rules after an initial comprehensive review and a continued review in accordance with executive orders. Fla. Exec. Order No. 11-211 (Oct. 19, 2011), *superseding* Fla. Exec. Order No. 11-72 (Apr. 8, 2011), *superseding* Fla. Exec. Order No. 11-01 (Jan. 4, 2011).

SUMMARY: The rules are being repealed as unnecessary, duplicative or inapplicable and conflicting based on Chapter 2011-95, Laws of Florida, which went into effective October 1, 2011 (creating a national exam for dentist in lieu of an independent created state examination).

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS, AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that this rule repeal will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.004(5), 456.017(1)(d), 466.004, 466.004(4) FS.

LAW IMPLEMENTED: 466.006, 466.007, 456.017(1)(d), 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-2.0125 Examination Security.

Rulemaking Specific Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History–New 3-25-90, Formerly 21G-2.0125, 61F5-2.0125, 59Q-2.0125, Repealed.

64B5-2.0126 Conduct at Examination Site.

Rulemaking Specific Authority 456.004(5), 466.004(4) FS. Law Implemented 456.017(1)(d), 456.079 FS. History–New 2-7-96, Amended 5-21-96, Formerly 59Q-2.0126, Amended 5-1-02, Repealed.

64B5-2.0155 Time Requirements for Application, Disposition of Untimely or Incomplete Applications and Associated Fees.

Rulemaking Specific Authority 466.004 FS. Law Implemented 466.006, 466.007 FS. History–New 11-16-89, Formerly 21G-2.0155, 61F5-2.0155, 59Q-2.0155, Repealed.

64B5-2.016 Evaluation of Credentials.

Rulemaking Specific Authority 466.004 FS. Law Implemented 466.006, 466.007 FS. History–New 10-8-79, Amended 10-26-80, 5-2-84, Formerly 21G-2.16, Amended 11-16-89, Formerly 21G-2.016, 61F5-2.016, 59Q-2.016, Repealed.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.014	RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges
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PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to incorporate by reference form DH-MQA 1182 and revise the application date.

SUMMARY: Unnecessary language will be deleted and revised form DH-MQA 1182 will be incorporated by reference.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 64B5-2.014 follows. See Florida Administrative Code for present text.)

64B5-2.014 Licensure Requirements for Applicants from Accredited Schools or Colleges.

Any person who has graduated, or expects to graduate prior to the examination, or is in their final year of a dental program and has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations, from a school or college accredited by the Commission on Accreditation of the American Dental Association or its successor agency or a school or college approved by the board may seek licensure as a dentist or dental hygienist in the following manner:

(1) Dental Hygiene Candidates:

(a) Successfully complete the practical or clinical dental hygiene examination developed by American Board of Dental Examiners, Inc., (ADEX), as specified in Rule 64B5-2.0135, F.A.C., through the North East Regional Board of Dental Examiners, Inc.:

(b) Successfully complete the National Board Dental Hygiene Written Examination within 10 years prior to application:

(c) Submit a completed application for licensure, Dental Hygiene Application, Form DH-MQA 1210 (Rev 10/11), incorporated herein by reference and available at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry>. An applicant is eligible for licensure upon receipt of a completed application, passing scores from the ADEX clinical examination, National Board Dental Hygiene Examination, and successful completion of the written examination on the laws and rules of Florida regulating the practice of dentistry and dental hygiene. Applicants must comply with all time requirements for passing the examinations as specified in Rule 64B5-2.0135, F.A.C.

(2) Dental Candidates:

(a) Successfully complete the American Dental Licensing Examination (ADLEX) produced by the American Board of Dental Examiners, Inc., as specified in Rule 64B5-2.013, F.A.C., through the North East Regional Board of Dental Examiners, Inc., which includes the Diagnostic Skills Examination. Candidates who have completed the ADLEX after October 1, 2011 in another jurisdiction other than Florida and whose scores are over 365 days old are subject to additional application requirements as mandated in Section 466.006(4)3., Florida Statutes. Additionally, all Candidates who submit ADLEX scores from another jurisdiction other than Florida are subject to post licensure requirements as mandated in Section 466.006(6), Florida Statutes:

(b) Successfully complete the National Board of Dental Examiners Written Examination:

(c) Submit a completed application for licensure, Dental Application, DH-MQA-1182 (Rev. 10/11), incorporated herein by reference and available at the Board of Dentistry website at <http://www.doh.state.fl.us/maq/dentistry>. An applicant is eligible for licensure upon receipt of a completed application, passing scores from the ADLEX clinical examination, Diagnostic Skills Examination, National Board Dental Examination and successful completion of the written examination on the laws and rules of Florida regulating the practice of dentistry and dental hygiene. Applicants must comply with all time requirements for passing the examinations as specified in Rule 64B5-2.013, F.A.C.

(3) It is the applicant's responsibility to assure that the application for licensure is complete, including assuring that all required documents are submitted timely.

Rulemaking Authority 466.004 FS. Law Implemented 456.033, 466.006, 466.007, ~~466.0075~~, 466.028 FS. History--New 10-8-79, Amended 4-1-80, 4-20-81, 3-16-82, 5-2-84, 9-4-84, Formerly 21G-2.14, Amended 12-31-86, 10-8-87, 11-16-89, 10-18-90, Formerly 21G-2.014, 61F5-2.014, Amended 9-24-96, Formerly 59Q-2.014, Amended 8-20-97, 3-16-06, 12-26-06, 4-26-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Dental Hygiene

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.0146  
 RULE TITLE: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to incorporate by reference form DH-MQA 1254 and form DH-MQA 1182, and to make additions and deletions to implement the American Dental Licensing Examination required by Chapter 2011-95, Section 9, Laws of Florida (2011).

**SUMMARY:** The proposed changes will implement session law Chapter 2011-95, Laws of Florida (2011).

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

**RULEMAKING AUTHORITY:** 466.004, 466.006(3) FS.

**LAW IMPLEMENTED:** 466.006 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

Prior to applying to taking the American Dental Licensing Examination (ADLEX), as specified in Rule 64B5-2.013, F.A.C., complete and submit Application for Credentials Review For Graduates From Non-Accredited Dental Colleges

or Schools, Form DH-MQA 1254, (10-11), incorporated herein by reference and available at the Board of Dentistry website at <http://www.doh.state.fl.us/Mqa/dentistry>.

(1) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(a), F.S., will be required to:

(a) through (b) No change.

(c) Present to the Board ~~at least 30 days~~ prior to the dental examination the following documents:

1. through 2. No change.

2. A D.D.S. or D.M.D. issued by the dental school or a certified copy thereof.

(2) through (3) No change.

(4) After approval to sit for the ADLEX examination, the applicant shall successfully complete the practical or clinical examination which is the American Dental Licensing Examination (ADLEX) produced by the American Board of Dental Examiners and the Diagnostic Skills Examination, as specified in Rule 64B5-2.013, F.A.C., through the North East Regional Board of Dental Examiners, Inc. (NERB). Candidates who have completed the ADLEX after October 1, 2011 in another jurisdiction other than Florida are subject to additional requirements as stated in Section 466.006, Florida Statutes.

(5) After completion of the ADLEX examination, applicants shall submit Dental Licenser Application, Form DH-MQA 1182 (REV. 10/11), incorporated herein by reference and available at the Board of Dentistry website at <http://www.doh.state.fl.us/Mqa/dentistry>.

Rulemaking Authority 466.004(4), 466.006(3) FS. Law Implemented 466.006 FS. History—New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01, 6-7-05, 12-26-06, 6-30-09, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Board of Dentistry

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Board of Dentistry

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 13, 2011; October 28, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 7, 2011

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-13.005  
 RULE TITLE: Disciplinary Guidelines

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to modify the disciplinary guidelines to comply with statutory mandates and 2011 legislative changes to Chapters 456 and 466, Florida Statutes.

**SUMMARY:** The rule amendment will modify the disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.005 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, or certificate holder whom it regulates under Chapter 466, F.S., has committed any of the acts set forth in Section 456.072(1) or 466.028, F.S., it shall issue a final order imposing appropriate penalties as recommended in these disciplinary guidelines. For any violation found that is for fraud or making a false or fraudulent representation, the Board will impose a fine of \$10,000.00 per count or offense. The use of terms to describe the offenses herein within the individual guidelines is intended to be only a generally descriptive use of the terms. For an accurate description of the actual offenses, the reader should refer to the statutory disciplinary provisions. The maximum penalties set forth in any individual offense guideline include all of the less severe penalties that would fall in between the maximum and the minimum penalties stated:

VIOLATION

PENALTY RANGE

MINIMUM

MAXIMUM

(a) through (fff) No change.

(ggg) Being convicted of, or entering a plea of guilty or nolo contendere, to any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.

(Section 456.072(1)(II) F.S.)

First Offense

Misdemeanor – \$10,000 fine, Reprimand

Misdemeanor – \$10,000 fine, suspension

Second Offense

\$10,000 fine, revocation

\$10,000 fine, revocation

(hhh) Failure to comply with the controlled substance prescribing requirements of Section 456.44, F.S. (456.072)(1)(mm), F.S.

First Offense

Suspension of license for a period of six (6) months followed by a period of probation and an administrative fine in the amount of \$10,000.00

Revocation and an administrative fine of \$10,000.00

<p><u>Second Offense</u></p> <p><u>(iii) Providing false or deceptive expert witness testimony related to the practice of dentistry.</u> <u>(466.028)(1)(II), 2011 F.S.</u></p>	<p><u>Suspension of license for a period of one (1) year followed by probation and an administrative fine in the amount of \$10,000.00</u></p>	<p><u>Revocation and an administrative fine in the amount of \$10,000.00</u></p>
<p><u>First Offense</u></p>	<p><u>Reprimand and an administrative fine of \$5,000.00</u></p>	<p><u>Revocation and an administrative fine of \$10,000.00</u></p>
<p><u>Second Offense</u></p>	<p><u>Revocation and an administrative fine of \$10,000.00</u></p>	<p><u>Revocation and an administrative fine of \$10,000.00</u></p>

(2) through (5) No change.

Rulemaking Authority 456.079(1) FS. Law Implemented 456.072(2), 456.079(1), 466.028 FS. History—New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, 8-25-03, 2-27-06, 12-25-06, 6-11-07, 9-15-10, 12-2-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2011; October 28, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

<p>RULE NOS.: 64B5-15.024  64B5-15.030</p>	<p>RULE TITLES: Fees for Enforcement of Unlicensed Practice Prohibitions  One-Time Fee</p>
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PURPOSE AND EFFECT: The Board proposes to repeal the rules after a comprehensive review in accordance with executive orders. Fla. Exec. Order No. 11-211 (Oct. 19, 2011), superseding Fla. Exec. Order No. 11-72 (Apr. 8, 2011), superseding Fla. Exec. Order No. 11-01 (Jan. 4, 2011).

SUMMARY: The rules are being repealed as duplicative of a statute and as no longer necessary, respectively.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS, AND LEGISLATIVE RATIFICATION:**

During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule repeals will not require ratification by the Legislature. No person or interested party submitted additional

information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 456.004, 456.065, 466.004(4), 466.015(1), (2) FS.  
LAW IMPLEMENTED: 120.52(15), 456.025(5), 456.065(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-15.024 Fees for Enforcement of Unlicensed Practice Prohibitions.

Rulemaking Specific Authority 456.004 456.065, 466.004(4) FS. Law Implemented 456.065(3) FS. History—New 8-29-93, Formerly 61F5-15.024, 59Q-15.024, Amended 10-31-01, Repealed \_\_\_\_\_.

64B5-15.030 One-Time Fee Repeal.

Rulemaking Specific Authority 456.025(4), 466.004(4), 466.015(1), (2) FS. Law Implemented 456.025(5) FS. History—New 10-23-07, Amended 4-27-08, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2011

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-3.001 RULE TITLE: Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language in sub-subparagraph 64B17-3.001(3)(b)1.f., F.A.C.

SUMMARY: Removing sub-subparagraph 64B17-3.001(3)(b)1.f., F.A.C., regarding Immigration and Naturalization Services of the federal government.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall file DOH Form #DH-MQA 1142 Application for Licensure, Revised 11/11 02/10, incorporated by reference, which is available through www.doh.state.fl.us/mqa, and demonstrate to the Board that the applicant:

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

~~f. Is recognized to perform visa screening by the Immigration and Naturalization Service of the federal government.~~

g. through h. renumbered f. through g. No change.

~~i. Until and including December 31, 2006, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).~~

2. No change

a. through d. No change.

~~3. Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension.~~

Rulemaking Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06, 9-19-06, 3-13-07, 5-11-08, 5-21-09, 8-10-09, 7-5-10, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-3.003 RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes of this rule amendments to address changes for initial licensure application and the English language requirement.

SUMMARY: Changes for initial licensure application and the English language proficiency requirement language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require

ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 486.031, 486.051 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.003 Licensure by Endorsement.

An applicant filing DOH Form #DH-MQA 1142 Application for Licenser, Revised 11/11 ~~02/10~~, which is available through [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa), and demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licenser in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licenser are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licenser in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Rulemaking Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 4-9-06, 5-21-09, 8-10-09, 6-9-10, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-4.001  
RULE TITLE: Licenser as a Physical Therapist Assistant by Examination

PURPOSE AND EFFECT: The Board proposes the rule to remove language in sub-subparagraph 64B17-4.001(3)(b)1.f., F.A.C.

SUMMARY: Removing sub-subparagraph 64B17-4.001(3)(b)1.f., F.A.C., regarding Immigration and Naturalization Services of the federal government.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every physical therapist assistant who applies for licensure by examination shall file DOH Form #DH-MQA 1142 Application for Licensure, Revised 11/11 ~~2/10~~, which is available through [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa), and demonstrate to the Board that the applicant:

(1) through (3)(b)1.e. No change.

~~f. Is recognized to perform visa screening by the Immigration and Naturalization Service of the federal government.~~

g. through h. renumbered f. through g. No change.

2. No change.

a. through d. No change.

~~3. Evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension.~~

Rulemaking Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3), 486.104 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended 1-23-03, 4-9-06, 9-19-06, 5-21-09, 9-22-09, 9-28-09, 6-9-10,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-4.003      RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes for initial licensure application and the English language requirement.

SUMMARY: Changes for initial licensure application and the English language proficiency requirement language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

RULEMAKING AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.003 Licensure by Endorsement.

