

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.0014 Comprehensive Management
 Information System

PURPOSE AND EFFECT: The purpose of this rule development is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements.

RULEMAKING AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.23, 1002.22(3)(d)3., 1008.385(2), 1010.305(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth Jones, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0400. 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 or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

FLORIDA PAROLE COMMISSION

RULE NO.: RULE TITLE:
23-15.015 Indexing of Orders

PURPOSE AND EFFECT: Update section name(s).

SUMMARY: The change will reflect new name of agency section and update name where agreements are actually held.

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 no regulatory authority over any businesses and neither imposes or collects any fees.

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: 947.07 FS.

LAW IMPLEMENTED: 947.071 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Rumph

THE FULL TEXT OF THE PROPOSED RULE IS:

23-15.015 Indexing of Orders.

(1) through (4) No change.

(5) No change.

(a) through (b) No Change.

(c) ~~Release Services~~ The Office of the Commission Clerk shall index all final orders. On a weekly basis, ~~staff~~ designated ~~staff~~ ~~by the Release Services and Revocation Sections~~ shall provide a copy of each final order to be indexed, relevant to their particular functional area. In addition, the Director of Administration ~~General Counsel~~ shall retain a copy of all stipulations, agreed settlements and consent orders, which are required to be listed, but not indexed.

(6) No change.

(7) No change.

(a) No change.

(b) The Office of the Commission Clerk ~~Release Services~~ shall assist the public in obtaining information and access to agency final orders.

(c) The Office of the Commission Clerk ~~Release Services~~ shall maintain a file of indexed final orders, the subject-matter index and a list of non-indexed final orders. Upon request, the Office of the Commission Clerk ~~Release Services~~ shall retrieve the final order(s) requested and make the order(s) available for public inspection or copying, at no more than cost.

(d) No change.

Rulemaking Authority 947.07 F.S. Law Implemented 120.53(2)(a)1.-5., 947.071 FS., Chapter 91-30, S10, Laws of Florida. History--New 1-26-93, Amended 1-5-94, 3-31-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Rumph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 2, 2012

FLORIDA PAROLE COMMISSION

RULE NO.: RULE TITLE:

23-20.002: Scope of Responsibility

23-20.007: Procedures

PURPOSE AND EFFECT: Update section name(s).

SUMMARY: The change will reflect new name of agency section.

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 no regulatory authority over any businesses and neither imposes or collects any fees.

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: 947.07 FS.

LAW IMPLEMENTED: 947.135 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Rumph

THE FULL TEXT OF THE PROPOSED RULE IS:

23-20.002 Scope of Responsibility.

(1) through (3) No change.

(4) The Office of the Commission Clerk Release Services Administrator will be provided with an opportunity to review the agreement and may provide input prior to the agendaed action by the Commission.

(5) through (8) No change.

Rulemaking Authority 947.07, 947.135, 947.20 FS. Law Implemented 947.135 FS. History--New 9-10-81, Formerly 23-20.02, Amended 1-26-93, 3-31-10,_____.

23-20.007 Procedures.

(1) through (3) No change.

(4) Once the conditions are agreed upon by the representatives of the Department, the Commission, and the inmate, the agreement should be prepared at the institution, if possible, signed by all participants, subject to review and approval by the Warden; and if approved, forwarded by the Commission representative to the Commission with notification to the Office of the Commission Clerk Release Services Administrator.

(5) The Office of the Commission Clerk Release Services Administrator will be provided with an opportunity to review all agreements at the same time they are submitted to the Commission and may provide input prior to the agendaed action by the Commission.

(6) Upon approval by the Commission, the representative of the Commission and the Department and the inmate shall be informed in writing and the agreement shall be in force. The original copy of the agreement shall be retained and placed in the Department's Offender Record with copies to the Commission representative, the Department representative, the Office of the Commission Clerk Release Services Administrator, and the inmate.

(7) Renegotiation or Cancellation: Should the negotiated agreement not be approved by the Commission, the inmate, Commission's representative, the Office of the Commission Clerk Release Services Administrator shall be notified in writing of the reasons for rejection. A proposed agreement may be returned to the negotiating team for possible renegotiation. Agreements may also be cancelled and submitted to the negotiation team for new negotiations when:

(a) through (b) No change.

(8) Monitoring:

(a) through (b) No change.

(c) If the agreement conditions have not been satisfactorily met, the inmate or the Department or Commission representatives may recommend continuance, cancellation or renegotiation of the agreement. Recommendations made by the representatives should be prepared at the institution, if possible, signed by all participants subject to review and approval by the Warden; and if approved, then forwarded to the Commission with notification to the Office of the Commission Clerk Release Services Administrator. The Office of the Commission Clerk Release Services Administrator will

be provided with an opportunity to review all recommendations at the same time they are submitted to the Commission and may provide input prior to the agendaed action by the Commission. The Commission shall make the final decision on the agreement and notify the representative of the Commission, the Department, the inmate, and Office of the Commission Clerk Release Services Administrator of the final action. Final Commission action shall take place prior to the proposed parole date. Review of the conditions under parole supervision will be the responsibility of the parole supervisor in accordance with Statutes. Additionally, the Commission and the Department shall jointly monitor the total program in order to prepare yearly reports as well as provide evaluation for future program direction.

(9) through (11) No change.

Rulemaking Authority 947.07, 947.135, 947.20 FS. Law Implemented 947.135 FS. History—New 9-10-81, Amended 10-1-82, Formerly 23-20.07, Amended 1-26-93, 3-31-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarah Rumph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 5, 2012

FLORIDA PAROLE COMMISSION

RULE NO.:	RULE TITLE:
23-21.002	Definitions
23-21.004	Commission Meetings
23-21.007	Salient Factor Scoring
23-21.013	Biennial Interview Procedure
23-21.014	Special Interviews
23-21.0155	Extraordinary Interview and Review Procedures
23-21.017	Review of Term and Conditions of Parole
23-21.019	Parole Rescission
23-21.021	Warrant and Arrest
23-21.022	Revocation of Parole; Preliminary Hearings; Final Hearings

PURPOSE AND EFFECT: Update processes in rules to conform to current statute and agency practices.

SUMMARY: The proposed changes will clarify and update those rules where actual practice and statute are nonconforming.

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 no regulatory authority over any businesses and neither imposes or collects any fees.

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: 947.07 FS.

LAW IMPLEMENTED: 947.002; 947.06; 947.13; 947.165; 947.174; 947.1745; 947.18; 947.19; 947.20; 947.22; 947.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Rumph

THE FULL TEXT OF THE PROPOSED RULE IS:

23-21.002 Definitions.

The following definitions are provided for the clarification of all terms used throughout Chapter 23, F.A.C.:

(1) through (47) No change.

(48) No change.

(a) Results in ~~pending or~~ processed disciplinary actions ~~which may result in the loss of gain time or placement in disciplinary confinement (for the purposes of this subsection, pending means a formal disciplinary report document has been created by the Department; processed means that a written decision has been rendered at the institution) as defined by the Department;~~

(b) through (e) No change.

(49) through (51) No change.

Rulemaking Specific Authority 947.07, 947.149, 947.174(5) FS. Law Implemented 947.1745 FS. History—New 9-10-81, Amended 10-1-82, 8-1-83, 7-1-84, Formerly 23-21.02, Amended 7-9-87, 1-29-93, 1-5-94, 8-19-04, 8-17-06,_____.

23-21.004 Commission Meetings and Victim Input.

(1) No change.

(2) A victim, relative of a minor who is a victim, relative of a homicide victim, victim representative or victim advocate (hereinafter referred to as victims) shall receive advance notification any time a parole case is placed on the docket for Commission action regarding that inmate. Victims shall be notified at the most current address available to the agency.

(3) Victims of the crime committed by the inmate, or a victim's representative, shall be permitted to make an oral statement or submit a written statement regarding their views as to the granting, denying, or revoking of parole.

(4) Victims addressing the Commission regarding a particular inmate or parolee are allowed a reasonable time as designated by the Chair to make a presentation to the Commission at a Commission meeting. Other interested parties may also speak on behalf of victims since Commission meetings are public meetings.

(5) Victims are permitted to read from a prepared text or speak with the use of notes. Any prepared text can be entered into the inmate's record following the victim's oral presentation. Victims will be allowed to use photographs and other aids in making a presentation. Victims who prefer shall be permitted to play a tape or present a video presentation in lieu of or in addition to a personal presentation, provided the total does not exceed the allotted time.

(6) All materials submitted by victims to the Commission will be included in the inmate file and shall be stamped confidential and excluded under the public records law.

(7) Victims who choose not to appear at meetings or make a written statement, but wish only to be notified of the action taken by the Commission, will be notified of such action at a reasonable time after the meeting.

(8) Victims who appear at a meeting or submit a written statement will be notified of action taken by the Commission at the meeting or within a reasonable period of time after the meeting.

(9) Victims who provide written or verbal testimony at the Commission meeting shall be advised that any information submitted at Commission meetings shall become public record.

(10) Capturing of images or audio through any means, including cell phones, of the Commission meetings is prohibited without specific, express, written permission of the Chair at least seven (7) days prior to the Commission meeting.

(11)(2) When, as a result of a visitor presentation, a panel of Commissioners requests additional information be secured and returned to the Commission for review, upon receipt, the new information shall be placed on the docket for consideration by the panel of Commissioners which requested it.

(12)(3) No testimony is entertained will be allowed at Commission meetings regarding revocations unless stipulated on the record at the time the final revocation hearing is conducted and with the prior written approval of the Chair. The public is welcome to attend and observe the meetings.

(13)(4) In that the inmate may not be present at Commission meetings, no testimony is entertained will be allowed at those meetings regarding rescission matters, unless stipulated on the record at the time of the rescission hearing and with the prior written approval of the Chair. The public is welcome to attend and observe the meetings.

Rulemaking Specific Authority 947.06, 947.07 FS. Law Implemented 947.06, 947.149, 947.16, 947.172, 947.174, 947.173 FS. History--New 9-10-81, Formerly 23-21.04, Amended 1-26-93, 1-5-94, 8-16-94, 8-17-06,_____.

23-21.007 Salient Factor Scoring.

Salient factors (1) through (3), (5), and (6) shall be calculated on the inmate's criminal record.

(1) through (2) No change.

(3) TOTAL TIME IMPOSED SERVED IN YEARS:

Two or more years erved imposed = 2 Points

Up to two years erved imposed = 1 Point

No time previously erved imposed = 0 Points

(a) Count all time imposed for all prior incarcerations for 60 days or more. Months or days should be aggregated to form years or fractions thereof.

(b) Score 2 if the total time erved imposed for all prior incarcerations is 2.0 years or longer.

(c) Score 1 if the total time erved imposed for all prior incarcerations is less than 2.0 years but more than 60 days.

(d) Score 0 if there are no prior incarcerations imposed.

(e) Do not count time imposed served on a conviction which was later set aside or pardoned on grounds of innocence or was an incarceration imposed as a condition of probation.

(4) through (7) No change.

Rulemaking Authority 947.07, 947.165 FS. Law Implemented 947.002, 947.13, 947.165 FS. History--New 9-10-81, Amended 10-1-82, 8-1-83, 7-1-84, Formerly 23-21.07, Amended 1-26-93, 1-5-94, 8-17-06, 12-30-08, 3-31-10,_____.

23-21.013 Subsequent Interview Procedure.

(1) No change.

(a) No change.

(b) ~~For any inmate convicted of murder, attempted murder, sexual battery, attempted sexual battery, or who has been sentenced to a 25-year minimum mandatory sentence as previously provided in Section 775.082, F.S., as stated in §947.174, F.S., and whose presumptive parole release date is more than 7 ½ years after the date of the initial interview, the Commission shall schedule a subsequent interview to take place within 7 ½ years after the date of the initial interview and at least every 7 ½ years thereafter if the Commission finds that it is not reasonable to expect that parole will be granted at a hearing during the following years and states the bases for the finding in writing. The date may be set at any time up to and including 7 years.~~

(2) through (7) No change.

Rulemaking Specific Authority 947.07, 947.174 FS. Law Implemented 947.174 FS. History--New 9-10-81, Amended 8-1-83, Formerly 23-21.13, Amended 1-26-93, 1-5-94, 8-17-06,_____.

23-21.014 Special Interviews.

(1) Eligibility: A parole eligible inmate may be considered for a special interview for the following reasons:

(a) The saving of a life or the protection of a Department employee from assault or injury as verified by the Department;

(b) Providing information to the administration that assists in preventing an escape or results in the recapture of an escaped inmate, as verified by the Department;

(c) Assisting law enforcement agencies by providing relevant information for investigations or participating in requested activities that may result in arrest or prosecution, when recommended by the state attorney or law enforcement agency; or

(d) For good cause in exceptional circumstances.

(2)(+) The Commission or a quorum may instruct a parole examiner to conduct a special interview at any time during the incarceration portion of an inmate's sentence. Such instruction shall contain a written statement setting forth the reason for the special interview and shall be made a part of the inmate's Department file. The specific instruction, as well as any new information, shall be considered by the parole examiner when making a recommendation to the Commission.

(3)(2) The recommendation of the parole examiner shall be forwarded to the Commission and a quorum shall inform the inmate in writing of its decision regarding the presumptive parole release date within ninety days of the special interview.

(4)(3) The Department of Corrections may recommend a special interview or mitigation of an inmate's presumptive parole release date. If the Department makes ~~such~~ a ~~the~~ recommendation for a special interview, staff will docket that recommendation for the Commission's consideration.

Rulemaking Specific Authority 947.07 FS. Law Implemented 947.174 FS. History--New 9-10-81, Amended 8-1-83, Formerly 23-21.14, Amended 1-26-93, 1-5-94, 8-17-06,_____.

23-21.0155 Extraordinary Review Procedures.

(1) No change.

(2) If upon extraordinary review, a majority of the Commission finds the inmate to be a good candidate for parole release pursuant to Section 947.18, F.S., the Commission shall enter a written order authorizing the effective parole release date, setting the date of release, and outlining the term and conditions of parole.

Rulemaking Specific Authority 947.002, 947.07 FS. Law Implemented 947.18 FS. History--New 8-1-83, Formerly 23-21.155, Amended 8-17-06,_____.

23-21.017 Review of Term and Conditions of Parole.

(1) through (4) No change.

(5) The Office of the Commission Clerk Release Services Supervisor is authorized to issue a corrected Certificate of Parole. This authority shall be restricted to those cases in

which the special condition(s) or term of parole has been incorrectly stated in the original certificate as ordered by the Commission.

(6) through (7) No change.

Rulemaking Specific Authority 947.07, 947.20 FS. Law Implemented 947.19, 947.20 FS. History--New 9-10-81, Amended 10-1-82, Formerly 23-21.17, Amended 1-26-93, 1-5-94, 8-17-06,_____.

23-21.019 Parole Postponement and Rescission.

(1) Postponement: Any Commissioner has authority to postpone any inmate's effective parole release date when new information is received by the Commission subsequent to the grant of parole, to include an unsatisfactory release plan, unsatisfactory institutional conduct, or any other new information previously not available to the Commission at the time of the effective parole release date interview that would impact the Commission's decision to grant parole based on the criteria set forth in subsection 23-21.015(12), F.A.C.

(a) through (b) No change.

(2) Rescission: Following the order ~~of postponement~~ for a rescission hearing, notice of the rescission hearing shall be provided to the inmate prior to the date the hearing is scheduled. The notice shall specifically state the reasons for the Commission's decision to postpone the parole date. The rescission hearing shall be conducted by the Commission, a Commissioner, or a duly authorized representative of the Commission.