An applicant, filing DOH Form #DH-MQA 1142 Application for Licensure, Revised ~~11/11 02/10~~, which is available through [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa), and demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapist assistants examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapist Assistants by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Rulemaking Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02, 12-5-04, 4-9-06, 5-21-09, 9-28-09, 9-23-10,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2011

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:	RULE TITLES:
5J-4.004	Registration
5J-4.005	Exemption

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-4.004 Registration.

Unless exempted pursuant to Section 501.013, F.S., any person who intends to open or operate as a health studio shall, prior to offering health studio services, register with the Department using DACS Form 10300, Health Studio Registration Application, Rev. ~~07/11 8/10~~ hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Health Studios, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at ~~the following link:~~ [http://www.flrules.org/Gateway/reference http://www.doacs.state.fl.us/onestop/forms/10300.pdf](http://www.flrules.org/Gateway/reference_http://www.doacs.state.fl.us/onestop/forms/10300.pdf). At the time of registration, the registrant shall submit the applicable nonrefundable registration fee to the Department for each health studio location. The registrant shall submit with DACS Form 10300, Health Studio Registration Application, Rev. ~~07/11 8/10~~, a copy of each contract offered to the public relating to the sale of health studio services, as well as original security documents.

Rulemaking Specific Authority 501.014(2) FS. Law Implemented 501.015(1), (2), ~~(3)~~, (4), ~~501.016(1)(2)~~, 501.017 FS. History—New 2-9-93, Amended 7-10-94, 5-24-95, 1-20-03, \_\_\_\_\_.

5J-4.005 Exemption.

(1) Any person claiming an exemption from the health studio laws pursuant to Section 501.013, Florida Statutes, shall, prior to offering health studio services, file with the Department the executed Affidavit of Exemption, included in DACS Form 10300, Rev. ~~07/11 8/10~~.

(2) No change.

Rulemaking Specific Authority 501.014(2) FS. Law Implemented 501.013 FS. History—New 2-9-93, Amended 7-10-94, 5-24-95, 1-20-03, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:	RULE TITLE:
5J-4.014	Security Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:	RULE TITLES:
5J-7.004	Solicitation of Contributions Registration
5J-7.005	Professional Fundraising Consultant Registration
5J-7.006	Professional Fundraising Solicitor Registration
5J-7.007	Notice of Commencement of Solicitations
5J-7.008	Financial Report of Campaign

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-7.004 Solicitation of Contributions Registration.

(1) No change.

(2) Unless exempted pursuant to Section 496.406, F.S., every charitable organization or sponsor in this state shall file with the Department DACS Form-10100, Solicitation of Contributions Registration Application, Rev. ~~07/11 7/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at ~~the following link:~~ [http://www.flrules.org/Gateway/reference http://www.doacs.state.fl.us/onestop/forms/10100.pdf](http://www.flrules.org/Gateway/reference_http://www.doacs.state.fl.us/onestop/forms/10100.pdf).

Rulemaking Specific Authority 496.424 FS. Law Implemented 496.405, 496.406, 496.409, 496.410, 496.426 FS. History—New 7-7-92, Amended 6-28-94, 3-13-95, 6-4-95, 11-6-95, \_\_\_\_\_.

5J-7.005 Professional Fundraising Consultant Registration.

Every professional fundraising consultant shall file with the Department DACS Form-10104, Professional Fundraising Consultants Registration Application, Rev. 7/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee

Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/gateway/reference> ~~http://www.doaes.state.fl.us/onestop/forms/10104.pdf~~.

Rulemaking Authority 496.424 FS. Law Implemented 496.409 FS. History—New \_\_\_\_\_.

**5J-7.006 Professional Fundraising Solicitor Registration.**

Every professional fundraising solicitor providing fundraising services for an organization who will solicit funds in this state shall file with the Department DACS Form-10101, Professional Solicitors Registration Application, Rev. ~~07/11 7/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> ~~http://www.doaes.state.fl.us/onestop/forms/10101.pdf~~.

Rulemaking Authority 496.424 FS. Law Implemented 496.410 FS. History—New \_\_\_\_\_.

**5J-7.007 Notice of Commencement of Solicitations.**

No less than 15 days before commencing any solicitation campaign or event, the professional solicitor must file with the department DACS Form-10105, Notice of Commencement of Solicitations Rev. 08/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> ~~http://www.doaes.state.fl.us/onestop/forms/10105.pdf~~.

Rulemaking Authority 496.424 FS. Law Implemented 496.410(6) FS. History—New \_\_\_\_\_.

**5J-7.008 Financial Report of Campaign.**

Within 90 days after a solicitation campaign has been completed and on the anniversary of the commencement of a solicitation campaign lasting more than 1 year, the professional solicitor must provide to the charitable organization or sponsor and file with the department DACS Form-10106, Professional Solicitors Financial Report of Campaign Rev. 8/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Solicitation of Contributions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or ~~may be~~ accessed online at: <http://www.flrules.org/Gateway/reference> ~~http://www.doaes.state.fl.us/onestop/forms/10106.pdf~~.

Rulemaking Authority 496.424 FS. Law Implemented 496.410(8) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:                      RULE TITLES:  
5J-10.002                      Franchises  
5J-10.006                      Registration

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

**5J-10.002 Franchises.**

Every franchisor claiming an exemption pursuant to Section 559.802, F.S, shall file DACS Form-10500, Franchise Exemption Application, Rev. ~~07/11 8/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, 2005 Apalachee Parkway, Terry L. Rhodes Bldg. Attention: Business Opportunities, Tallahassee, Florida 32399-6500, or accessed online at ~~the following link:~~ <http://www.flrules.org/Gateway/reference> ~~http://www.doaes.state.fl.us/onestop/forms/10500.pdf~~. The franchisor shall submit a nonrefundable filing fee of \$100 with DACS Form 10500. The exemption may be renewed each year by filing DACS Form 10500 and paying a renewal fee of \$100.

~~Rulemaking Specific~~ Authority 559.802(4), 559.813(8), 570.07(23) FS. Law Implemented 559.802 FS. History—New 11-15-94, Amended 6-4-95, 10-21-03, \_\_\_\_\_.

**5J-10.006 Registration.**

Every seller/lessor of a business opportunity shall file with the Department DACS Form-10501, Business Opportunity Disclosure Filing Packet Rev. 07/11 ~~08/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Business Opportunities, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at ~~the following link:~~ <http://www.flrules.org/Gateway/reference> ~~http://www.doaes.state.fl.us/onestop/forms/10501.pdf~~.

Rulemaking Authority 559.802(4), 559.813(8) FS. Law Implemented 559.805 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:                      RULE TITLES:  
5J-12.002                      Registration

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-12.002 Registration.

(1) Any person who intends to operate a motor vehicle repair shop shall, prior to offering motor vehicle repair services, apply for and obtain a registration certificate from the Department using DACS Form 10900, Motor Vehicle Repair Registration Package, Rev. ~~07/11 08/10~~, Aet, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> <http://www.doacs.state.fl.us/onestop/forms/10900.pdf>.

(2) through (4) No change.

Rulemaking Specific Authority 559.92201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History–New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03, 11-4-03, 6-27-05, 11-22-05, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:	RULE TITLES:
5J-13.002	Licensing Requirements
5J-13.003	Security Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-13.002 Licensing Requirements.

(1) No change.

(2) A person applying for a license as a pawnbroker must submit with the license application a copy of the Pawnbroker Transaction Form. Applicants for licensure e shall use DACS Form 10111, Pawnbroking Registration Application, Rev. ~~07/11 8/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Attention: Pawnshops, Tallahassee, Florida 32399-6500, or accessed online at the following link: <http://www.flrules.org/Gateway/reference> <http://www.doacs.state.fl.us/onestop/forms/10111.pdf>.

Rulemaking Specific Authority 539.001(21), 570.07(23) FS. Law Implemented 539.001(5)(a), (c), (d), (8)(a) FS. History–New 12-10-96, Amended \_\_\_\_\_.

5J-13.003 Security Requirements.

(+) Any person claiming to have a net worth of \$50,000 pursuant to Section 539.001(4)(a)2., F.S., shall file with the Department, at the time of applying for a license, a copy of

their current financial statement prepared by a Florida licensed accountant. In lieu of the financial statement, a person may file a copy of their most recently filed federal income tax return.

~~(2) If filing a surety bond pursuant to Section 539.001(4)(a)2., F.S., the applicant shall use the Pawnbroking Surety Bond form included in DACS Form 10111, Pawnbroking Registration Application, Rev. 8/10.~~

~~(3) If filing an Irrevocable Letter of Credit pursuant to Section 539.001(4)(a)2., F.S., the applicant shall use the Pawnbroking Irrevocable Letter of Credit terms included in DACS Form 10111, Pawnbroking Registration Application, Rev. 8/10.~~

Rulemaking Specific Authority 539.001(21), 570.07(23) FS. Law Implemented 539.001(4)(a)2. FS. History–New 12-10-96, Amended \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:	RULE TITLES:
5J-14.003	Filing Requirements
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-14.003 Filing Requirements.

(1) Any person who intends to conduct a game promotion in this state pursuant to Section 849.094, F.S., including electronic promotions, shall file with the Department DACS Form-10951, Game ~~Promotion Promotions~~ Filing Packet Rev. ~~07/11 8/10~~, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Game Promotions, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> <http://www.doacs.state.fl.us/onestop/forms/10951.pdf>.

~~(2) If filing a surety bond pursuant to Section 849.094(4)(a), F.S., the applicant shall use the Game Promotion Surety Bond document included in DACS Form 10951, Game Promotion Filing Packet, Rev. 8/10.~~

~~(2)(3) If filing a Statement of Trust Account pursuant to Section 849.094(4)(a), F.S., the applicant shall use the Statement of Trust Account terms included in DACS Form 10951, Game Promotion Filing Packet, Rev. 07/11 8/10.~~

~~(4) Any operator requesting a waiver of the security requirements under this section shall use the Affidavit of Request for Waiver of Trust Account or Surety Bond included in DACS Form 10951, Game Promotion Filing Packet, Rev. 8/10.~~

Rulemaking Authority 849.094(8)(a) FS. Law Implemented 849.094(3), 849.094(4)(a), (b) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:           RULE TITLE:  
5J-15.001           Registration

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-15.001 Registration.

Any person who intends to operate as a household mover in this state shall first file with the Department DACS Form 10960, Household Moving Services Registration Application, Rev. ~~07/11 08/10~~, hereby incorporated by reference, along with a registration fee pursuant to Section 507.03(3), F.S. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Attention: Household Movers, 2005 Apalachee Parkway, Terry L. Rhodes Bldg, Tallahassee, Florida 32399-6500, or accessed online at: <http://www.flrules.org/Gateway/reference> ~~http://www.doacs.state.fl.us/onestop/forms/10960.pdf~~

Rulemaking Authority 507.09(3) FS. Law Implemented 507.03 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:           RULE TITLE:  
5J-15.002           Security Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:        RULE TITLES:  
6A-1.0014        Comprehensive Management  
                          Information System

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

In Volume 1- Automated Student Information the following changes were made to address comments of the Joint Administrative Procedures Committee.

Data Element 101325, Code O, M, and Q were corrected as follows:

O Fee Exempt: The student is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085 or was adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age. (1009.25(1)(d), F.S.) ~~The student was adopted from the Department of Children and Family Services after May 5, 1997 as per s. 1009.25(2)(e), F.S.~~

M Fee Exempt: The student is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services or, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age. (1009.25(1)(c)) ~~a recipient of a Road-to-Independence Scholarship, or is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085, F.S. and s. 1009.25(2)(d).~~

Q Fee Exempt: The student is enrolled in a dual enrollment or early admission program pursuant to Section 1007.27 or Section 1007.271 (1009.25(1)(a), F.S. and has taken the basic skills assessment within the first six weeks of enrollment (1009.25(2)(a); 1007.271).

Data Element 108791, Code 364 was corrected to read:

~~364 Postsecondary career and technical education instruction under the Course Code Directory seven-digit codes assigned to applied technology diploma programs/courses. Section 1004.02(8), F.S. In accordance with 1011.80(10), a dual enrolled student (1004.91 F.S.) is not eligible for workforce development funding unless the student has completed the basic skills assessment (1007.271(2), F.S.)~~

Data Element 173400, Code Z was corrected to read:

Note: Section 504 of the Rehabilitation Act of 1973 provides that: "No handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance." ~~(34 USC s. 104.4) is a civil rights statute which provides that: "No otherwise qualified individual with handicaps in the United States...shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or activity conducted by any Executive agency or by the United States Postal Service." (29 USC s. 794)~~

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09422  
 RULE TITLE: Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 44, November 4, 2011 Florida Administrative Weekly has been continued from December 5, 2011 to December 19, 2011.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.0315  
 RULE TITLE: College Preparatory Testing, Placement, and Instruction

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 44, November 4, 2011 Florida Administrative Weekly has been continued from December 5, 2011 to December 19, 2011.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.: 6A-25.011, 6A-25.012, 6A-25.013, 6A-25.014, 6A-25.015, 6A-25.016, 6A-25.017, 6A-25.018  
 RULE TITLES: Division Determinations, Review Procedures; Confidentiality and Release of Consumer Information/Records; Physical and Mental Restoration Services; Vocational and Other Training Services; Building Modifications; Rehabilitation Technology Services; Case Closure; Recovery From Third Parties

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Rules 6A-25.011, 6A-25.012, 6A-25.013, 6A-25.014, 6A-25.015, 6A-25.016, 6A-25.017, and 6A-25.018, are amended to read:

6A-25.011 Division Determinations, Review Procedures.

(3)(e) The ALJ shall issue a Recommended Order based on Federal and Florida law. The Florida Commissioner of Education shall review the Recommended Order and the parties' Exceptions to the Recommended Order, if any, and, pursuant to Section 120.57, Florida Statutes, issue a Final

Order. The Commissioner may not overturn or modify the ALJ's Recommended Order except as provided in Section 120.57(l), Florida Statutes.

Rulemaking Authority 413.22 FS. Law Implemented 413.24, 413.28, 413.30, ~~413.731~~ FS. History--Formerly 38J-1.006, New \_\_\_\_\_.

6A-25.012 Confidentiality and Release of Consumer Information/Records.

(1)(a) The division shall accept additional information for inclusion in the case record to the extent it determines such information to be ~~reasonably~~ material to providing or not providing rehabilitation services to the applicant or individual.

Rulemaking Authority 413.22 FS. Law Implemented ~~257.36(6)~~, 413.24, 413.28, 413.30, 413.341 FS. History--New \_\_\_\_\_.

6A-25.013 Physical and Mental Restoration Services.

(3) Dental services. Dental services may be provided to an individual if the individual's dental condition is a substantial impediment to employment; is slowly progressive; is contributing significantly to the complication of another physical condition; and that condition constitutes a substantial vocational impediment.