(3) No change.

(4) At the rescission hearing the inmate shall be afforded all due process safeguards required by the Supreme Court of Florida case of *Demar vs. Wainwright*, 354 So. 2d 366 (Fla. 1977) and shall be properly notified of the same prior to said hearing. The inmate may waive his rights to a rescission hearing. The following rights shall be explained to the inmate regarding the rescission hearing:

(a) through (e) No change.

(5) The hearing shall be scheduled within fourteen (14) days of the date the Order for a Rescission Hearing is signed by the Commission.

(6) The hearing may be continued or postponed due to the inability of any party or witness to attend or for other good cause (for example, new disciplinary reports, state of emergency, prison lock-down, etc.).

(7) New disciplinary reports received after the Order of Postponement, but prior to the date of the hearing shall be considered at the rescission hearing, after re-noticing the inmate.

(8) The examiner is not required to find the inmate guilty or not guilty at the rescission hearing, but to determine if any circumstances exist beyond the documentation which provided the basis of the Commission's decision to postpone the parole.

(9) If the parole has been postponed due to an unsatisfactory release plan, the examiner should receive testimony from the inmate and any witnesses as to if an alternate plan exists which may be presented to the Commission for consideration.

~~(10)(6)~~ Following the rescission hearing, the Commission shall determine whether good cause has been established to rescind parole. One of the following actions shall then be taken:

(a) through (c) No change.

Rulemaking Authority 947.07 FS. Law Implemented 947.13, 947.1745 FS. History—New 9-10-81, Amended 10-1-82, 8-1-83, Formerly 23-21.19, Amended 1-26-93, 1-5-94, 8-17-06, 3-31-10,_____.

23-21.021 Warrant and Arrest.

(1) through (5) No change.

(6) Emergency Warrants.

(a) through (c) No change.

(d) Should an emergency warrant be issued and a dismissal of the emergency warrant is requested, only by the revocations administrator or his designee, the signing Commissioner or, without the approval of the Chair, or Commission representative authorized to execute warrants, with the approval of the Chair, is authorized to dismiss the warrant if the Commissioner no longer believes that the parolee presents a danger to the public.

Rulemaking Authority 947.07, 947.22 FS. Law Implemented 947.22, 947.23 FS. History—New 9-10-81, Amended 7-1-84, Formerly 23-21.21, Amended 1-26-93, 1-5-94, 8-17-06, 3-31-10,_____.

23-21.022 Revocation of Parole; Preliminary Hearings; Final Hearings.

(1) through (18) No change.

(19) During the course of a final revocation hearing, the parolee has a right to speak and present arguments on his/her behalf the person or persons conducting the hearing may entertain any arguments of counsel or the parolee, or other such matters. The person or persons conducting the hearing may elect to rule on legal such matters during the course of the hearing or may elect to withhold ruling pending consultation with Commission counsel or individual staff members. Arguments of counsel of a legal nature must be reduced to writing. If possible, written legal arguments should be presented prior to final revocation hearings. If the person conducting the hearing elects not to address arguments of counsel or the parolee during the course of the hearing, such shall be made known to the interested parties. In the event a decision is made during the course of the final revocation hearing, such decision shall be reflected in the record, and then reviewed by the Commission. Pursuant to the United States Supreme Court’s decision in *Pennsylvania Board of Probation & Parole v. Scott*, 524 U.S. 357 (1998), the Commission may

consider evidence that has been excluded in a criminal proceeding as the result of the application of the federal exclusionary rule.

(20) through (28) No change.

Rulemaking Authority 947.07 FS. Law Implemented 947.23 FS. History—New 9-10-81, Amended 10-1-82, 7-1-84, Formerly 23-21.22, Amended 5-10-87, 1-26-93, 1-5-94, 8-17-06, 3-31-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Rumph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 5, 2012

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-22.007	Victim Input
23-22.008	Control Release Evaluation Procedure
23-22.010	Advancing or Extending Control Release Dates
23-22.013	Control Release Supervision
23-22.014	Revocation of Control Release

PURPOSE AND EFFECT: Update processes in rules to conform to current agency practices and delete sections duplicative of statute.

SUMMARY: The proposed changes will update those rules where practice is nonconforming and delete those sections which are duplicative of statute.

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 no regulatory authority over any businesses and neither imposes or collects any fees.

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: 947.07; 947.146; 947.20 FS.

LAW IMPLEMENTED: 947.141; 947.146 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Rumph

THE FULL TEXT OF THE PROPOSED RULE IS:

23-22.007 Victim Input.

~~(1) The Commission shall provide for victim input into the decision making process and all such information received shall be confidential pursuant to Section 119.07, Florida Statutes. During the conduct of the control release evaluation, the agency shall mail a victim input form to each victim or deceased victim's family whose address is available to the Commission.~~

~~(2) Information received shall be included with other case material to be considered by the Commission in establishing the CRD.~~

~~(3) Victim input should be mailed to the following:~~

~~Florida Parole Commission
Attn: Victim Services Supervisor
4070 Esplanade Way
Tallahassee, Florida 32399-2450~~

~~(4) Victim input received subsequent to the establishment of a CRD, which provides new information bearing on the inmate's suitability for control release, which indicates justification to modify the original action, can result in postponement of the inmate's CRD and shall be placed on the docket for a panel of no fewer than two (2) Commissioners for a determination of whether to modify the previously established CRD.~~

~~(5) Comments and information can be submitted in writing prior to the meeting, but no person will be granted permission to speak.~~

(1) A victim, relative of a minor who is a victim, relative of a homicide victim, victim representative or victim advocate (hereinafter referred to as victims) shall receive advance notification any time a control release case is placed on the docket for Commission action regarding that inmate. Victims shall be notified at the most current address available to the agency.

(2) Victims of any crime committed by an inmate shall be permitted to appear and speak only upon the prior written approval of the Chair of the Commission, or victims can submit a written statement regarding their views.

(3) Victims addressing the Commission regarding a particular inmate are allowed a reasonable time as designated by the Chair to make a presentation to the Commission at a Commission meeting. Other interested parties may also speak on behalf of victims since Commission meetings are public meetings.

(4) Victims are permitted to read from a prepared text or speak with the use of notes. Any prepared text can be entered into the inmate's record following the victim's oral presentation. Victims will be allowed to use photographs and other aids in making a presentation. Victims who prefer shall be permitted to play a tape or present a video presentation in lieu of or in addition to a personal presentation, provided the total does not exceed the allotted time.

(5) All materials submitted by victims to the Commission will be included in the inmate file and shall be stamped confidential and excluded under the public records law.

(6) Victims who choose not to appear at meetings or make a written statement, but wish only to be notified of the action taken by the Commission, will be notified of such action at a reasonable time after the meeting.

(7) Victims who appear at a meeting or submit a written statement will be notified of action taken by the Commission at the meeting or within a reasonable period of time after the meeting.

(8) Victims who provide written or verbal testimony at the Commission meeting shall be advised that any information submitted at Commission meetings shall become public record.

Rulemaking Specific Authority 947.146(6)(i), 947.07, 947.20, 119.07, 947.135 FS. Law Implemented 947.146 FS. History—New 9-1-90, Amended 1-5-94, 8-16-94, _____.

23-22.008 Control Release Evaluation Procedure.

(1) Upon the Commission's receipt of notice from the Department that an inmate eligible for control release has been committed to the Department, the Administrator of Control Release shall schedule an evaluation for the inmate to be conducted by a parole examiner and forwarded to the Commission's headquarters, unless the inmate has a conviction for committing or attempting to commit manslaughter under Section 316.193(3)(c)3., 327.351(2) or 782.07, 782.071(1), Florida Statutes, vehicular homicide; Section 782.071(2), Florida Statutes, vehicular homicide (leaving the scene); Section 782.072(1), Florida Statutes, homicide vessel; Section 782.072(2), Florida Statutes, homicide vessel (leaving the scene); kidnapping under Chapter 787, Florida Statutes, robbery under Chapter 812, Florida Statutes, earjacking under Section 812.133, Florida Statutes, home invasion robbery under Section 812.135, Florida Statutes, aggravated battery under Section 784.045, Florida Statutes, aggravated child abuse under Section 827.03, Florida Statutes, or burglary under Section 810.02(2), Florida Statutes. Inmates who are convicted of committing or attempting to commit manslaughter under Section 316.193(3)(c)3., Florida Statutes, Section 327.351(2) or 782.07, Florida Statutes, Section 782.071(1), Florida Statutes, vehicular homicide; Section 782.071(2), Florida Statutes, vehicular homicide (leaving the scene); Section 782.072(1), Florida Statutes, homicide vessel; Section 782.072(2), Florida Statutes, homicide vessel (leaving the

~~scene); kidnapping under Chapter 787, Florida Statutes, robbery under Chapter 812, Florida Statutes, carjacking under Section 812.133, Florida Statutes, home-invasion robbery under Section 812.135, Florida Statutes, aggravated battery under Section 784.045, Florida Statutes, aggravated child abuse under Section 827.03, Florida Statutes, or burglary under Section 810.02(2), Florida Statutes; is ineligible pursuant to section 947.146(3)(a) – (m), F.S., shall be placed in the Maximum Non-Advanceable Category B. Their CRD shall be set at the maximum of the court imposed sentence and not advanceable without the necessity of an evaluation by the Commission but based upon their record of convictions for the herein enumerated offenses. Additionally, the Commission can for a prior conviction for any of the enumerated offenses, place the inmate in the Maximum B category.~~

~~(2) No change.~~

~~(3) No change.~~

~~(a) Control Release Eligibility — All parole ineligible inmates in the custody of the department and incarcerated within the state shall be eligible for control release and shall have a CRD established within 90 days following notification by the Department of receipt of the inmate or within 90 days following the completion of proceedings revoking an inmate's release and notification by the Department of receipt of the inmate, except any inmate who:~~

~~1. Is serving a sentence which includes a mandatory minimum provision for a capital offense or drug trafficking offense and has not served the number of days equal to the mandatory minimum term less any jail time credit awarded by the court;~~

~~2. Is serving the mandatory minimum portion of sentence enhanced under Section 775.087(2), Florida Statutes;~~

~~3. Is convicted, or has been previously convicted, of committing or attempting to commit sexual battery, incest, or any of the following lewd or indecent assaults or acts: masturbating in public; exposing the sexual organs in a perverted manner; or non-consensual handling or fondling of the sexual organs of another person;~~

~~4. Is convicted, or has been previously convicted, of committing or attempting to commit, assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of such offense;~~

~~5. Is convicted, or has been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery or a sex act was attempted or completed during commission of the offense;~~

~~6. Is convicted, or has been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse, sexual battery against the child, or a lewd, lascivious, or indecent assault or act upon or in the presence of the child;~~

~~7. Is sentenced, has previously been sentenced, or has been sentenced at any time as a violent habitual offender for a crime committed on or after October 1, 1988, or has been sentenced at any time in another jurisdiction as a violent offender.~~

~~8. Is convicted, or has been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in Section 943.10(1), (2), (3), (6), (7), (8), or (9), Florida Statutes, or against a state attorney or assistant state attorney, or against a justice or judge of a court described in Article V of the State Constitution; or against an officer, judge, or state attorney employed in a comparable position by any other jurisdiction; or~~

~~9. Is convicted, or has been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under Section 782.04(1), (2), (3), or (4), Florida Statutes, or has ever been convicted of committing any degree of murder in another jurisdiction.~~

~~10. Is convicted, or has been previously convicted, of DUI manslaughter under Section 316.193(3)(c)3., Florida Statutes, and is sentenced, or has been sentenced at any time, as a habitual offender for such offense, or has been sentenced at any time in another jurisdiction as a habitual offender for such offense;~~

~~11. Is serving a sentence for an offense committed on or after January 1, 1994, for a violation of the Law Enforcement Protection Act under Section 775.0823(2), (3), (4), or (5), Florida Statutes, and the subtotal of the offender's sentence points is multiplied pursuant to Section 921.0014, Florida Statutes;~~

~~12. Is serving a sentence for an offense committed on or after January 1, 1994, for possession of a firearm or destructive device in which additional points are added to the subtotal of the offender's sentence points pursuant to Section 921.0014, Florida Statutes; or~~

~~13. Is serving a sentence for an offense committed on or after January 1, 1994, for possession of a semiautomatic weapon, and additional points are added to the subtotal of the offender's sentence points pursuant to Section 921.0014, Florida Statutes.~~

~~(a)(b) Salient Factor Scoring – Salient factors shall be calculated on the basis of the inmate's prior criminal record as it existed before conviction on the earliest active commitment. Inmates found to be eligible for inclusion in the Control Release Program will be scored as follows:~~

~~1. through 8. No change.~~

~~(b)(e) Severity of Offense Behavior – The severity of offense behavior shall reflect the primary offense of conviction's degree of felony. If the present offenses of conviction involved multiple separate offenses, the severity of offense behavior shall be established for the most serious of the separate offenses (primary offense) which resulted in a sentence to incarceration. If the actual offense behavior was~~

more or less severe than the primary offense of conviction reflects, a decision outside the matrix grid may be considered. Convictions that do not qualify as prior record or active commitments may be used for the purpose of aggravations.

~~(c)(d)~~ Control Release Matrix Grid –

1. through 6. No change.

~~(d)(e)~~ Control Release Criteria (aggravation) – Reasons for establishing a control release date exceeding the criteria or finding ineligible for future advances shall include:

1. through 38. No change.

~~(e)(f)~~ Control Release Criteria (mitigation) – Reasons for mitigating a control release date to an earlier date than determined by objective criteria or determining eligible for future advances of control release date shall include:

1. through 26. No change.

~~(f)(g)~~ Reasons for requiring or extending supervision shall include:

1. through 10. No change.

Rulemaking Specific Authority 947.146(6)(i), 947.07, 947.20 FS. Law Implemented 947.146 FS. History–New 9-1-90, Amended 8-24-92, 1-5-94, 8-16-94, 4-16-96, _____.

23-22.010 Advancing or Extending Control Release Dates.

(1) ~~A panel of no fewer than two members of the Commission shall have~~ The power and duty to extend or advance an inmate’s CRD ~~based upon one or more of the following:~~ shall be by a panel of no fewer than two members of the Commission.

~~(a) Recently discovered information of:~~

- ~~1. Past criminal conduct;~~
- ~~2. Verified threats by inmates provided by victims, law enforcement, or the Department;~~
- ~~3. Potential risk to or vulnerability of a victim;~~
- ~~4. Psychological or physical trauma to the victim due to the criminal offense;~~
- ~~5. Court ordered restitution;~~
- ~~6. History of abuse or addiction to a chemical substance verified by a presentence or postsentence investigation report;~~
- ~~7. The inmate’s ties to organized crime;~~
- ~~8. A change in the inmate’s sentence structure;~~
- ~~9. Cooperation with law enforcement;~~
- ~~10. Strong community support; and~~
- ~~11. A documented mental health condition as a factor for future criminal behavior.~~

~~(b) The recommendation of the Department regarding:~~

- ~~1. A medical or mental health related condition; or~~
- ~~2. Institutional adjustment of the inmate, which can include refusal by the inmate to sign the agreement to the conditions of the release.~~

~~(e) Lawful capacity of the state prison system.~~

(2) through (5) No change.