(a)1. When the dental condition creates toxicity and causes physical symptoms in other systems of the body. This determination must be made by an internist and treatment approved by the division's medical consultant; ~~or~~

(5)(a) The individual must provide documented evidence of vocational impairments that exist at the time of request; ~~and~~

(b) An individual requesting bariatric surgery as an elective procedure must provide records of nutritional counseling and attempt at weight loss with a balanced diet (may be through a weight loss program or in consultation with a nutritionist or doctor) for at least one (1) year prior to the division's considering sponsoring bariatric surgery. The division may assist with the costs of counseling and weekly fees for weight loss programs; ~~and~~

(c) The individual must submit to psychological evaluation and therapeutic counseling, if recommended, regarding the individual's current psychological status, expectations about the surgery, and ability to maintain the extreme dietary discipline required after surgery; ~~and~~

(d) The individual must provide documentation from a doctor that the individual can safely undergo the surgery and be expected to return to employment; ~~and~~ and

Rulemaking Authority 413.22 FS. Law Implemented 413.24, 413.28, 413.30, ~~413.731~~ FS. History--New \_\_\_\_\_.

6A-25.014 Vocational and Other Training Services.

(5) If an individual has to retake a course due to a failing grade ~~and/or~~ fails to attend the appropriate number of classes and the failure to attend was within the individual's control, the division shall have no obligation to pay for the student's retaking of the course.

Rulemaking Authority 413.22 FS. Law Implemented 413.24, 413.28, 413.30, 413.32, ~~413.734~~ FS. History—New \_\_\_\_\_.

6A-25.015 Building Modifications.

(2)(d)1. No other resident or person typically present is available or physically capable of assisting or carrying the individual to safety; or

(j) Prior to the authorization of any building modifications, the counselor and individual will obtain all necessary approvals from the property owner, homeowner’s associations, and ~~or~~ any persons with an interest in such variances for the property.

Rulemaking Authority 413.22 FS. Law Implemented 413.24, 413.28; ~~413.734~~ FS. History—New \_\_\_\_\_.

6A-25.016 Rehabilitation Technology Services.

Rulemaking Authority 413.22 FS. Law Implemented 413.24, 413.28, 413.30, ~~413.734~~ FS. History—New \_\_\_\_\_.

6A-25.017 Case Closure.

(1) A case shall be closed when the individual has achieved an meaningful employment outcome, is determined ineligible, is not available, declines further service, or when the individual's actions or inactions materially interfere with providing services.

(2)(d) Determined to have achieved and maintained an meaningful employment outcome for at least ninety (90) days.

Rulemaking Authority 413.22 FS. Law Implemented 413.24, 413.28, 413.30, ~~413.371, 413.401, 413.734~~ FS. History—Formerly 38J-1.007, New \_\_\_\_\_.

6A-25.018 Recovery From Third Parties.

~~(7) If a third party policy only partially pays or a co-payment deductible must be paid, the division may supplement the third party payment or the co-payment deductible. The supplement to third party insurance or co-payment/deductible must be documented by the insurance carrier or vendor and the division shall not authorize an amount in excess of the division's maximum allowed fee.~~

~~(7)(8)~~ If a vendor will not accept Medicaid or Medicare, the division may pay the vendor for services and recover from Medicaid.

~~(8)(9)~~ Under special circumstances, where undue financial hardship would result to the individual, the division may consider, in its sole discretion, whether to seek reimbursement or to seek reimbursement for less than all of such funds expended. Under such circumstances, the division shall consider the following factors in determining whether to seek less than full or no reimbursement:

~~(9)(10)~~ The division shall have the sole discretion, after consideration of such factors, to reduce or waive any claims the division may have under Section 413.445, Florida Statutes.

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Office of Tourism, Trade and Economic Development**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
27M-2.001	Certification for Retained Spring Training Facilities
27M-2.002	Decertification of Spring Training Baseball Facilities
27M-2.003	Certification for New or Retained Professional Sports Franchise

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly has been withdrawn.

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Office of Tourism, Trade and Economic Development**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
27M-3.001	Definitions and Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
59C-1.008	Certificate of Need Application Procedures

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on October 28, 2011, did not fully address information that should have been included under the 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. Based on the fact that the updates to the proposed rule simply facilitates the addition of the 2012 and 2013 batching calendar and deletes programs that are no longer regulated by the CON unit due to statutory changes, the Agency has determined that no SERC is required and that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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

The person to be contacted regarding the proposed rule and a copy of the proposed rule, as advertised on October 28, 2011, was incomplete and should have included: Marisol Novak, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308, (850)412-4401.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NOS.:	RULE TITLES:
69B-156.119	Application in Advertisement
69B-156.120	Enforcement Procedures
69B-156.121	Filing for Review

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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 proposed rule repeals will not require legislative ratification based on the following information. Rule 69B-156.119, F.A.C., is being repealed since it is obsolete. Rules 69B-156.120 and 69B-156.121, F.A.C., are repealed since they are duplicative of their correspondingly numbered rules in Chapter 690-156, F.A.C., which are administered by the Office of Insurance Regulation. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NOS.:	RULE TITLES:
69B-177.001	Salesmen Not to Imply Club is Insurance Company
69B-177.002	Persons Not Authorized to Solicit or Sell Insurance Unless Licensed as Insurance Agent

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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 proposed rule repeals will not require legislative ratification based on the following information. These rules are being repealed since they are obsolete. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Administration**

RULE NOS.:	RULE TITLES:
69E-3.001	Purpose and Scope
69E-3.002	Definitions
69E-3.003	Prohibition
69E-3.004	No-Smoking Areas
69E-3.005	Action by Department Officials and Employees
69E-3.006	Posting of Signs
69E-3.007	Enforcement, Penalties

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 46, November 18, 2011 issue of the Florida Administrative Weekly.

To comply with the requirements of Chapter 2011-225, Laws of Florida, the Summary of Statement of Estimated Regulatory Costs is amended to include a description of information expressly relied upon in determining that the rule is not expected to require legislative ratification. The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: If adopted, the proposed rule repeal is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes (or any other statute) before becoming effective for the following reasons: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), Florida Statutes, and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes. Based on the fact that the Department neither relies on nor uses Rule Chapter 69E-3, F.A.C., because the Department implemented Administrative Policies and Procedures 1-14, Smoking Policy, which complies with Rule Chapter 64I-4, F.A.C., authorizing agencies to implement smoking policies, there will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NOS.:           RULE TITLES:  
 69L-5.205           Loss Data Reporting  
 69L-5.217           Civil Penalties and Fines

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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: Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification. The proposed amendment to Rule 69L-5.217, F.A.C., will reduce the penalties that are assessed against self-insurers for late filing of reports and forms.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE NO.:           RULE TITLE:  
 53ER11-63           Code of Ethics

SUMMARY: This emergency rule sets forth the Code of Ethics for employees of the Florida Lottery and replaces Rules 53ER07-40 and 53ER07-41, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER11-63 Code of Ethics.

(1) All employees of the Florida Lottery are subject to the provisions of Chapter 112, Part III, Fla. Stat., Chapter 24, Fla. Stat., and rules promulgated thereunder. Where there are differences between this rule and the statute, the stricter provisions will apply.

(2) Definitions.

For purposes of this rule,

(a) “Chief ethics officer” means the Lottery’s Deputy General Counsel.

(b) “Employee” means any person employed by the Florida Lottery.

(c) “Gift” means anything accepted by a person or on that person’s behalf, whether directly or indirectly, for that person’s benefit and for which no payment is made. Examples of gifts are: real property or the use thereof; tangible or intangible personal property or the use thereof; preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation, lodging or parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged; or any other thing or service having an attributable value.

“Gift” does not include:

1. Salary, benefits, services, fees, commissions, gifts or expenses associated primarily with the donee’s employment, business, or service as an officer or director of a corporation or organization (the donee’s principal employer or business occupation and unrelated to the donee’s public position); or

2. Contributions reported pursuant to the campaign financing law (Chapter 106, F.S.), campaign-related personal services provided by individuals volunteering their time, or any other contribution or expenditure by a political party; or

3. An honorarium or expense related to an honorarium event paid to a person or the person’s spouse by someone other than a lobbyist or principal of a lobbyist; or

4. An award, plaque, certificate or similar personalized item given in recognition of the donee’s public, civic, charitable or professional service, provided that such item has no separate commercial value; or

5. Honorary membership in a service or fraternal organization presented as a courtesy by the organization; or

6. Use of a public facility for a public purpose made available by a governmental agency; or

7. Transportation provided by an agency in relation to officially approved governmental business; or

8. Anything of value provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization, or staff of a governmental agency that is a member of the organization.

(d) “Lobby” means to seek, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee.

(e) “Lobbyist” means a person who is employed and receives payment for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other

person or governmental entity, excluding an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

(f) "Principal" means the person, firm, corporation or other entity which has employed or retained a lobbyist.

(g) "Procurement employee" means any employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Fla. Stat., if the cost of such services or commodities exceeds \$1,000 in any year.

(h) "Relative" means a person who is related to an agency official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step great grandchild, engaged to be married to the agency official or employee, or who otherwise holds himself or herself out as or is generally known as the person whom the agency official or employee intends to marry or with whom the agency official or employee intends to form a household, or any other natural person having the same legal residence as the agency official or employee.

(i) "Reporting individual" means any employee who is required by Section 112.3145, Fla. Stat., to file a full or limited public disclosure of his or her financial interests.

(j) "Secretary" means the Secretary of the Florida Lottery or an employee of the Lottery authorized to act on behalf of the Secretary.

### (3) Avoiding the Appearance of Impropriety.

Employees of the Lottery will use the powers and resources of the Lottery to further the public interest and not for any financial or personal benefit other than salaried compensation and employer-provided benefits.

#### (a) Safeguarding Impartiality.

Employees are expected to safeguard their ability to make objective, fair and impartial decisions, and therefore may not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of the employee, or to reward a past decision. Employees should avoid any conduct (whether in the context of business, financial or social relationships) that might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

(b) Serving as Officers/Directors of Governmental and Non-governmental Entities.

An employee may serve as an officer or director of a governmental or non-governmental entity subject to the approval of the chief ethics officer. Approval shall be requested at the time of original employment with the Lottery or at the time the employee seeks to be appointed to such position.

#### (c) Screening.

To avoid any appearance of impropriety, an employee will not participate in meetings between and/or decisions directly involving the employee and his or her former employer or clients/business entities for which he or she has had substantial, direct responsibility during the one year prior to assuming his or her present employment with the Lottery. To the extent an employee seeks to participate in any such meeting or decision, he or she will first notify the chief ethics officer who will prescribe an appropriate screen depending on the particular circumstances. Moreover, nothing in this Code is meant to prohibit an employee from addressing or making decisions relating to issues that may generally affect an industry or business sector with which the employee may have had a prior relationship.

#### (4) Acceptance of Gifts.

No employee who is a reporting individual or a procurement employee ("RIPE") may accept any gift from a non-lobbyist. There are limited exceptions to the prohibition on the acceptance of gifts from non-lobbyists, as follows:

(a) Gifts from relatives, regardless of value.

(b) Gifts received from personal friends in the ordinary course of friendship, regardless of value, (including but not limited to birthday and/or anniversary gifts and gifts of hospitality), provided that any such personal friend is not:

1. The partner, firm, member, employer, employee or principal of a lobbyist;

2. A person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before the Lottery;

3. A person who (either individually or through a corporation or organization) provides goods or services to the Lottery under contract or agreement;

4. A person who (either individually or through a corporation or organization) is seeking such business with the Lottery.

(c) On-site consumption of food and refreshment at receptions and/or other events, provided the employee's attendance at such event is an appropriate exercise of the employee's official duties and the food and refreshments at such event are not paid for by a lobbyist or the principal of a lobbyist, in which case the guidelines set forth in paragraph 5 below apply.

(d) Gifts accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, provided the gift is not being made by a lobbyist or the principal of a lobbyist.

(e) Gifts involving volunteer campaign-related travel, lodging, and/or food or beverage expenses, provided the chief ethics officer has approved such acceptance.

(5) Use of Lobbyists and Lobbyist Expenditures.

(a) The use of lobbyists will not be required or preferred as a way to obtain access to Lottery employees.

(b) Employees shall not solicit any gift, regardless of value, from a lobbyist or principal, if the gift is for the personal benefit of the employee, the employee's family, or another employee.

(c) No employee shall knowingly accept anything of value from a lobbyist or the principal of a lobbyist, regardless of whether the thing is being offered or given for the purpose of lobbying, except that an expenditure for the personal benefit of an employee may be accepted from a lobbyist or principal who is a relative of the employee.

However,

1. An employee may attend an event or accept a thing of value that is otherwise prohibited if the employee pays or provides equivalent consideration contemporaneously with or preceding the receipt of the item or attendance at the event. In situations in which it is difficult to place a value (such as dinner at someone's home), equivalent consideration in the form of a house gift, appropriately priced bottle of wine or spirits, floral arrangement or plant, or other appropriately valued item may substitute for monetary consideration. Attendance at weddings, showers, birthdays or other special occasions where guests usually bring gifts and the feted person or others on his or her behalf provide food and entertainment also fall into this category.

2. An employee may attend a community event that is open to all persons.

3. An employee may accept an item or benefit generally available for free or below the customary rate if the rate is a government rate available to all other similarly-situated government employees or a rate that is available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin. If discounted pricing is made possible as a result of sponsorship by a lobbyist or principal, the discounted pricing may not be accepted unless it is available equally to all government employees and not intended to benefit a particular class of employees.

The key question in each of these situations is whether the expenditure or the available discount is being made for the personal benefit of the employee, the employee's parent, spouse, child or sibling. If it is, accepting the expenditure or discount is prohibited.

In determining whether an expenditure is a prohibited one, the following questions must be asked:

a. Is there commercial value involved?

The following items have commercial value and are examples of prohibited expenditures: food and beverages, tickets to entertainment events (golf tournament, sporting event, or theatre performance), transportation, lodging, and honorarium expenses.

b. Is the thing of commercial value primarily for the benefit of the agency's employees and not generally available to members of the public (or a large class of persons) on the same terms and conditions?

c. Does a lobbyist or principal control who receives the benefit of the thing of value?

d. If a third person (such as a non-profit) is distributing the thing of value, is it acting under the direction of the lobbyist or principal?

e. Did an agency official or employee solicit the lobbyist or principal for the sponsorship of the event?

If the answer to any of the foregoing questions a-e is "yes", then the employee may not attend the event or accept the thing of value without giving appropriate and contemporaneous consideration. If the answer to all of the foregoing questions a-e is "no," then the employee may attend the event or accept the thing of value unless he or she knows or has reason to believe that the arrangement is a subterfuge for an otherwise prohibited expenditure.

4. Notwithstanding that awards, plaques, certificates or similar personalized items given in recognition of the employee's public, civic, charitable or professional service are not considered "gifts" under Chapter 112, Fla. Stat., the employee shall notify the chief ethics officer of the receipt of any such item.

5. A Lottery vendor who is also a principal may make expenditures for reasonable and necessary expenses of Lottery sales conferences and other marketing activities when such payments are made pursuant to a contractual obligation of the vendor to provide marketing support to the Lottery under a contract that was entered pursuant to a competitive procurement process. A Lottery employee's participation in such a sales conference or other marketing activities shall not be considered to be a violation of this rule.

Employees have a duty to inquire whether the thing of value is from a lobbyist or principal. Ignorance of the facts is no excuse.

(6) Reporting Requirements.

(a) Gift Reporting.

This Code permits the acceptance of gifts from non-lobbyists only in certain specified circumstances set forth in subsection (4) above. RIPEs must report and disclose any permissible gift unless the gift is from a relative or a friend; however, gifts from friends must be reported if they exceed \$100 in value.

Pursuant to Section 112.3148, Florida Statutes, RIPEs must file Form 9, quarterly Gift Disclosure, with the Commission on Ethics on the last day of any calendar quarter following the calendar quarter in which he or she received a reportable gift.

Form 9 need not be filed if no such gift was received during the calendar quarter. RIEs must also file with the Commission on Ethics Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses by July 1 of each year, along with the employee's Form 1 filing (see paragraph (6)(b) below), if a reportable gift or expense was received.

(b) Financial Disclosure.

In addition, certain employees are required to make public disclosure of their financial interests. Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interest. This is why public officers and employees are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens monitor the considerations of those who spend their tax dollars and participate in public policy decisions.

Pursuant to Section 112.3145(b), Florida Statutes, reporting individuals are required to file with the Commission on Ethics, Form 1, Statement of Financial Interests, within thirty (30) days of appointment and by July 1 of each year thereafter.

Employees will be notified by the chief ethics officer if their position with the Lottery requires them to file financial disclosure forms.

(7) General Prohibitions of Chapters 24 and 112, Florida Statutes.

(a) Employees shall not solicit or accept anything of value to the employee, including gifts, loans, rewards, promises of future employment, favors, or services based upon any understanding that the official action or judgment of the employee would be influenced thereby.

(b) Employees shall not corruptly use or attempt to use their positions to gain special privileges, benefits or exemptions for themselves or others.

(c) Employees, their spouses and minor children shall not accept any compensation, payment or thing of value when they know or should know that it was given to influence the official action of the employee.

(d) Employees shall not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.

(e) Employees shall not solicit or accept an honorarium that is related to their public office or duties. Employees may accept payment of expenses related to an honorarium event unless the payment is from a lobbyist or principal.

(f) Employees acting as purchasing agents shall not directly or indirectly purchase, rent, or lease any realty, goods or services for the Lottery from a business in which the employee or the employee's spouse or child owns more than a 5% interest.

(g) Employees acting in a private capacity shall not rent, sell or lease realty, goods or services to the Lottery.

(h) Employees shall not accept employment that would create a conflict of interest between their private interests and the performance of their public duties, or accept other employment with any business entity subject to regulation by, or doing business with, the Lottery.

(i) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have a financial interest.

(j) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have discussed employment opportunities, without the prior approval of the Secretary.

(k) Purchase of lottery tickets by employees or any relatives residing in their household is strictly prohibited.

(8) Post-Employment Restrictions.

(a) Employees who became employed by the Lottery after July 1, 1989, who have authority over policy or procurement, shall not, for a period of two (2) years after retirement or termination, personally represent another person or entity for compensation before the Department, unless employed by another agency of state government.

(b) Employees shall not, for a period of two (2) years after retirement or termination, hold any employment or contractual relationship with a business entity other than a state agency in connection with any contract for contractual services that was within the employee's responsibility while employed by the Lottery.

(c) Employees are prohibited, after retirement or termination, from holding any employment or contractual relationship with a business entity other than a state agency in connection with any contract in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an employee of the Lottery.

(d) Employees shall not, for a period of one (1) year following cessation of employment with the Lottery, represent any vendor or retailer before the Lottery regarding any specific matter in which the employee was involved while employed by the Lottery.

(9) Nepotism.

Employees are prohibited from seeking for a relative any appointment, employment, promotion or advancement in the unit in which he/she is serving or over which he/she exercises jurisdiction or control.

(10) Frequent-Flyer Miles Earned Through State-Reimbursed Travel.

Employees may sometimes be required to travel on State business, requiring them to spend evenings and weekends away from their homes and families. Per diem reimbursements often do not fully reimburse the employee for out-of-pocket travel expenses. As a matter of general policy, any

frequent-flyer miles and/or bonus miles awarded to an employee as a result of State-reimbursed travel may be used for personal use by the employee.

(11) Exceptions.

There may be unique and/or compelling circumstances warranting exceptions to and/or waivers from the above requirements in certain individual cases. In those instances, application may be made in advance to the chief ethics officer for an exception.

(12) Reporting of Violation.

An employee who believes that a violation of the Lottery Code of Ethics has occurred may report the suspected violation to the chief ethics officer and/or the Lottery's Office of Inspector General.

(13) Training.

All employees shall receive Code of Ethics training upon appointment and thereafter on an annual basis.

Rulemaking Authority 24.105(20), 24.109(1) FS. Law Implemented 24.105(20), 24.105(19)(b), (c), 24.116(2), Chapter 112, Part III, FS. History—New 11-16-11, Replaces 53ER07-40 and 53ER07-41.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 16, 2011

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

### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on November 15, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Lake Wales Police Department on behalf of one officer for the 2008 reporting period (7/1/2006 – 6/30/2008). Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue did successfully complete the course of fire, however, there is no CJSTC 86A form on file showing that the officer completed the course of fire. Petitioner states that the officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement simply because his CJSTC 86A form is missing for the 2008 mandatory firearms requalification for the officer.

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

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 9, 2011, the South Florida Water Management District (District), received a petition for waiver from Florida Power and Light Company, Application No. 11-1109-1 M, for utilization of Works or Lands of the District known as L-31E to allow an existing power pole with siren system serving the Turkey Point Power Plant located within forty feet of the top of the canal bank to remain within the west right of way of L-31E located approximately 141' north of the intersection of L-31 E and the North Canal, Section 16, Township 57 South, Range 40 East, Miami-Dade County. The petition seeks relief from paragraphs 40E-6.221(2)(a) and (j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Crystal River Nuclear Plant, filed October 19, 2011, and advertised in Vol. 37, No. 4, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 5.7.12.2 ASME A17.1, 2000 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires special purpose personnel elevator's capacity not exceed 1000 lbs and clear area not exceed 13 square feet because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-354).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Vista Bay, filed October 3, 2011, and advertised in Vol. 37, No. 41, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-332).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Lee County Constitutional Complex, filed October 12, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.4.1.5 and 2.15.9.2 ASME A17.1, 2007 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the pit be 5 feet deep because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-345).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Lee County Constitutional Complex, filed October 12, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.10.2.1

and 2.4.6.2(c) ASME A17.1, 2000 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a 42 inch car-top handrail with no less than 6 inches clearance above the equipment because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-346).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Lee County Constitutional Complex, filed October 12, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1, 2.20.4 and 8.11.2.1.3(cc)1&3 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension and governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-344).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Best Western Plus Orlando, FL, filed October 13, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until March 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-347).

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

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The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Double Tree Hotel, filed October 13, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 3.11.1 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, emergency signaling devices and restricted door openings until December 31, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-348).

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

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NOTICE IS HEREBY GIVEN that on November 17, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Osprey Lodge. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18.5.1 and 2.20.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and that governor ropes be no less than 9.5mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-384).

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

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NOTICE IS HEREBY GIVEN that on November 17, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Millennia 700. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18.5.1 and 2.20.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and that governor ropes be no less than 9.5mm which poses a

significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-385).

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

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NOTICE IS HEREBY GIVEN that on November 17, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Wild Oak Bay Vista II. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-386).

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

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The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on October 27, 2011, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Lauderdale Tennis Club, Ft. Lauderdale, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment located on the same property and under the same ownership.

The Petition for this variance was published in Vol. 37, No. 45 on November 10, 2011. The Order for this Petition was signed on November 17, 2011, and 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 dishwashing area located within Lauderdale Tennis Club (SEA1617408) is maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If

the ownership of Lauderdale Tennis Club (SEA1617408) changes, the division must be notified immediately and a written agreement provided.

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

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NOTICE IS HEREBY GIVEN that on November 17, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Nauti-Dawgs, St. Petersburg, FL. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

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NOTICE IS HEREBY GIVEN that on November 17, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7) Florida Administrative Code, from Savory Scenes, Sarasota, FL. 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 utilize bathrooms located within another adjacent business.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE IS HEREBY GIVEN that on November 10, 2011, the Department of Environmental Protection, received a petition for a variance under Section 120.542, F.S., from Niceville-Okaloosa County Regional Sewer Board (Petitioner) regarding the requirements of subsection 62-610.521(6), F.A.C. Subsection 62-610.521(6), F.A.C., requires a setback distance of 100 feet from a rapid infiltration basin to the

property boundary. The Petitioner is requesting that the setback distance from the rapid infiltration basin to the property line at the NOVC Regional WWTF be reduced from 100 feet to 31-56 feet. The petition has been assigned OGC File #11-1627 or File #FLA010185-018-DW1P/RA. Public comment must be received within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bill Evans, Department of Environmental Protection, Northwest District, 160 West Governmental St., Suite 308, Pensacola, Florida 32502-5740, email: bill.evans@dep.state.fl.us or (850)595-0584.)

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The Department of Environmental Protection, Northwest District Office hereby gives notice that on November 8, 2011, an order was issued granting the Town of Jay a variance. The Town of Jay filed its petition for variance on September 21, 2011, and notice of receipt of this petition was published in the Florida Administrative Weekly on October 21, 2011. Town of Jay's petition requested a variance from subsection 62-610.521(6), F.A.C., Part IV Rapid-Rate Land Application Systems for the two existing percolation ponds. The petitioner requested the variance to reduce the setback distance to a 22-foot setback distance from the property line to the inside toe of the dikes of the existing percolation ponds for the wastewater treatment facility. No public comment was received. The Order, file number FLA010206-009-DWF/VO [OGC Case No.: 11-1358], granted the Petition from the minimum 100-foot setback requirement to the Town of Jay, based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute. The conditions of the order are:

- a. Town of Jay, shall maintain the existing setbacks with a minimum of a 22-foot setback distance from the property line to the inside toe of the dikes of the existing percolation ponds for the wastewater treatment facility.
- b. Town of Jay, usage of the existing percolation ponds as part of the wastewater treatment facilities shall be authorized by wastewater permit (FLA010206).

A copy of the Order or additional information may be obtained by contacting: Department of Environmental Protection, Northwest District, Bill Evans, 160 W. Governmental Street, Suite 308, Pensacola, FL 32502-5794, (850)595-0554, bill.evans@dep.state.fl.us.

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#### **DEPARTMENT OF HEALTH**

The Department of Health hereby gives notice on November 18, 2011, the Department of Health issued an order in response to a petition for a variance filed on June 6, 2011, by Gary Duren, representing Highland Tank Manufacturing Company, regarding the "Highland Tanks Steel Grease Interceptor".

Petitioner sought a variance from paragraphs 64E-6.013(1)(a), (2)(a), (2)(h), subsections (4) and (7), Florida Administrative Code, which requires tanks to be constructed of concrete, fiberglass or polyethylene; tanks to have multiple compartments; compartments to be connected with 4-inch openings; annual manufacturing inspection procedures; and various grease interceptor requirements. Notice of the petition was published in the June 17, 2011, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner’s particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner’s request for a variance.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

The Department of Health hereby gives notice on November 17, 2011, the Department of Health issued an order. The order was issued in response to a petition for a waiver filed on August 4, 2011, by Donald Bach, representing Norweco, Inc., regarding the “Singulair Green Aerobic Treatment System”. Petitioner sought a waiver of paragraphs 64E-6.013(2)(a) and (2)(f), Florida Administrative Code, which requires that treatment receptacles shall have no vertical seams and that the inlet and outlet devices shall be in accordance with ASTM C 923-98. Notice of the petition was published in the August 26, 2011, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner’s particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED Petitioner’s request for a waiver.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Sunday, December 11, 2011, 10:00 a.m.  
 PLACE: Mission San Luis, 2100 W. Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Board of Directors will meet to discuss financial reports, income and expense statements, marketing reports, upcoming events and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)245-6379.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)245-6379. 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: Jessica Shiver at (850)245-6379 or email: [jbshiver@dos.state.fl.us](mailto:jbshiver@dos.state.fl.us).

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council (AITC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 15, 2011, 1:00 p.m. – 4:00 p.m.

PLACE: University of Florida, Deriso Bldg., 2015 S.W. 16th Avenue, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Animal Industry Technical Council to discuss animal and agricultural issues of concern. The meeting is open to the public.

A copy of the agenda may be obtained by contacting: Carol Evans at (850)410-0943.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Carol Evans at (850)410-0943. 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 Evans, AITC Coordinator at (850)410-0943.

The Florida **Department of Agriculture and Consumer Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 13, 2011, 10:00 a.m.

PLACE: Teleconference Participants call: 1(888)808-6959, when prompted, enter the Conference Code: 4873444

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct general business of the Florida Alligator Marketing and Education Committee, and to discuss marketing and education initiatives for the current fiscal year.

A copy of the agenda may be obtained by contacting: John Easley or Martin May at (850)488-0163.

For more information, you may contact: John Easley or Martin May at (850)488-0163.

The **Florida Food Safety and Food Defense Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 13, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code: 1721332685

GENERAL SUBJECT MATTER TO BE CONSIDERED: The status of the implementation of Small Farms Rules and Cottage Foods and associated activities; a preview of legislative activity; and other general organizational matters of the Advisory Council.

A copy of the agenda may be obtained by contacting: Darcy Poole, Division of Food Safety, 3125 Conner Building, Mail Stop #C-18, Tallahassee, Florida 32399-1650, (850)245-5595.