~~(6) Should any inmate who has been voted a CRD, and whose release is imminent, become the subject of disciplinary proceedings, criminal arrest, an information or an indictment, termination from work release, recently discovered information, recommendations from the Department, or the lawful prison capacity, as provided in subsection (1) above, for cause prior to actual physical release from the institution of confinement, then~~ Postponement of a CRD by a Commissioner shall be ~~has the authority to postpone the release date for a period of not more than 60 days pending reviewed~~ by a panel of no fewer than two Commissioners.

Rulemaking Specific Authority 947.146(6)(i), 947.07, 947.20 FS. Law Implemented 947.146 FS. History–New 9-1-90, Amended 1-5-94, 8-16-94, _____.

23-22.013 Control Release Supervision.

(1) No change.

(a) If the inmate is serving a single or concurrent sentence, the period of time the person shall be on control release supervision shall be the time specified by the control release matrix grid. ~~(See FPC CR 001)~~ However, the Commission has the authority to designate no supervision or a shorter period of time in which event it will record reasons for the alternative period of supervision. The total of time served and period of supervision shall not exceed the length of the court imposed sentence(s).

(b) No change.

(c) If the inmate’s conviction was for a controlled substance violation, the conditions shall include a requirement that the releasee submit to random substance abuse testing intermittently throughout the term of supervision, upon the direction of the correctional probation officer.

~~(c)(d)~~ If the inmate has a conditional release eligible component contained within his cumulative sentence structure, the period of time the inmate shall be on control release supervision shall be for the balance of the court imposed sentence(s).

~~(2) If an inmate placed on control release supervision is subject to probation or community control, the control releasee shall be supervised in accordance with the conditions imposed by the court, and the Commission shall defer to such supervision. If the term of control release supervision exceeds that of the probation or community control, then supervision shall revert to the Commission’s conditions upon expiration of the probation or community control. If the court revokes the probation or community control, a panel of no fewer than two (2) Commissioners, as a result of the revocation, can vacate, modify or terminate the grant of control release and resulting deferred control release supervision.~~

~~(3)~~ If an inmate is released on control release subject to a detainer for a pending charge and the pending charge results in a new commitment to incarceration before expiration of the term of control release supervision, a panel of no fewer than two ~~(2)~~ Commissioners can vacate, modify or terminate the grant of control release and supervision.

~~(2)(4)~~ All persons placed solely on control release supervision shall initially be subject to the standard conditions of control release:

(a) - (b) No change.

~~(3)(5)~~ As an alternative to standard supervision previously described in this rule and required by the matrices or subsection 23-22.008(9), F.A.C., the Commission is authorized to require a control release term for any length of time up to the remainder of the inmate's court imposed sentence under the solitary condition of:

(a) through (c) No change.

~~(4)(6)~~ There shall be no right of review of the terms and conditions of control release as determined by the Commission.

~~(5)(7)~~ A panel of no fewer than two Commissioners has authority to cause a review of the progress of a control releasee, or the Department of Corrections may make recommendations to the Commission whether to modify the reporting schedule or further modify the terms and conditions of control release. A panel of no fewer than two Commissioners shall discharge from control release, relieve from making further reports or permit the releasee to leave the country upon determining that such action is in the best interest of the control releasee and of society. Such cases shall be docketed before the panel of commissioners, if available, that initially set the terms and conditions of control release.

~~(6)(8)~~ A panel of no fewer than two Commissioners shall review the progress of each person who has been placed on control release after 2 years of supervision and not less often than biennially thereafter. Such reviews must include consideration of whether to modify the reporting schedule, thereby authorizing the person under supervision to submit reports quarterly, semi-annually, or annually. In the event the Commission elects to place a control releasee on quarterly, semi-annually or annual reporting, the following definitions will be applicable:

(a) through (c) No change.

~~(7)(9)~~ The panel may give specific instructions reflecting whether the personal contact is to take place in a formal setting or in the setting to be determined by the control release supervisor.

~~(8)(10)~~ Such modification shall not impose new or different terms or conditions of control release more restrictive than was stated in the original certificate.

Rulemaking Authority 947.146(6)(i), 947.07, 947.20 FS. Law Implemented 947.146 FS. History--New 9-1-90, Amended 8-24-92, 1-5-94, 3-31-10,_____.

23-22.014 Revocation of Control Release.

(1) No change.

(2) Emergency Warrants.

(a) An emergency warrant can be issued by a Commissioner or any Commission representative duly authorized by the Chair when the Commission receives notification from an arresting agency that a ~~release releasee~~ has been arrested and charged with a new felony offense and there is no outstanding Commission warrant for the releasee.

(b) through (c) No change.

(d) Should an emergency warrant be issued and a dismissal of the emergency warrant is requested, only by the ~~revocations administrator or his designee~~, the signing Commissioner or, ~~without the approval of the Chair, or Commission representative authorized to execute warrants, with the approval of the Chair,~~ is authorized to dismiss the warrant for good cause.

(3) No change.

(4) No change.

(a) through (h) No change.

(i) During a control release violation hearing, the releasee has a right to speak on his/her own behalf ~~the hearing officer may entertain arguments of counsel or the control releasee~~. The hearing ~~examiner officer~~ may elect to rule on legal ~~such~~ matters during the course of the hearing or may elect to withhold ruling pending consultation with counsel or staff. ~~Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the hearing.~~

(j) through (p) No change.

Rulemaking Authority 947.07, 947.146(7)(h), 947.20 FS. Law Implemented ~~947.141, 420.53,~~ 947.146 FS. History--New 9-1-90, Amended 4-20-94, 1-5-94, 3-31-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Rumph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 5, 2012

FLORIDA PAROLE COMMISSION

RULE NO.: 23-23.007
23-23.011
PURPOSE AND EFFECT: Update sections for consistency with other forms of supervision.
SUMMARY: The proposed changes will update those rules which are currently inconsistent with other proposed changes and forms of supervision.

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 no regulatory authority over any businesses and neither imposes or collects any fees.

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: 947.06; 947.07; 947.20 FS.

LAW IMPLEMENTED: 947.1405; 947.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Rumph

THE FULL TEXT OF THE PROPOSED RULE IS:

23-23.007 Victim Information.

(1) No change.

(a) No change.

~~(b) No person will be granted permission to speak during the Commission voting meeting.~~

(b) Victims who wish to be notified of the actions taken by the Commission, will be notified of such action at a reasonable time after the meeting.

Rulemaking Authority 947.06, 947.07, 947.20 FS. Law Implemented 947.1405, 947.141 FS. History—New 10-20-91, Amended 1-5-94, 3-31-10, _____.

23-23.011 Revocation of Conditional Release.

(1) No change.

(2) Emergency Warrants.

(a) through (c) No change.

(d) Should an emergency warrant be issued and a dismissal of the emergency warrant is requested ~~by the revocations administrator or his designee, only~~ the signing Commissioner, ~~without the approval of the Chair, or Commission representative authorized to execute warrants, with the approval of or~~ the Chair, is authorized to dismiss the warrant for good cause.

(3) No change.

(4) Conditional Release Violation Hearing.

(a) through (h) No change.

~~(i) During a conditional release violation hearing, the person conducting the hearing has authority to entertain arguments of counsel or the conditional releasee has a right to speak on his/her own behalf.~~ The person conducting the hearing has authority to elect to rule on ~~such legal~~ legal matters during the course of the hearing or may elect to withhold ruling pending consultation with counsel or staff. ~~Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the hearing.~~

(j) through (n) No change.

Rulemaking Authority 947.07, 947.20 FS. Law Implemented 947.1405, 947.141 FS. History—New 10-20-91, Amended 1-5-94, 4-20-94, 3-31-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Rumph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 5, 2012

FLORIDA PAROLE COMMISSION

RULE NO.:	RULE TITLE:
23-24.020	Conditional Medical Release Eligibility
23-24.040	Conditional Medical Release Rescission
23-24.050	Revocation of Conditional Medical Release

PURPOSE AND EFFECT: Update for section name change, clarify current practices, and conformity with other types of supervision.