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 4 days before the workshop/meeting by contacting: Darcy Poole, Administrative Assistant II, Division of Food Safety at (850)245-5595. 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: Darcy Poole, Administrative Assistant II, Division of Food Safety, 3125 Conner Building, Mail Stop #C-18, Tallahassee, Florida 32399-1650, (850)245-5595.

## DEPARTMENT OF EDUCATION

The **Blind Services Endowment Foundation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 15, 2011, 1:30 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 5955282 then the pound key

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting: Craig Kiser, 256 Cocoa Lane, Venice, FL 34293, (850)345-9122.

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: Craig Kiser, (850)345-9122. 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 **Education Practices Commission** announces a hearing to which all persons are invited.

DATES AND TIMES: A Records Retention and Office Needs Meeting, December 7, 2011, 1:30 p.m. or as soon thereafter as can be heard; A Teacher Hearing Panel, December 8, 2011, 9:00 a.m. or as soon thereafter as can be heard; A Teacher Hearing Panel will begin at 1:30 p.m. or as soon thereafter as can be heard; An Administrator Hearing Panel, December 9, 2011, 9:00 a.m. or as soon thereafter as can be heard; A Business Meeting, 9:45 a.m. or as soon thereafter as can be heard

PLACE: First District Court of Appeals, 2000 Drayton Drive, Tallahassee, Florida 32399, (850)488-6151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Kathleen M. Richards at (850)245-0455.

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: Kathleen M. Richards at (850)245-0455. 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: Lisa Forbess or Kathleen M. Richards at (850)245-0455.

The **University of West Florida**, Florida Public Archaeology Network announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2011, 8:00 a.m. – 12:00 Noon (EST)

PLACE: FAU, Askew Tower, Suite 728, 111 East Las Olas Blvd., Fort Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Semi-annual FPAN Board of Director's meeting to discuss FPAN matters.

A copy of the agenda may be obtained by contacting: Cheryl Phelps, (850)595-0050 or email: [cphelps@uwf.edu](mailto:cphelps@uwf.edu).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cheryl Phelps, (850)595-0050. 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: Cheryl Phelps, (850)595-0050 or email: [cphelps@uwf.edu](mailto:cphelps@uwf.edu).

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#### **BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND**

The Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 16, 2011, 10:00 a.m. – 4:00 p.m.

PLACE: Apalachicola National Estuarine Research Reserve Center, 108 Island Drive, Eastpoint, FL 32328

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is for the members of the Advisory Council to discuss the revision of the Apalachicola National Estuarine Research Reserve Management Plan.

A copy of the agenda may be obtained by contacting: Jenna Wanat by e-mail: [Jenna.Wanat@dep.state.fl.us](mailto:Jenna.Wanat@dep.state.fl.us), by phone: (850)670-7716 or by mail: 108 Island Drive, Eastpoint, FL 32328.

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: Jenna Wanat at (850)670-7716. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 21, 2011, 6:00 p.m. – 8:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR), Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group for the GTMNERR is holding a meeting to provide advisory input for the management of GTMNERR.

A copy of the agenda may be obtained by contacting: Janet Zimmerman by email: [Janet.Zimmerman@dep.state.fl.us](mailto:Janet.Zimmerman@dep.state.fl.us), by phone: (904)823-4500 or by mail: 505 Guana River Road, Ponte Vedra Beach, Florida 32082.

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: Janet Zimmerman at (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: December 20, 2011, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The agenda and recommendations are accessible on the PSC Website: <http://www.floridapsc.com>, at no charge or can be purchased by contacting: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399 0850, (850)413-6770, at a cost of 15 cents per single sided page or 20 cents per duplexed page.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida

Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

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

DATE AND TIME: December 20, 2011, immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

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

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice), 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website: <http://www.psc.state.fl.us/agendas/internalaffairs/>.

#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor**, Gubernatorial Fellows Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 6, 2011, 11:00 a.m.

PLACE: Call-in Number: 1(888)808-6959; Pass Code: 7857968

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Gubernatorial Fellows Board of Directors to discuss general business of the Board.

A copy of the agenda may be obtained by contacting: Lauren McKeague, 400 South Monroe Street, The Capitol, LL-08, Tallahassee, Florida 32399-0001 or by calling (850)410-0230.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Lauren McKeague, 400 South Monroe Street, The Capitol, LL-08, Tallahassee, Florida 32399-0001 or by calling (850)410-0230. 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: Lauren McKeague, (850)410-0230 or [Lauren.McKeague@eog.myflorida.com](mailto:Lauren.McKeague@eog.myflorida.com).

The **Governor's Commission on Jobs for Floridians with Disabilities** announces a public meeting to which all persons are invited.

DATE AND TIME: December 13, 2011, 9:00 a.m.

PLACE: Room 412, The Knott Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Business.

A copy of the agenda may be obtained by contacting: David Darm at (850)488-8873 or [david.darm@laspbs.state.fl.us](mailto:david.darm@laspbs.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 3 days before the workshop/meeting by contacting: David Darm at (850)488-8873 or [david.darm@laspbs.state.fl.us](mailto:david.darm@laspbs.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David Darm at (850)488-8873 or [david.darm@laspbs.state.fl.us](mailto:david.darm@laspbs.state.fl.us).

#### REGIONAL PLANNING COUNCILS

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

DATE AND TIME: December 12, 2011, 1:00 p.m.

PLACE: Board of County Commissioners, Meeting Room, Courthouse Annex, 229 S.W. Pinckney Street, Suite 219, Madison, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Madison County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. 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.

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

DATE AND TIME: Monday, December 12, 2011, 9:00 a.m.

PLACE: ECFRPC Offices, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701 (visit our website: [www.ecfrpc.org](http://www.ecfrpc.org) for map and directions)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council Executive Committee.

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden, East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701 or email: [tbyrd@ecfrpc.org](mailto:tbyrd@ecfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden, East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701 or [tbyrd@ecfrpc.org](mailto:tbyrd@ecfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Tampa Bay Regional Planning Council**, Executive Budget Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2011, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Budget Committee.

A copy of the agenda may be obtained by contacting: [wren@tbrpc.org](mailto:wren@tbrpc.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 4 days before the workshop/meeting by contacting: [wren@tbrpc.org](mailto:wren@tbrpc.org) or (727)570-5151. 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: Ms. Wren Krahl, Director of Administration, Public Information at (727)570-5151, ext. 22.

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The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2011, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the annual meeting of the Tampa Bay Regional Planning Council.

A copy of the agenda may be obtained by contacting: [www.tbrpc.org](http://www.tbrpc.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 4 days before the workshop/meeting by contacting: [www.tbrpc.org](http://www.tbrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Wren Krahl, Director of Administration, Public Information at (727)570-5151, ext. 22.

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

DATE AND TIME: Thursday, December 15, 2011, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The monthly meeting of the SWFRPC Board.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at [ngwinnett@swfrpc.org](mailto:ngwinnett@swfrpc.org) or (239)338-2550, ext. 232.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi at [dkooi@swfrpc.org](mailto:dkooi@swfrpc.org) or (239)338-2550, ext. 210. 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: Visit the SWFRPC's website: [www.swfrpc.org](http://www.swfrpc.org).

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

DATE AND TIME: Monday, December 19, 2011, 12:00 Noon

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

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, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: (954)985-4416. 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: Cheryl Cook at (954)985-4416 or cheryle@sfrpc.com.

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### METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Transportation Planning Organization** for the Gainesville Urbanized Area announces a public meeting to which all persons are invited.

DATE AND TIME: December 14, 2011, 10:00 a.m.

PLACE: Jack Durrance Auditorium, County Administration Building, 12 Southeast 1st Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Alachua County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **Miami-Dade County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 13, 2011, 1:30 p.m.

PLACE: Stephen P. Clark Center, CITT Conference Room, 10th Floor, 111 N.W. 1st Street, Miami, FL 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: ACTION ITEMS:

- A. ANNUAL OPERATING REPORT (AOR) SUMMARY
- B. ANNUAL EXPENDITURES REPORT (AER)
- C. 2012 LCB MEETING DATES

### INFORMATION ITEMS

- A. TRANSPORTATION DISADVANTAGED PROGRAM UPDATE
- B. SPECIAL TRANSPORTATION SYSTEM UPDATE
- C. MEDICAID NON-EMERGENCY TRANSPORTATION UPDATE
- D. COMMUNITY TRANSPORTATION COORDINATOR DESIGNATION UPDATE

A copy of the agenda may be obtained by contacting: Elizabeth Rockwell, (305)375-4507 or email: erock@miamidade.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Elizabeth Rockwell, (305)375-4507 or email: erock@miamidade.gov. 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: Elizabeth Rockwell, (305)375-4507 or email: erock@miamidade.gov.

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### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District (District)** announces a public meeting to which all persons are invited.

DATE AND TIME: December 13, 2011, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board meeting to consider District business and conduct public hearings on regulatory and land acquisition matters. A workshop will follow the Board meeting.

A copy of the agenda may be obtained by contacting: Linda Welch at (386)362-1001 or 1(800)226-1066 (Florida Only) or on the District's website: www.mysuwanneeriver.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Linda Welch at (386)362-1001 or 1(800)226-1066 (Florida Only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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The **St. Johns River Water Management District** is participating in and announces a workshop to which all persons are invited. The First Annual Lake Apopka Restoration Summit hosted by Senator Alan Hays, Representative Bryan

Nelson, Lake County Commissioner Sean Parks at which two or more Governing Board members of the St. Johns River Water Management District and two or more members of the Harris Chain of Lakes Restoration Council. Please contact Anne-Marie Norman regarding attendance/registration at this summit.

DATE AND TIME: Wednesday, December 14, 2011, 8:00 a.m. – 6:00 p.m.

PLACE: Lake Sumter Community College, Building 1, Community Room #204, 1250 N. Hancock Rd., Clermont, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Opportunity to bring together on this one day the collection of efforts, evaluate their accomplishments, and then hear proposals for future restoration endeavors.

A copy of the agenda may be obtained by contacting: Anne-Marie Norman at (352)360-6739 or email: norman.anne-marie.s20@flsenate.gov.

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

DATE AND TIME: Tuesday, December 13, 2011, 6:00 p.m.

PLACE: Lecanto Government Building, 3600 West Sovereign Path, Lecanto, FL 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: Surplus Lands Assessment Public Information Meeting: Explanation of the evaluation process for assessment of SWFWMD land holdings for potential surplus options. The meeting purpose is to obtain public input. Governing Board and Advisory Committee members may attend.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Cheryl.Hill@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4452 (Ad Order EXE0179).

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

DATE AND TIME: Wednesday, December 14, 2011, 6:00 p.m.

PLACE: SWFWMD Bartow Service Office, 170 Century Boulevard, Bartow FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Surplus Lands Assessment Public Information Meeting: Explanation of the evaluation process for assessment of SWFWMD land holdings for potential surplus options. The meeting purpose is to obtain public input. Governing Board and Advisory Committee members may attend.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL only) or (352)796-7211, x 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 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: Cheryl.Hill@watermatters.org 1(800)423-1476 (FL only) or (352)796-7211, x 4452 (Ad Order EXE0178).

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

DATE AND TIME: December 14, 2011, 11:00 a.m., Project & Lands Committee Meeting

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: December 14, 2011, 1:00 p.m., Workshop Meeting

PLACE: Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: December 15, 2011, 9:00 a.m., Regular Business Meeting

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. If a Workshop item is not heard on 12/14, the item may be heard on 12/15.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2011-2012 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or website: [www.sfwmd.gov](http://www.sfwmd.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District Clerk, (561)687-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Jacki McGorty at (561)682-2087 or [jmcgorty@sfwmd.gov](mailto:jmcgorty@sfwmd.gov).

The **Water Resources Advisory Commission (WRAC)** announces a workshop to which all persons are invited.

DATE AND TIME: December 19, 2011, 5:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Water Resources Advisory Commission (WRAC), Recreation Issues Workshop. A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding recreation issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Megan Jacoby, (561)682-6517 or our website: <http://my.sfwmd.gov/wrac>.

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: Megan Jacoby, (561)682-6517. 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 **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 21, 2011, 10:00 a.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Public Meeting to Discuss Regulatory Matters. All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at: Lower West Coast Service Center, 2301 McGregor Blvd., Fort Myers, FL 33901, Okeechobee Service Center, 205 N. Parrot Avenue, Suite 201, Okeechobee, FL 34972 (2nd Floor, Bank of America Building), Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809.

The meeting will also be webcast.

A copy of the agenda may be obtained by contacting: Agenda's are available 7 days prior to the meeting date. You may obtain a copy of the agenda by going to our website at: [www.sfwmd.gov](http://www.sfwmd.gov)

- Hold mouse over the "Topics" tab, scroll down to "Permits" and click
- Under "Upcoming Events" on the right hand column, click the "Monthly Regulatory Meetings" link.
- Or by subscribing to ePermitting/eNoticing: [www.sfwmd.gov/epermitting](http://www.sfwmd.gov/epermitting).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office, (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: call our information line at (561)682-6207 or Florida toll-free 1(800)432-2045, ext. 6207.

## REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: December 19, 2011, 9:00 a.m.

PLACE: Tampa Bay Water, Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

A copy of the agenda may be obtained by contacting: Records Department at (727)796-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department at (727)796-2355. 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: Records Department at (727)796-2355.

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, December 16, 2011, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Agency for Health Care Administration, **\*\*TELECONFERENCE CALL ONLY\*\***, Conference Call: 1(888) 808-6959, Conference Code: 8509227761

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a teleconference meeting of the Organ and Tissue Procurement and Transplantation Advisory Board, created by Section 765.543, Florida Statutes. The purpose is to conduct general business of the advisory board including review and discussion on recommendations for changes to the laws and administrative rules related to organ and tissue procurement activities in Florida.

A copy of the agenda may be obtained by contacting: Dayle Mooney, Program Administrator, Agency for Health Care Administration, Laboratory Licensure Unit, 2727 Mahan Drive, MS #32, Tallahassee, Florida 32308, (850)412-4500, E-mail: Dayle.Mooney@ahca.myflorida.com. The agenda will also be posted at: [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/Laboratory\\_Licensure/OrganTissueBoard.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/OrganTissueBoard.shtml) at least seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dayle Mooney at (850)412-4500. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a workshop to which all persons are invited.

DATE AND TIME: January 11, 2012, 8:00 a.m.

PLACE: DBPR, Professions Board Room, 1940 North Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed amendment is necessary in order to adopt application forms that were not previously incorporated by reference into the Florida Administrative Code. The need for this action was apparent after a party filed a challenge pursuant to Section 120.56, Florida Statute (2010), correctly alleging that a form utilized by the Division was not incorporated by reference into the Florida Administrative Code. Nevertheless, this amendment will be beneficial to business by creating certainty as to which forms must be filed.

A copy of the agenda may be obtained by contacting: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.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 14 days before the workshop/meeting by contacting: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Renita Hayes, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, FL, (850)717-1118, email: [renita.walton-hayes@dbpr.state.fl.us](mailto:renita.walton-hayes@dbpr.state.fl.us).

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The **Board of Architecture and Interior Design**, Invitation to Negotiate Review Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 15, 2011, 2:00 p.m.

PLACE: Conference Call: 1(888) 808-6959, Conference Code: 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED: Invitation to Negotiate Review.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, (850)717-1982.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, (850)717-1982. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751, (850)717-1982.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 14, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Teleconference. The meeting can be accessed via GoToWebinar. Registration information for the webinar can be found at: <https://www2.gotomeeting.com/register/558455298>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Water Resources Monitoring Council Salinity Network Workgroup to discuss logistics for the statewide ground water salinity network.

A copy of the agenda may be obtained by contacting: Ms. Stephanie Sunderman, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3525, Tallahassee, Florida 32399-2400, e-mail: [Stephanie.Sunderman@dep.state.fl.us](mailto:Stephanie.Sunderman@dep.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 5 days before the workshop/meeting by contacting: Ms. Stephanie Sunderman at (850)245-8478 or [Stephanie.Sunderman@dep.state.fl.us](mailto:Stephanie.Sunderman@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 14, 2011, 1:00 p.m.

PLACE: Indian River County, Building B, Room B-1-501, 1800 27th Street, Vero Beach, Florida 32960

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a technical meeting to discuss reductions in total nitrogen and total phosphorus from water quality improvement projects related to the Central Indian River Lagoon Basin Management Action Plan. The monitoring plan proposed as part of the Basin Management Action Plan will also be discussed at this meeting. The Total Maximum Daily Load for the Central Indian River Lagoon adopted in March 2009 requires reductions in the loadings of total nitrogen and total phosphorus sufficient to meet seagrass depth targets.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mary Paulic at (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2011, 9:30 a.m.

PLACE: Bradenton Central Library, 1301 Barcarrota Boulevard West, Bradenton, FL 34205

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a technical meeting to discuss issues related to the Manatee River Basin Management Action Plan (BMAP). This meeting will provide an opportunity for stakeholders to provide their comments to the Department of Environmental Protection regarding development of the Manatee River BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs).

A copy of the agenda may be obtained by contacting: Terry Hansen, Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Terry Hansen at (850)245-8561. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2011, 1:30 p.m.

PLACE: Seminole County Services Building, Room 3024, 1101 East First Street, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a general public meeting of interested stakeholders to discuss issues related to the Lakes Harney/Monroe Basin Management Action Plan (BMAP). This meeting will provide an opportunity for stakeholders to provide their comments and recommendations to the Department of Environmental Protection regarding development of the Lakes Harney/Monroe BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs). The primary topic of discussion during this meeting will be the ongoing process of BMAP development.

A copy of the agenda may be obtained by contacting: Samantha Fillmore, Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400 or by calling (850)245-8418.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Samantha Fillmore at (850)245-8418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2011, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Main Conference Room, 13051 N. Telecom Parkway, Temple Terrace, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a technical meeting to discuss issues related to the Alafia River Basin Management Action Plan (BMAP). This meeting will provide an opportunity for stakeholders to provide their comments to the Department of Environmental Protection regarding development of the Alafia River BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs). The primary topic of discussion during this meeting will be the process of BMAP development.

A copy of the agenda may be obtained by contacting: Terry Hansen, Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Terry Hansen at (850)245-8561. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## DEPARTMENT OF JUVENILE JUSTICE

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

DATE AND TIME: Wednesday, January 4, 2012, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Continuation of public hearing from November 15, 2011, to adopt amendments to Chapter 63E-7, F.A.C., governing the operation of residential juvenile delinquency programs. The proposed amendments eliminate the use of behavior management units, clarify provisions for accessing legal services, and specify required delinquency intervention services for youth in residential programs. The proposed amendments are described in detail in the Notice of Proposed rule published in the October 21, 2011 edition of the Florida Administrative Weekly, Vol. 37, No. 42.

A copy of the agenda may be obtained by contacting: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, Florida 32399-3100, (850)921-4129, e-mail: john.milla@djj.state.fl.us.

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## DEPARTMENT OF HEALTH

The Florida **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 15, 2011, 10:00 a.m. – 1:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

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

The **Department of Health** announces the following meetings of the Variance Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems to examine variance applications received by the 15th of the previous month and to provide input regarding any rule issues requested by the Technical Review and Advisory Panel.

DATE AND TIME: Thursday, January 5, 2012, 10:00 a.m.

PLACE: Alachua County Health Department, Auditorium, 224 Southeast 24th Street, Gainesville, Florida

DATE AND TIME: Thursday, February 2, 2012, 10:00 a.m.

PLACE: UF/IFAS Citrus County Extension Services, Suite 1, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, March 1, 2012, 10:00 a.m.

PLACE: Osceola County Health Department, Conference Room #1, 1875 Boggy Creek Road, Kissimmee, Florida

DATE AND TIME: Thursday, April 5, 2012, 10:00 a.m.

PLACE: UF/IFAS Citrus County Extension Services, Suite 1, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, May 3, 2012, 10:00 a.m.

PLACE: Alachua County Health Department, Auditorium, 224 Southeast 24th Street, Gainesville, Florida

DATE AND TIME: Thursday, June 7, 2012, 10:00 a.m.

PLACE: Osceola County Health Department, Conference Room #1, 1875 Boggy Creek Road, Kissimmee, Florida

DATE AND TIME: Thursday, July 12, 2012, 10:00 a.m.

PLACE: UF/IFAS Citrus County Extension Services, Suite 1, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, August 2, 2012, 10:00 a.m.

PLACE: Alachua County Health Department, Auditorium, 224 Southeast 24th Street, Gainesville, Florida

DATE AND TIME: Thursday, September 6, 2012, 10:00 a.m.

PLACE: Osceola County Health Department, Conference Room #1, 1875 Boggy Creek Road, Kissimmee, Florida

DATE AND TIME: Thursday, October 4, 2012, 10:00 a.m.

PLACE: Alachua County Health Department, Auditorium, 224 Southeast 24th Street, Gainesville, Florida

DATE AND TIME: Thursday, November 1, 2012, 10:00 a.m.

PLACE: UF/IFAS Citrus County Extension Services, Suite 1, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, December 6, 2012, 10:00 a.m.

PLACE: Alachua County Health Department, Auditorium, 224 Southeast 24th Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled

“Standards for Onsite Sewage Treatment and Disposal Systems” pursuant to Section 381.0065(3)(d), Florida Statutes, and to provide input on any rule issues requested by the Technical Review and Advisory Panel pursuant to Section 381.0068(2), Florida Statutes.

A copy of the agenda may be obtained seven days prior to each meeting date by writing: Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

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 14 days before the meeting by contacting: Ed Williams at (850)245-4070.

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

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the Department with respect to any matter considered at one of these meetings, they will need a record of the proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Orange County Children’s Leadership Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: December 14, 2011, 11:00 a.m.

PLACE: Heart of Florida United Way Building, 1940 Traylor Boulevard, Orlando, FL 32804

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Alliance Meeting.

A copy of the agenda may be obtained by contacting: Kimberly Grabeert at (407)317-7000 or by email: Kimberly\_Grabert@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly Grabeert at (407)317-7000 or by email: Kimberly\_Grabert@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: December 12, 2011, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Access Code: 4872920

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Solicitation Conference Call is to review the RFP with interested Respondents so that areas of misunderstanding or ambiguity are clarified. The Department encourages all prospective Respondents to participate in the solicitation conference, during which Respondents may pose questions. The Solicitation Conference for this RFP will be held at the time and date specified in the Schedule.

A copy of the agenda may be obtained by contacting: Michele Staffieri, (850)717-4354 or michele\_staffieri@dcf.state.fl.us.

The **Orlando Area Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 14, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Orange County Health Department, 832 W. Central Boulevard, 4th Floor, Orlando, FL 32805

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Pedro Padua at (407)317-7336 or Taddese Fessehay at (407)317-7335.

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: Pedro Padua at (407)317-7336 or Taddese Fessehay at (407)317-7335. 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: Pedro Padua at (407)317-7336 or Taddese Fessehay at (407)317-7335.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2011, 10:00 a.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Room 203, Tallahassee, Florida 32399-0700; Conference Call: 1(888)808-6959, Conference Code: 4883791#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The debriefing meeting of evaluators for the Invitation to Negotiate for Medical Professional Recertification Services for Refugees and Entrants in Miami-Dade County (ITN #SNR12K01), as provided for in Section 2.7 of the ITN published on the Vendor Bid System (VBS) on October 31, 2011.

A copy of the agenda may be obtained by contacting: Anna Bethea at Anna\_Bethea@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pamela Thornton at (850)717-4567 or email: Pamela\_Thornton@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DATE AND TIME: December 9, 2011, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting to discuss the methodology for the Agency's determination of the client's initial authorized iBudget amount in implementation of iBudget Florida, as well as other matters related to iBudget Florida that may be suggested by attendees.

A copy of the agenda may be obtained by contacting: Arthur Barndt, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)410-2424.

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: Arthur Barndt, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)410-2424. 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: Arthur Barndt, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)410-2424.

The **Council on Homelessness** announces a series of conference call meetings of its committees to which all interested parties are invited to participate. The committees are the Executive, Continuum of Care Capacity, Affordable Housing, Data Collection, Legal and Law Enforcement, and Children's.

Committee: Executive

DATES AND TIME: Monday, December 12, 2011; Monday, January 9, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Legal and Law

DATES AND TIME: Friday, December 16, 2011; Friday, January 6, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

Committee: Children's

DATE AND TIME: Thursday, January 19, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760  
Committee: Data Collection

DATE AND TIME: Wednesday, January 4, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760  
Committee: Continuum of Care

DATES AND TIME: Wednesday, December 14, 2011;  
Wednesday, January 11, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760  
Committee: Affordable Housing

DATES AND TIMES: Wednesday, January 18, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida.

A copy of the agenda for any of the conference calls may be obtained by contacting: Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)922-4691.

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: Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)922-4691. Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact: Office on Homelessness at (850)922-4691 at least 48 hours in advance of the meeting.

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### **FISH AND WILDLIFE CONSERVATION COMMISSION**

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

DATE AND TIME: December 14, 2011, 9:00 a.m.

PLACE: Fish and Wildlife Conservation Commission, Bryant Building, Room #272, 620 South Meridian Street, Tallahassee, FL 32399-1600

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Steering Committee for the Florida Beaches Habitat Conservation Plan. Topics to be discussed include: recent changes to the Steering Committee charter, final reports of four studies, and staff updates on other ongoing components of the project. No votes are scheduled.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. 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: Kat Diersen, Florida Fish and Wildlife Conservation Commission, Species Conservation Planning Section, 620 South Meridian Street, MS #2A, Tallahassee, Florida 32399-1600, (850)921-1023, katherine.diersen@myfwc.com.

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### **AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY**

The **Agency for Enterprise Information Technology** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, December 16, 2011, at the conclusion of public comment for Chapter 71B-1, F.A.C., Enterprise E-mail, 9:00 a.m.

PLACE: Augustus B. Turnbull Conference Center, 555 W. Pensacola St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The AEIT is developing administrative rules relating to the operation of the state primary data center system. The AEIT will accept comments related to these rules at the conclusion of public comments relating to Chapter 71B-1, F.A.C., Enterprise E-mail at this workshop, 9:00 a.m. (noticed separately). The preliminary draft of both Chapters 71B-1 and 71B-2, F.A.C., will be available December 9, 2011 at the following website: <https://aeit.myflorida.com/rulemaking>.

A copy of the agenda may be obtained by contacting: Renee Harkins, Agency for Enterprise Information Technology at (850)414-6771 or email: [Renee.Harkins@aeit.myflorida.com](mailto:Renee.Harkins@aeit.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Heather Pence, Operations and Communications Manager, Agency for Enterprise Information Technology at (850)922-7502 or [Heather.Pence@aeit.myflorida.com](mailto:Heather.Pence@aeit.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 16, 2011, 9:00 a.m.

PLACE: Augustus B. Turnbull Conference Center, 555 W. Pensacola St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The AEIT is developing rules that prescribe a standard format for Florida agency e-mail addresses and establish a policy for e-mail records stored in the enterprise e-mail system. The AEIT will accept comments about these rules. The preliminary draft will be available December 9 at the following website: <https://aeit.myflorida.com/rulemaking>. The AEIT will also take comments on rule Chapter 71B-2, F.A.C., Data Center System during this workshop (noticed separately). The draft of Chapter 71B-2, F.A.C., will also be available December 9 at the following website: <https://aeit.myflorida.com/rulemaking>.

A copy of the agenda may be obtained by contacting: Renee Harkins, Agency for Enterprise Information Technology at (850)414-6771 or email: [Renee.Harkins@aeit.myflorida.com](mailto:Renee.Harkins@aeit.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Heather Pence, Operations and Communications Manager, Agency for Enterprise Information Technology at (850)922-7502 or email: [Heather.Pence@aeit.myflorida.com](mailto:Heather.Pence@aeit.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY**

The **Florida Atlantic Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 16, 2011, 3:00 p.m.

PLACE: Technology Business Incubator Conference Room, 3701 FAU Blvd., Suite 210, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: HR Committee Meeting.

A copy of the agenda may be obtained by contacting: Christine Cannon-Burres, [cc@research-park.org](mailto:cc@research-park.org).

For more information, you may contact: Christine Cannon-Burres, [cc@research-park.org](mailto:cc@research-park.org).

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#### **INNOVATION PARK**

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

DATES AND TIME: January 5, 2012; February 7, 2012; March 6, 2012; April 3, 2012; May 1, 2012; June 5, 2012; July 3, 2012; August 7, 2012; September 6, 2012; October 2, 2012; November 6, 2012; December 4, 2012, 8:30 a.m.

PLACE: Innovation Park, Morgan Bldg., Room 101, 2035 E. Paul Dirac Dr., Tallahassee, FL 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meetings is to discuss, review, and consider issues relating to the Authority and Innovation Park.

All meetings of the Board of Governors of the Authority will be noticed on the Authority's website: <http://innovation-park.com/meetings.asp>. Any changes to the aforementioned meeting dates and times will be published on the Authority's website at least three days before the scheduled meeting.