SUMMARY: The proposed changes will update those rules which are currently inconsistent with other proposed changes and forms of supervision as well as clarify current practices and update section name change.

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 no regulatory authority over any businesses and neither imposes or collects any fees.

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: 947.06; 947.07 FS.

LAW IMPLEMENTED: 947.141; 947.149 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Rumph

THE FULL TEXT OF THE PROPOSED RULE IS:

23-24.020 Conditional Medical Release Eligibility.

- (1) No change.
- (2) The referral shall be directed to the Office of the Commission Clerk Release Services who may docket the case before the Commission. A decision will be made by a majority of the quorum present and voting.
- (3) through (4) No change.

Rulemaking Authority 947.06, 947.07 FS. Law Implemented 947.149 FS. History–New 1-5-94, Amended 3-31-10,_____.

23-24.040 Conditional Medical Release Postponement and Rescission.

- (1) through (3) No change.
- (4) The rescission hearing shall be scheduled within fourteen (14) days of the date the Order for a Rescission Hearing is signed by the Commission.
- (5) The hearing may be continued or postponed due to the inability of any party or witness to attend or for other good cause (for example, new disciplinary reports, state of emergency, prison lock-down, etc.).
- (6) New disciplinary reports received after the Order of Postponement, but prior to the date of the hearing shall be considered at the rescission hearing, after re-noticing the inmate.
- (7) The examiner is not required to find the inmate guilty or not guilty at the rescission hearing, but to determine if any circumstances exist beyond the documentation which provided the basis of the Commission’s decision to postpone the release.
- (8) If the release has been postponed due to an unsatisfactory release plan, the examiner should receive testimony from the inmate and any witnesses as to if an alternate plan exists which may be presented to the Commission for consideration.
- (9) Following the rescission hearing, the Commission shall determine whether good cause has been established to rescind conditional medical release. The Commission shall then either order the release of the inmate on the same conditions or rescind the release.

Rulemaking Specific Authority 947.07, 947.149 FS. Law Implemented 947.149 FS. History–New 1-5-94, Amended_____.

23-24.050 Revocation of Conditional Medical Release.

- (1) No change.
- (2) Conditional Medical Release Revocation Hearing pursuant to Commission Order.
 - (a) through (f) No change.
 - (g) During a conditional medical release revocation hearing, ~~the hearing officer shall entertain arguments of counsel or~~ the conditional medical releasee has a right to speak on his/her own behalf. The hearing officer can elect to rule on legal such matters during the course of the hearing or can withhold ruling pending consultation with counsel or staff. ~~Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the hearing.~~
 - (h) through (k) No change.
- (3) No change.
- (4) Emergency Warrants.
 - (a) through (c) No change.
 - (d) Should an emergency warrant be issued and a dismissal of the emergency warrant is requested only by the revocations administrator or his designee, the signing Commissioner or, without the approval of the Chair, or Commission representative authorized to execute warrants, with the approval of the Chair, is authorized to dismiss the warrant for good cause.
- (5) No change.

Rulemaking Authority 947.07, 947.149 FS. Law Implemented 947.149 FS. History–New 1-5-94, Amended 4-20-94, 3-31-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Rumph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 5, 2012

FLORIDA PAROLE COMMISSION

RULE NO.:	RULE TITLE:
23-25.004	Addiction Recovery Supervision
23-25.005	Revocation of Addiction Recovery Supervision

PURPOSE AND EFFECT: Clarify current practices and conformity with other types of supervision.

SUMMARY: The proposed changes will update those rules which are currently inconsistent with other proposed changes and forms of supervision as well as clarify current practices.

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 no regulatory authority over any businesses and neither imposes or collects any fees.

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: 944.4731 FS.

LAW IMPLEMENTED: 947.4731; 947.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Rumph

THE FULL TEXT OF THE PROPOSED RULE IS:

23-25.004 Addiction Recovery Supervision.

(1) through (4) No change.

(5) No change.

(a) through (l) No change.

(m) You shall participate and be supervised under the following special conditions of drug offender probation pursuant to Section 948.001(4), F.S.:

1. You will participate in a specialized drug treatment program, either as an in-patient or out patient, as recommended by the treatment provider. You will attend all counseling sessions, submit to random urinalysis and, if an in-patient, you will comply with all operating rules, regulations and procedures of the treatment facility. You will pay for all costs associated with treatment and testing unless otherwise directed.

2. You shall have a mandatory curfew where you shall be confined to your residence during the hours from 10:00 p.m. to 6:00 a.m., except for work/treatment purposes as authorized by your probation officer.

(n) through (p) No change.

(6) through (10) No change.

Rulemaking Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History-New 2-10-03, Amended 3-31-10.

23-25.005 Revocation of Addiction Recovery Supervision.

(1) through (3) No change.

(4) Addiction Recovery Supervision Violation Hearing.

(a) through (h) No change.

(i) ~~During the yViolation hHearing, the person conducting the hearing has authority to entertain arguments of counsel or the rReleasee has a right to speak on his/her own behalf.~~ The person conducting the hearing has authority to elect to rule on legal ~~such~~ matters during the course of the yViolation hHearing or may elect to withhold ruling pending consultation with counsel or staff. Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the Violation Hearing.

(j) through (n) No change.

Rulemaking Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History-New 2-10-03, Amended 3-31-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Rumph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 5, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:

RULE TITLE:

40D-2.321

Duration of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-2.321, F.A.C., to be more consistent with Section 373.236, F.S., and other water management districts rules by eliminating additional requirements that applicants must meet to qualify for a twenty year permit. The effect is that an applicant will avoid having to satisfy additional requirements to be granted a twenty year permit. Certain permits that were granted shorter durations may also be extended up to a total of twenty years.

SUMMARY: The proposed rule will allow applicants to receive a permit with a twenty year duration if the applicant provides reasonable assurance that all statutory and regulatory requirements are satisfied for the twenty year term. Extension of permits that have been issued within the last ten years that would have qualified for a twenty year permit but for the additional requirements is authorized.

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: This rulemaking will not result in increased costs to small businesses or other regulated entities as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require a Statement of Estimated Regulatory Costs or legislative ratification.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.236 FS.

LAW IMPLEMENTED: 373.103, 373.219, 373.236 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: NOVEMBER 27, 2012 at 11:00 a.m.

PLACE: LAKE EVA BANQUET HALL, 799 JOHNS AVENUE, HAINES CITY, FLORIDA 33844

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 Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sonya White, Southwest Florida Water Management District, Office of General Counsel, 7601 Highway 301 North, Tampa, FL; 33637-6759, (813)985-7481 (4660) (OGC #2012018)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.321 Duration of Permits.

(1) When requested by an applicant, a water use permit shall have a duration of 20 years provided the if:

~~(a) The applicant provides sufficient data to demonstrate reasonable assurance that the proposed withdrawals and use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C. for the requested duration, and~~

~~(b) There is a demonstrated demand of at least 20 years, and~~

~~(c) One or more of the conditions in paragraph (2)(a) (f) will be met, and~~

~~(d) Where mitigation measures are proposed by the applicant, paragraph (2)(g) is met.~~

~~(2) Conditions for a water use permit with a duration of 20 years:~~

~~(a) The permit is for the development of an Alternative Water Supply. A longer duration shall be granted where the permittee demonstrates a longer duration is required by the bonding authority for the retirement of bonds issued for the construction of the project and the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, and that there is a demonstrated demand for the requested duration.~~

~~(b) The applicant demonstrates that at least 75 percent of their total annual average water needs will be met using an Alternative Water Supply or Supplies by the tenth year of the permit.~~

~~(c) The applicant demonstrates that it has achieved and will maintain a compliance per capita rate of less than 110 gallons per day per person, or will achieve such per capita by the tenth year of the permit. For regional water supply authorities, the per capita rate requirements shall refer to the weighted average compliance per capita rate of the member governments.~~

~~(d) The applicant demonstrates for its system wide use of reclaimed water including imports and exports that it will beneficially reuse at least 75 percent of its treated domestic waste water, and at least 75% of that quantity will offset existing and planned water supplies by the tenth year of the permit. The term offset means the amount of traditional, potable quality water supplies that will be replaced by reclaimed water, expressed as an annual average in MGD.~~

~~(e) The applicant demonstrates that the project meets the Conditions of Eligibility of the Facilitating Agricultural Resource Management System (FARMS) program as specified in Rule 40D 26.101, F.A.C. and has an approved Facilitating Agricultural Resource Management System (FARMS) application and, by the tenth year of the permit, demonstrates that it will develop an Alternative Water Supply or Supplies that offset a minimum of 50 percent of the applicant's current fresh or brackish water supply.~~

~~(f) The permit to be issued is a Small General.~~

~~(2)(e) If there are pre-existing adverse impacts resulting from the permittee's existing permit that are being addressed through a mitigation plan that includes a minimum flow and recovery strategy that must be eliminated by the tenth year of the permit, the water use permit shall have a duration of 10 years provided that the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C. for the permit's duration. Subsection (3) shall not apply to a permit required to have a 10 year duration pursuant to subsection 40D-2.321(2), F.A.C. Any pre-existing adverse impacts resulting from the permittee's existing permit that are being addressed through a mitigation plan that includes a minimum flow and level recovery strategy must be eliminated by the tenth year of the permit.~~

~~(3) Permits that do not qualify for a 20 year permit duration pursuant to subsection 40D-2.321(1), F.A.C., above, shall be issued for a shorter duration that reflects the period for which the applicant has provided sufficient data to demonstrate such reasonable assurances have a duration of 10 years provided the applicant provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, incorporated by reference in Rule 40D-2.091, F.A.C. and that there is a demonstrated demand of at least 10 years.~~

~~(4) When an applicant fails to provide reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual, for a 10 year permit duration, a permit may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided.~~

~~(5) Permits with a duration greater than 10 but less than 20 years as provided in subsection (1) above shall be granted based upon, at the time of application, the period of time for which the applicant demonstrates a demand and provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual.~~

~~(4)(6) The District is authorized to issue permits for a period up to 50 years in accordance with Section 373.236(3), F.S.~~

~~(5)(7) Permits based upon non renewable leases less than 10 years shall be granted for 10 years. If the permitted water use activity ceases for more than 2 years the permit shall be subject to revocation unless documentation is provided indicating that use will recommence within the next year. Permits based upon non renewable leases greater than 10 years or with renewable leases will be issued under the provisions of~~

~~this Rule 40D-2.321, F.A.C., with a permit condition requiring submittal of a new or a renewed lease in order for the permit to remain in force.~~

~~(6)(8) Permits that are modified prior to renewal will maintain the original expiration date unless the applicant requests the modification be deemed by the District to be substantial as described in the Basis of Review Section 1.12, and treated as a renewal with modification. If the District determines that the criteria of Basis of Review Section 1.12 are met, the application shall be processed as a renewal application with modification. Notwithstanding Basis of Review Section 1.12(2)a.(5) a request for modification solely of the permit expiration date of a water use permit issued from January 1, 2003 to December 31, 2012, shall be approved by letter provided the permit is in compliance with the criteria in Rule 40D-2.301, F.A.C. and all applicable limiting conditions, and the permit does not exceed the applicable permit duration provided in Rule 40D-2.321(1), F.A.C. or is a permit required to have a ten year duration pursuant to subsection 40D-2.321(2), F.A.C.~~

~~(7)(9) Wholesale Public Supply Permits shall be issued with an expiration date that coincides with the expiration date of the supplier's permit that provides the majority of the supply to the Wholesale Public Supply Permittee.~~

~~(8)(40) Subject to the limitations on groundwater allocations explained in the provisions under the heading "REQUIREMENTS FOR APPLICANTS FOR GROUNDWATER WITHDRAWALS WITHIN THE CENTRAL FLORIDA COORDINATION AREA" set forth in Section 3.6 of the Basis of Review ("the Provisions"), within the CFCA, the maximum permit duration for a Public Supply Utility or Similar Applicant proposing to withdraw groundwater shall be limited to December 31, 2013, unless the applicant will satisfy the requirements of B.2.a. or b., of the Provisions. If the applicant satisfies the requirements of B.2.a., or b., the permit duration shall be up to 20 years.~~

Rulemaking Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.219, 373.223, 373.227, 373.236, 373.250 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, 1-1-07, 2-13-08, 12-30-08, 6-30-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Laura J. Donaldson, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.005
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: To amend the disciplinary guidelines for imposing penalties on public food service establishments and public lodging establishments in administrative actions.

SUMMARY: The proposed rule defines violation categories, provides penalty ranges for violation categories and individually identified violations, strikes unnecessary language for violation assessment and penalty determinations, strikes and further defines certain aggravating and mitigating factors.

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 economic review conducted by the agency.

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

RULEMAKING AUTHORITY: 455.2273, 509.032 FS.

LAW IMPLEMENTED: 386.207, 509.032, 509.261, 509.281, 509.292 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399; 850-488-1133; Michelle.Comingore@dbpr.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61C-1.005 Disciplinary Guidelines.
- (1) through (4) No change.
- (5) Definitions.

(a) ~~“High priority Critical violation”~~ means a violation of a high priority item, as defined in 61C-1.001, F.A.C., or a violation of Chapter 509, F.S., or Chapter 61C, F.A.C., determined by the division to pose a direct or significant threat to the public health, safety, or welfare and which is identified as a food borne illness risk factor, a public health intervention, or critical in DBPR Form HR 5022-014, Lodging Inspection Report or DBPR Form HR 5022-015 Food Service Inspection Report, incorporated by reference in subsection 61C-1.002(8), F.A.C., and is not otherwise identified in subsection (6) of this rule.

(b) ~~“Intermediate violation”~~ means a violation of an intermediate item, as defined in 61C-1.001, F.A.C., or a violation of Chapter 509, F.S., or Chapter 61C, F.A.C., which relates to specific actions, equipment or procedures that contribute to the occurrence of a high priority violation, but does not meet the definition of high priority violation or basic violation and is not otherwise identified in subsection (6) of this rule.

(c)(b) ~~“Basic Non-critical violation”~~ means a violation of a basic item, as defined in 61C-1.001, F.A.C., or a violation of Chapter 509, F.S., or Chapter 61C, F.A.C., which relates to general sanitation, operational controls, standard operating procedures, facilities or structures, equipment design, or general maintenance and not meeting the definition of high priority violation or intermediate ~~critical~~ violation and is not otherwise identified in subsection (6) of this rule.

(d)(e) ~~“First offense”~~ means a violation of any law subject to penalty under Chapter 509, F.S., when no disciplinary Final Orders involving the same licensee have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued.

(e)(d) ~~“Second offense,”~~ and “second and any subsequent offense” mean a violation of any law subject to penalty under Chapter 509, F.S., after one disciplinary Final Order involving the same licensee has been filed with the Agency Clerk within 24 months preceding the date the current administrative complaint is issued, even if the current violation is not the same as the previous violation.

(f)(e) ~~“Third and any subsequent offense”~~ means a violation of any law subject to penalty under Chapter 509, F.S., after two or more disciplinary Final Orders involving the same licensee have been filed with the Agency Clerk within the 24 months preceding the date the current administrative complaint is issued, even if the current violation is not the same as the previous violation.

(6) Standard penalties. This section specifies the penalties routinely imposed against licensees and applies to all violations of law subject to a penalty under Chapter 509, F.S. ~~Any violation requiring an emergency suspension or closure, as authorized by Chapter 509, F.S., shall be assessed at the highest allowable fine amount.~~

(a) ~~Basic Non-critical violation.~~

1. 1st offense – Administrative fine of \$150 to \$300.
2. 2nd offense – Administrative fine of \$250 to \$500.
3. 3rd and any subsequent offense – Administrative fine of \$350 to \$1000, license suspension, or both.