A copy of the agenda may be obtained by contacting: Kathleen Hampton at (850)575-0343 or [khampton@inn-park.com](mailto:khampton@inn-park.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 48 hours before the workshop/meeting by contacting: Kathleen Hampton at (850)575-0343 or [khampton@inn-park.com](mailto:khampton@inn-park.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Kathleen Hampton at (850)575-0343 or [khampton@inn-park.com](mailto:khampton@inn-park.com).

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#### **TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY**

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

DATE AND TIME: December 8, 2011, 12:00 Noon

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Treasure Coast Research Park (TCRP) Office at (772)467-3107. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Treasure Coast Research Park (TCRP) Office at (772)467-3107.

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

DATE AND TIME: December 8, 2011, 2:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any business as the Authority and the St. Lucie County Board of County Commissioners may deem appropriate or as may come before both Boards; Committee Reports, Minutes, etc., at the joint meeting.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Treasure Coast Research Park (TCRP) Office at (772)467-3107. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Treasure Coast Research Park (TCRP) Office at (772)467-3107.

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#### **ADVOCACY CENTER FOR PERSONS WITH DISABILITIES**

The **PAIMI**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 16, 2011, 9:00 a.m.

PLACE: Embassy Suites Orlando Airport, Yeager Conference Room, 5835 T.G. Lee Blvd., Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Leslie Evans, (850)488-9071, ext. 9707.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Leslie Evans, (850)488-9071, ext. 9707. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### **SOUTHWOOD SHARED RESOURCE CENTER**

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 12, 2011, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1721, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895 or email: rick.mitchell@ssrc.myflorida.com.

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#### **ENTERPRISE FLORIDA, INC.**

The **Florida Development Finance Corporation**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 6, 2011, 9:30 a.m.

PLACE: Enterprise Florida Office – Orlando, 800 North Magnolia Avenue, Suite 1100, Orlando, FL 32803

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

A copy of the agenda may be obtained by contacting: Jay Robinson at (407)956-5607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Jay Robinson at (407)956-5607. 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: Jay Robinson at (407)956-5607.

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#### **FLORIDA ASSOCIATION OF COMMUNITY COLLEGES**

The **Florida College System**, Council of Presidents announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 9, 2011, 9:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to the Florida College System.

A copy of the agenda may be obtained by contacting: Tina Ingramm, (850)222-3222.

For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

**FISHER & ARNOLD, INC.**

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

DATE AND TIME: Thursday, January 5, 2012, 5:00 p.m. – 6:00 p.m. (CST)

PLACE: New Beginnings Church, 1564 Hwy. 20 West, Freeport, FL 32439

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public information meeting concerning upcoming improvements to State Road 20 from the Okaloosa County line to County Road 83A. The purpose of the meeting is to afford interested persons an opportunity to express their views concerning the upcoming resurfacing of State Road 20 and the construction of turn lanes at Site C-6 Road and other improvements. The meeting will be conducted in an open house format (no formal presentation is scheduled). FDOT representatives will be available to discuss the project, answer questions, and receive comments.

A copy of the agenda may be obtained by contacting: Florida Department of Transportation, Project Manager, Greg Rogers, Toll-Free at 1(888)638-0250, ext. 755.

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: Greg Rogers at the number listed above or email: greg.rogers@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).

For more information, you may contact: Greg Rogers at the number listed above or email: greg.rogers@dot.state.fl.us.

**WADETRIM**

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

DATE AND TIME: December 15, 2011, 5:30 p.m. – 7:30 p.m.

PLACE: 1100 Dunson Road, Davenport, Florida 33896

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District One will host a public meeting regarding the upcoming construction on US 27 from north of Ritchie Road to north of US 192. This project consists of widening US 27 from a four-lane divided highway (two-lanes in each direction) to six lanes (three lanes in each direction) from north of Ritchie Road to north of US 192. In addition to widening US 27, the project includes constructing sidewalks on both sides of the roadway, drainage

improvements, new signals at the intersection of Waverly Barn Road/Dunson Road and Deen Still Road/Ronald Reagan Parkway (CR 54) and Student Drive, lighting at the intersection of Deen Still Road/Ronald Reagan Parkway (CR 54) and utility relocations. Bridge widening will occur at the overpass of US 192 and will include improvements to the approach ramps in each direction.

A copy of the agenda may be obtained by contacting: Mr. Scott McCall, Project Manager at (863)519-2990.

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: Mr. Scott McCall, Project Manager, (863)519-2990 or Robin Parrish, District Title VI Coordinator, (863)519-2675 or write: FDOT, District One Office, P. O. Box 1249, Bartow, FL 33831. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that the Petition for Declaratory Statement filed on behalf of Pathwork Diagnostics, Inc., on October 14, 2011, has been withdrawn.

The person to be contacted with regard to this petition is: Joy A. Tootle., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

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

**NONE**

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

**NONE**

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

**NONE**

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

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

ANNOUNCEMENT 2013-2014

FLORIDA AQUACULTURE REVIEW COUNCIL

The Florida Aquaculture Review Council announces a request for Statements of Interest to perform aquaculture research and development projects during fiscal year 2013-2014. Statements of Interest will be reviewed by the Council and selected investigators invited to submit full proposals. The source of funding for projects will be a State of Florida Legislative appropriation. No dollar amount is currently set aside for aquaculture projects. Funding for projects selected by the Council is not guaranteed.

The Council is expressly interested in specific aquaculture research or development topics and require post-project transfer of project results via demonstration or workshop to Florida's aquaculturists.

Description of the Council's scope and intent, instructions to prepare and submit a Statement of Interest, list of research and development topics, and associated forms are available from: Paul Zajicek, Division of Aquaculture, 1203 Governor's Square Blvd., Ste. 501, Tallahassee, Florida 32301-2961, (850)488-5471, email: Paul.Zajicek@FreshfromFlorida.com or can be downloaded from: <http://www.FloridaAquaculture.com>. The deadline for submitting a completed Statement of Interest is January 13, 2012, 5:00 p.m. (local time).

**DEPARTMENT OF EDUCATION**

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture/Engineer, will be required for the project listed below:

Project No. BT-646

Project and Location: Located on Florida Atlantic University's Boca Raton Campus on the south side of campus in close proximity to the freshman housing units. The specific project site will be identified during the master planning phase of the design.

The total construction budget is approximately \$31,000,000, and is to be designed to a LEED silver certification level. The scope includes the design of approximately six hundred (600) beds with a variety of suites, including two double bedroom suites, and four single bedroom suites. Each suite should also include two full bathrooms. This project also calls for two full-time staff residences to be incorporated into the design as well as a dining facility. The selected firm will provide site master planning, schematic design, design development, construction documents and construction administration for the referenced project. This project will be delivered via a construction manager at risk. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Florida Atlantic University Professional Qualifications Supplement" (FAUPQS Revised August 2008). Applications on any other form may not be considered.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 bound sets of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for the State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a

consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Sole Point of Contact: The FAU Professional Qualifications Supplement, the Project Fact Sheet, and the approved Facilities Program are available online at <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php> or by contacting the University's Sole Point of Contact for this project, Lyn Forster, Project Manager, Bldg. 69, room 107 on the Boca Raton campus, (561)297-0821 or [lforste1@fau.edu](mailto:lforste1@fau.edu). From the date of issuance of this Notice until a final selection of a consultant is made or a notice of cancellation is posted, the consultant must not make available or discuss its proposal, or any part thereof, with any member of the Selection Committee, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein. Any individual associated with a consultant who contacts members of the Selection Committee, regarding any aspect of this project, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point of Contact information at any time in the process, participating consultants will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via fax or email to the Sole Point of Contact. No oral communications shall be considered as a change to the Notice. FAU may respond to questions deemed by the University to be material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of the FAU and that interpretation shall be final. All postings referred to in this Notice will be posted electronically on the FAU Facilities website: <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php>. At all times it shall remain the responsibility of the consultants participating in this solicitation to check the postings at the Campus Operations Building CO#69 directory and/or the Purchasing Department in the Administration Building. No further notice will be given.

Six (6) bound sets of the required proposal data shall be submitted to the Office of Facilities Planning, Florida Atlantic University, 777 Glades Road, Campus Operations Building #69-Room 107, Boca Raton, Florida 33431 by 5:00 p.m. local time, on Wednesday, January 18, 2012. Facsimile (FAX) submittals are not acceptable and will not be considered.

PROJECT FACT SHEET  
600 Bed Residence Hall BT-646  
Florida Atlantic University  
Boca Raton Campus

PROJECT DESCRIPTION

The project consists of the design of approximately six hundred (600) beds with a variety of suites, including two double bedroom suites, and four single bedroom suites. Each suite should also include two full bathrooms. This project also calls for two full-time staff residences to be incorporated into the design as well as a dining facility. The selected firm will provide site master planning, schematic design, design development, construction documents and construction administration for the referenced project and should be designed to a LEED silver certification level.

This facility will be constructed using the Construction Manager at Risk delivery process.

The Construction budget is approximately \$31,000,000.

SELECTION CRITERIA

Firms will be evaluated in the following areas: current workload, location, past performance, volume of state work, design ability, and experience and ability. Experience and ability scores will be based on the following criteria:

1. Experience of firm and individual members of the design team with project of similar size and program.
2. Experience of firm and individual members of the design team in planning, designing, estimating, and construction administration of projects similar in size and budget. Site examples of projects within the past five-year, including the ability to meet aggressive time and budget constraints.
3. Experience in campus planning, educational facilities and working with committees.

SELECTION COMMITTEE:

Tom Donaudy, University Architect and Vice President for Facilities

Azita Dashtaki, Associate Vice President, Facilities

Bob Richman, Director, Facilities Planning

Jim Baker, Director, Engineering & Utilities

Scott Baruch, Associate Director, Facility Planning

Jill Eckardt, Director, University Housing

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

Submittal Due:	January 18, 2012
Shortlist Meeting:	TBD
Final Interviews:	TBD
Contract Negotiation:	TBD

GENERAL INFORMATION

1. The University is not liable for any costs incurred by the Applicants prior to the issuance of an executed contract.

2. In order to minimize the possibility of unethical pressures or influences on the recommendation of the Selection Committee, no verbal or written communication is permitted between the applicants and the members of the Selection Committee. Any questions or requests for project information must be in writing to Lyn Forster, Bldg. 69, room 107 on the Boca Raton campus, (561)297-0821 or lforste1@fau.edu.
3. All applicants will be notified of the results of the shortlist in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
4. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
5. Professional liability insurance is required for this project in the amount of \$1,000,000.00.
6. A copy of the building program is available on our website at: <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php>.

**DUVAL COUNTY PUBLIC SCHOOLS**  
**ADVERTISEMENT FOR BIDS – Invitation To Bid**  
**for an Electrical Contractor**

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D. BIDS ARE DUE ON OR BEFORE JANUARY 10, 2012 AND WILL BE ACCEPTED UNTIL 2:00 p.m. OFFICIAL PROJECT TITLE: Districtwide Electrical Systems Repairs/Replacement (Lighting Upgrades at Various Schools) Group 1-1/DCSB Project No.

M-83750/OFDC- ITB-004-12. SCOPE OF WORK: The project consists of construction for replacement/retrofit of lighting ballasts and lamps. Estimated construction cost is not to exceed \$1,100,000. This project is funded using RAN "Revenue Anticipation Note" Funds and is subject to availability of funds. The selected contractor(s) shall be required to execute the Duval County School Board standard form of agreement. The District reserves the right to reject any and all bids. All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida. Contract documents for bidding may be obtained at the office of: LDI Repro Printing Centers, 806 Roselle Street, Jacksonville, FL 32204, (904)381-0777. Name of A/E Firm: Haddad Engineering, 2955 Hartley Road, Suite 205, Jacksonville, FL 32257, (904)262-5066. DCSB Point of Contact: Kevin Trussell, (904)390-2336. Contract documents

for bidding may be examined at the Duval County Public Schools Administration Building, 1701 Prudential Drive, Jacksonville, FL 32207. MBE Participation Goal: 10% Overall. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on December 6, 2011 at 2:00 p.m., 1701 Prudential Drive, Room 513D, Jacksonville, FL. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register. All contractors submitting proposals and bids must be pre-qualified with Duval County Public Schools at the time of the ITB Response Due Date. No proposals or bids will be accepted from Contractors who are not pre-qualified at that time. Prequalification forms and information may be obtained at: [www.duvalschools.org](http://www.duvalschools.org) under [http://www.duvalschools.org/static/aboutdcp/departments/facilities/general\\_documents.asp](http://www.duvalschools.org/static/aboutdcp/departments/facilities/general_documents.asp). The Bid Award Recommendation will be posted on the First Floor, Bulletin Board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

Furniture and Equipment for New Schools – R117014GM  
 On or about December 1, 2011, the School District of Lee County, Florida anticipates issuing a Request for Proposals ("RFP") for K-12 furniture products and turn-key planning and installation services for new and renovated schools. When available, the RFP may be obtained from the District's website: <http://procurement.leeschools.net/bids.htm> or by contacting: The District's Procurement Agent, GINNYDM@leeschools.net or (239)337-8123.

**DEPARTMENT OF CORRECTIONS**

**ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS or UNDERGROUND UTILITY & EXCAVATION CONTRACTORS (experienced in site preparation and underground utilities-specifically roadway pavement/parking lots and stormwater management facilities and infrastructure) BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: FE-04

PROJECT NAME & LOCATION: PARKING LOT EXPANSION AND DRAINAGE IMPROVEMENTS AND (AS AN ALTERNATE) THE CONSTRUCTION OF POND 1000A, AT LOWELL CORRECTIONAL INSTITUTION, 11120 N.W. GAINESVILLE ROAD, OCALA, FLORIDA.

Work consists of, but is not limited to all labor, equipment and materials for the construction and development of all associated earthwork, including excavation and storage of fill dirt; construction of the parking lot and stormwater system, including the pond expansion, swales, drainage inlets, discharge structures, piping and associated grading.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder, whose field is governed by Chapters 399, 489 and 633, Florida Statutes, for licensure or certification, must submit prequalification data of their eligibility to submit proposals as soon as possible. Bidders must receive confirmation of their prequalification five (5) calendar days prior to the bid opening date. If not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contact: Ms. Sandra Rogers, (850)717-3664, for prequalification instructions. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: Tuesday, January 10, 2012, 2:00 p.m. (Eastern Time)

PLACE: Lowell C.I., 11120 N.W. Gainesville Road, Ocala, Florida, in the Administration Building, Conference Room.

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

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

and obtained from: Central Florida Reprographics, 2205 Cluster Oak Drive, Suite D, Clermont, Florida 34711, (352)241-7758.

ENGINEER OF RECORD: Andrew Wright, Phone: (352)989-9118 or Cell: (407)748-4997.

Drawings and specifications may be purchased for a Non-refundable price of \$50.00 per set from Central Florida Reprographics. Bidder must pay postage/shipping. Partial sets may not be purchased.

A non-mandatory pre-bid conference will be held on Tuesday, December 13, 2011 at 10:00 a.m. (Eastern Time), Lowell Correctional Institution, Administration Building, Conference Room. A brief walk-through of the work area(s) will be available as part of the pre-bid conference. Everyone attending the Pre-Bid conference must have a valid Driver's License or a valid Photo ID; and must sign in and out at the Lowell CI's Administrative Office.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

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## DEPARTMENT OF HEALTH

### PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES

REQUEST FOR QUALIFICATIONS (RFQ): The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from licensed general contractors who wish to compete for Construction Management (CM) at Risk services (i.e., the Negotiated Fee-Guaranteed Maximum Price (GMP) Construction Contracting Method, as defined by subsection 60D-5.002(12), Florida Administrative Code (F.A.C.), on the following project. The selection will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria of Building Construction.

Applications being sent via the U.S. Mail or via overnight express service shall be sent to: Project Manager, Charles L. Alby, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, ext. 3167, Facsimile: (850)412-1419.

PROJECT NUMBER: DOH 71113100

PROJECT NAME: Miami-Dade County Health Department – New 400-450 Car Parking Structure with design provisions for future Office Space consisting of 75,000 square feet on additional three - four floors above the parking levels.

PROJECT LOCATION: 1350 N.W. 14TH Street, Miami, Florida

SERVICES TO BE PROVIDED: CONSTRUCTION MANAGEMENT-AT-RISK

ESTIMATED CONSTRUCTION BUDGET: \$9,100,000.00

FLAIR ACCOUNT NO: 64-30-2-141001-64200700-00-0840 93-12

RESPONSE DUE DATE: DECEMBER 20, 2011, 4:00 p.m.

Any Responses received after the due date and time will be deemed non-responsive and will not receive further consideration.

INSTRUCTIONS: Firms interested in being considered for this project must submit three (3) printed copies of their submittals with a table of contents and tabbed sections in the following order:

1. Letter of interest detailing the firm's qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, DOH Form DBC5085 (current edition is mandatory) is available on the DMS Vendor Bid System website under the advertisement for the services identified above.
3. Resumes of proposed staff and staff organizations.
4. Examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm (include name and phone number of client and architect for each project).
5. Letters of reference from prior clients received within the last five years.
6. Copies of the firm's current Florida Department of Business and Professional Regulation Contracting License.
7. If a business entity, the applicant must be registered with the Florida Department of State, Division of Corporations, to operate in the State of Florida at the time of application. A certificate of authority must be submitted with the application.
8. All future notices regarding this solicitation and results of selection will be posted on the DMS Vendor Bid System at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers; however, this fifty-page limit is not a mandatory requirement. All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data or proper forms required will be declared non-responsive and will not be further evaluated. The Department reserves the right to waive minor irregularities at its sole discretion.

DOCUMENT DELIVERY: Responses are to be submitted to the project manager and addressed to:

Charles L. Alby, Senior Architect  
Office of Design and Construction  
Department of Health  
4052 Bald Cypress Way, Bin B-06  
Tallahassee, Florida 32399-1734

The time/date stamp/clock in the Department shall serve as the official authority to determine timeliness of the responses. Late responses will be declared non-responsive and will not be further evaluated. Unsealed and/or unsigned responses received by telegram, facsimile transmission or other similar means are not acceptable, and will be declared non-responsive and will not be further evaluated. Submittals that do not comply with the requirements or instructions of this solicitation document will be declared non-responsive and will not be further evaluated.

EVALUATION: All proposals submitted shall become the property of the Department of Health. Proposals that do not comply with the above instructions and/or do not include the required qualification data will be declared non-responsive and will not be further evaluated. Proposals submitted by qualified firms shall be evaluated in accordance with Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS AND INTERVIEWS: From the proposals received, the Department Selection Committee shall shortlist a minimum of three (3) firms and may require presentation by no less than three firms regarding their qualifications, approach to the project and ability to furnish the required services. Selection of finalists for interview will be made on the basis of specific experience and ability, financial capability, scheduling and cost control ability, office staff, on-site staff, information systems, and distance to site. Each invitee will be notified by facsimile transmission of the date and time of its interview/presentation.

POSTING OF RESULTS: Results of the short listing evaluation will be posted on the DMS Vendor Bid System at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu) within 48 hours after the committee's recommendation is approved. In the event that this information cannot be posted within this time frame, then the successful firms will be notified of the results by e-mail, fax, or postal mail. The responding firms must submit their contact information for the firms submitting office, including an email address and fax number for notices should they be required.

All future announcements, results, and information about the selection for this project will be posted on the DMS Vendor Bid System at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

Special Instructions to access website:

Go to link above – open – go to “Search Advertisements” open – fill-in “Advertisement Type” – select “Competitive Solicitation” – go to “Agency” select Dept. of Health. Do not fill-in any other boxes – go to bottom and click “Initiate Search” – advertisement is located in the list shown in the box.

No inquiries are allowed prior to posting as official communications are required to go to all vendors through the DOH Website at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu). Such inquiries prior to posting may be grounds for disqualification.

**POLK COUNTY WORKFORCE DEVELOPMENT BOARD**

Comprehensive Customer Services/One-Stop Operator Services – RFP: PWDB-11-CS-01

The Polk County Workforce Development Board, Inc. is soliciting proposals from qualified entities to provide Comprehensive Customer Services/One-Stop Operator Services as required under the Workforce Investment Act of 1998; Workforce Innovation Act of 2000 (Chapter 445, F.S.), the Social Security Act, Title IV; the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), Family Self Sufficiency Statute (Chapter 414, F.S.), and all other applicable federal, state and local laws and regulations.

A Proposers’ conference is scheduled for 10:00 a.m. (ET), Wednesday, December 14, 2011 at the One Stop Career Center, 500 E. Lake Howard Dr., Winter Haven, FL 33881. Letters of Intent to Propose are due in the Board’s Administrative Office before 12:00 Noon, Monday, December 19, 2011. All proposals are due in the Board’s Administrative Office before 12:00 Noon, Monday, January 9, 2011.

A copy of this Request for Proposals may be obtained from the Board’s web site: [www.polkworks.org](http://www.polkworks.org), by clicking on <Contact us> and then <Business Opportunities> then clicking on <Request for proposals> or by contacting: Mark V. Thomas at (863)508-1600, ext. 1109 or email: [mark\\_thomas@polkworks.org](mailto:mark_thomas@polkworks.org).

**Section XII  
Miscellaneous**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Alliance-Sym, Inc., intends to allow the establishment of All About Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co.

Ltd. (line-make SANY) at 2045 North Monroe Street, Tallahassee (Leon County), Florida 32303, on or after January 2, 2012.

The name and address of the dealer operator(s) and principal investor(s) of All About Scooters, LLC, are dealer operator(s): Susan Smith, 2045 North Monroe Street, Tallahassee, Florida 32303, principal investor(s): Susan Smith, 2045 North Monroe Street, Tallahassee, Florida 32303.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Gene Chang, Alliance-Sym, Inc., 3788 Milliken Avenue, Suite C, Mira Loma, California 91752.

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

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Puma Cycles Corporation, intends to allow the establishment of Clifton Warning, d/b/a Scooter King Motorsports as a dealership for the sale of motorcycles manufactured by Foshan City Fosti Motorcycle Manufacturing Co. Ltd. (line-make FSTI) at 602 South State Street, Bunnell (Flagler County), Florida 32110, on or after January 2, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Clifton Warning, d/b/a Scooter King Motorsports are dealer operator(s): Cliff Warning, 13 Squire Court, Palm Coast, Florida 32164, principal investor(s): Cliff Warning, 13 Squire Court, Palm Coast, Florida 32164.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Lawrence Y. Luo, Puma Cycles Corporation, 1550 South Sinclair Street, Anaheim, California 92806.

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

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#### Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Alliance-Sym, Inc., intends to allow the establishment of DK Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (line-make SANY) at 1341 Washington Avenue, Miami Beach (Miami-Dade County), Florida 33139, on or after January 2, 2012.

The name and address of the dealer operator(s) and principal investor(s) of DK Cycle, Inc., are dealer operator(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139; principal investor(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Gene Chang, Alliance-Sym, Inc., 3788 Milliken Avenue, Suite C, Mira Loma, California 91752.

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

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#### Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Alliance-Sym, Inc., intends to allow the establishment of Jab Motorsports Corp., d/b/a Motor Scooters N More as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (line-make SANY) at 188 North Federal Highway, Deerfield Beach (Broward County), Florida 33441, on or after January 2, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Jab Motorsports Corp., d/b/a Motor Scooters N More are dealer operator(s): Gabriel Silva, 188 North Federal Highway, Deerfield Beach, Florida 33441; principal investor(s): Gabriel Silva, 188 North Federal Highway, Deerfield Beach, Florida 33441.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Gene Chang, Alliance-Sym, Inc., 3788 Milliken Avenue, Suite C, Mira Loma, California, 91752.

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

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Alliance-Sym, Inc., intends to allow the establishment of Motorcar Exchange, LLC, d/b/a Quicky Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd., (line-make SANY) at 1149 Estero Boulevard, Fort Myers Beach, (Lee County), Florida 33931, on or after January 2, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Motorcar Exchange, LLC, d/b/a Quicky Scooters, LLC, are dealer operator(s): Mark A. Alexa, 1149 Estero Boulevard, Fort Myers Beach, Florida 33931; principal investor(s): Mark A. Alexa, 1149 Estero Boulevard, Fort Myers Beach, Florida 33931.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Gene Chang, Alliance-Sym, Inc., 3788 Milliken Avenue, Suite C, Mira Loma, California 91752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Alliance-Sym, Inc., intends to allow the establishment of Tropical Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (line-make SANY) at 11610 Seminole Boulevard, Largo (Pinellas County), Florida 33778, on or after January 2, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Tropical Scooters, LLC, are dealer operator(s): Michele Stanley, 11610 Seminole Boulevard, Largo, Florida 33778; principal investor(s): Michele Stanley, 11610 Seminole Boulevard, Largo, Florida 33778.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Gene Chang, Alliance-Sym, Inc., 3788 Milliken Avenue, Suite C, Mira Loma, California 91752.

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

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF BATCHED APPLICATION RECEIPT AND TENTATIVE PUBLIC HEARINGS**

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Other Beds and Programs review cycle with an application due date of November 16, 2011.

- County: Duval District: 4  
 CON # 10133 Application Receipt Date: 11/15/2011  
 Facility/Project: Brooks Skilled Nursing Facility A, Inc.  
 Applicant: Brooks Skilled Nursing Facility A, Inc.  
 Project Description: Establish a 119-bed replacement community nursing home
- County: Volusia District: 4  
 CON # 10134 Application Receipt Date: 11/16/2011  
 Facility/Project: Halifax Health Hospice of Volusia/Flagler  
 Applicant: Halifax Hospice, Inc.  
 Project Description: Establish a 12-bed inpatient hospice facility
- County: Miami-Dade District: 11  
 CON # 10135 Application Receipt Date: 11/16/2011  
 Facility/Project: State 27 Hospice Care, Inc.  
 Applicant: State 27 Hospice Care, Inc.  
 Project Description: Establish a new hospice program

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

- PROPOSAL: District 4 – CON #10133  
 DATE/TIME: Wednesday, January 4, 2012, 10:30 a.m. – 12:00 Noon  
 PLACE: Health Planning Council of Northeast Florida, Inc.  
 644 Cesery Boulevard, Suite 210  
 Jacksonville, FL 32211
- PROPOSAL: District 4 – CON #10034  
 DATE/TIME: Wednesday, January 4, 2012, 1:00 p.m. – 2:30 p.m.  
 PLACE: Health Planning Council of Northeast Florida, Inc.  
 644 Cesery Boulevard, Suite 210  
 Jacksonville, FL 32211
- PROPOSAL: District 11

- DATE/TIME: Thursday, January 5, 2012, 9:00 a.m. – 10:30 a.m.
- PLACE: Health Council of South Florida, Inc.  
 8095 N.W. 12th Street, Suite 300  
 Miami, FL 33126

Public hearing requests must be in writing and be received at: Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, Attention: James B. McLemore, by 5:00 p.m., December 16, 2011. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by December 21, 2011.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF AVAILABILITY  
 HOLLYWOOD, FLORIDA**

The Department of Environmental Protection has determined that the City of Hollywood’s proposed project to construct a new deep injection well facility will not have a significant adverse impact on the environment. The total estimated construction cost is \$13,400,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Thomas Montgomery, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

**Office of Intergovernmental Programs**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

**DEPARTMENT OF HEALTH**

Notice of Emergency Action

On November 17, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Cesar Augusto DeLeon, P.A., License #PA 9100017. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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Notice of Emergency Action

On November 17, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Steven Russell Pearlstein, M.D., License #ME 79374. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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Notice of Emergency Action

On November 17, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Melissa Dianne Haggard, L.P.N., License #PN 1282101. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010).

The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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Notice of Emergency Action

On November 17, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Kimberly Lorene Hogue, L.P.N., License #PN 5191895. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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Notice of Emergency Action

On November 17, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michael Paul Jones, R.N., License # RN 9320358. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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

RULES FILED BETWEEN November 14, 2011  
 and November 16, 2011

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**

**Division of Elections**

1S-2.045	11/15/11	12/5/11	37/41	
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**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

19B-4.001	11/15/11	12/5/11	37/41	
19B-16.002	11/15/11	12/5/11	37/41	

**PUBLIC SERVICE COMMISSION**

25-4.0161	11/14/11	12/4/11	37/41	
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**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-1.002	11/14/11	12/4/11	37/38	37/41
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**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

60BB-3.0155	11/14/11	12/4/11	37/40	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

61G3-16.005	11/16/11	12/6/11	37/40	
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**Construction Industry Licensing Board**

61G4-16.009	11/16/11	12/6/11	37/38	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-210.200	11/14/11	12/4/11	37/37	
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62-212.400	11/14/11	12/4/11	37/37	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL  
 PURSUANT TO (CHAPTER 2010-279, LAWS OF  
 FLORIDA)

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

5F-11.002	7/7/11	*****	37/14	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-7.020	10/24/11	*****	37/24	37/36
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