(b) Intermediate violation.

1. 1st offense – Administrative fine of \$200 to \$400.
2. 2nd offense – Administrative fine of \$375 to \$750.
3. 3rd offense – Administrative fine of \$550 to \$1000, license suspension, or both.

~~(c)(b) High priority Critical violation. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.~~

1. 1st offense – Administrative fine of \$250 to \$500.
2. 2nd offense – Administrative fine of \$500 to \$1,000, license suspension, or both.
3. 3rd and any subsequent offense – Administrative fine of \$750 to \$1,000, license suspension, or both.

~~(d)(e) Misrepresenting food or food product. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.~~

1. 1st offense – Administrative fine of \$500 or license suspension.
2. 2nd offense – Administrative fine of \$1,000, license suspension, or both.
3. 3rd and any subsequent offense – Administrative fine of \$1,000, license suspension, or license revocation or any combination thereof.

~~(e)(d) Obstruction of division personnel. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.~~

1. 1st offense – Administrative fine of \$500 or license suspension.
2. 2nd offense – Administrative fine of \$1,000, license suspension, or both.
3. 3rd and any subsequent offense – Administrative fine of \$1,000, license revocation, or both.

~~(f)(e) Operating a public lodging establishment or public food service establishment without a license or with a license expired for more than 60 days. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.~~

1. 1st offense – Administrative fine of \$250 to \$500.
2. 2nd offense – Administrative fine of \$500 to \$1,000 ~~or an order to close.~~
3. 3rd and any subsequent offense – Administrative fine of \$750 to \$1,000 or an administrative fine of \$750 to \$1000 ~~and an order to close.~~

~~(g)(f) Operating a public lodging establishment or public food service establishment without a license when ~~after~~ an Order of Closure ~~order to close~~ has been issued by the division. Fines may be imposed for each day or portion of a day that the violation exists, beginning on the date of the initial inspection and continuing until the violation is corrected.~~

1. 1st offense – Administrative fine of \$500 to \$1,000.
2. 2nd and any subsequent offense – Administrative fine of \$1,000.

~~(h)(g) Operating a public lodging establishment or public food service establishment in violation of an Emergency Order of Suspension, Emergency Order of Closure, administrative suspension, Order of Closure ~~order to close~~, or other administrative action ~~that which~~ prohibits operation of the establishment. Fines shall be imposed for each day or portion of a day that an establishment operates in violation of the order or administrative action.~~

1. 1st offense – Administrative fine of \$500 to \$1,000.
2. 2nd and any subsequent offense – Administrative fine of \$1,000.

~~(i)(h) Failure to comply with the requirements of a Final Order.~~

1. 1st offense – Administrative fine of \$500 and license suspension.
2. 2nd offense – Administrative fine of \$1000 and license suspension.
3. 3rd offense – License revocation.

(j) Finding by the Florida Commission on Human Relations resulting in a violation of Section 509.092, F.S.

1. 1st offense – Administrative fine of \$200 to \$400.
2. 2nd offense – Administrative fine of \$375 to \$750 and license suspension.
3. 3rd offense – License revocation.

(k) Finding by the State Fire Marshal resulting in a violation of Section 509.215(5) F.S.

1. 1st offense – Administrative fine of \$1,000, license suspension, or license revocation or any combination thereof.
2. 2nd offense and any subsequent offense – Administrative fine of \$1,000, license suspension, or license revocation or any combination thereof.

(l) Finding of an agency having jurisdiction resulting in a violation of Section 509.261(5)(b), F.S.

1. 1st offense – Administrative fine of \$200 to \$400.
2. 2nd offense – Administrative fine of \$375 to \$750 and license suspension.
3. 3rd offense – License revocation.

(m) Being adjudicated guilty of or having forfeited a bond when charged with any of the items listed in Section 509.261(6)(a), F.S.

1. 1st offense – Administrative fine of \$200 to \$400.
2. 2nd offense – Administrative fine of \$375 to \$750 and license suspension.

3. 3rd offense – License revocation.

(n) Operating a public lodging establishment or public food service establishment that has been deemed an imminent danger to the public health and safety by the division or local health authority for failure to meet sanitation standards or the premises have been determined by the division or local authority to be unsafe or unfit for human occupancy.

1. 1st offense – Administrative fine of \$200 to \$400.

2. 2nd offense – Administrative fine of \$375 to \$750 and license suspension.

3. 3rd offense – License revocation.

(o) Any violation requiring an Emergency Order of Suspension or Emergency Order of Closure, as authorized by Chapter 509, F.S.

1. 1st offense – Administrative fine of \$500.

2. 2nd offense – Administrative fine of \$1,000, license suspension, or both.

3. 3rd offense – Administrative fine of \$1,000, license suspension, or license revocation or any combination thereof.

(p) Failure to satisfy a tax warrant that has existed for more than three consecutive months (Section 213.50(3)(a), F.S.).

1. 1st offense – License suspension.

2. 2nd and any subsequent offense – License suspension.

(q)(4) Violation of the Florida Clean Indoor Air Act, Chapter 386, Part II, F.S.

1. 1st offense – Administrative fine of \$250 to \$750.

2. 2nd and any subsequent offense – Administrative fine of \$500 to \$2,000.

(r) Conviction of an owner or employee of a public lodging establishment or public food service establishment by another authority having jurisdiction for a violation of Section 500.451, F.S.

1. 1st offense – License suspension.

2. 2nd and any subsequent offense – License suspension.

(7) Aggravating or mitigating factors. The division may deviate from the standard penalties in paragraphs (a) through (n)(4) of subsection (6) above, based upon the consideration of aggravating or mitigating factors present in a specific case. The division shall consider the following aggravating and mitigating factors in determining the appropriate disciplinary action to be imposed and in deviating from the standard penalties:

(a) Aggravating factors.

1. Possible danger to the public.

2. Length of time since the violation occurred.

3. Number of violations in the current administrative complaint alleges six or more violations.

4. Severity of violations in the current administrative complaint alleges three or more violations of any high priority item.

~~5. Disciplinary history of the licensee within the 60 months preceding the date the current administrative complaint was issued.~~

~~4.6. Number of Emergency Orders of Suspension or Closure against the same licensee filed with the Agency Clerk by the division within the 12 months preceding the date the current administrative complaint was issued.~~

~~7. The current administrative complaint alleges a violation for obstruction of division personnel.~~

~~8. The licensee was prosecuted by another authority having jurisdiction resulting in a violation of Chapter 509, F.S., including but not limited to cases based on discrimination, civil rights violations, and criminal violations.~~

~~5.9. Actual physical damage or bodily harm caused to persons or property by the violation.~~

~~6.10. Any other aggravating factors, as relevant under the circumstances.~~

(b) Mitigating factors.

1. Violation resulted from a natural or manmade disaster, civil disturbance or other emergency out of the operators' control and no corrective action was possible an act of God or nature.

~~2. Length of time since the violation occurred.~~

2.3. Length of time the current licensee has held the license been in operation.

3.4. Effect of the penalty upon the licensee's livelihood.

~~4.5. Attempts by the licensee to correct the violation.~~

~~6. Number of previous inspections without violations of Chapter 509, F.S., and the rules adopted pursuant thereto.~~

~~7. Disciplinary history of the licensee within the 60 months preceding the date the current administrative complaint was issued.~~

~~5.8. Any other mitigating factors, as relevant under the circumstances.~~

~~(8) The following critical violations are considered non-critical violations for the purpose of determining the administrative penalty:~~

~~(a) The license is current, but not properly posted.~~

~~(b) The waste receptacle in the restroom for women is lacking a cover.~~

(8)(9) Absent any mitigating factors circumstances, a license may be suspended for no less than two days. Absent any aggravating factors, a license may be suspended for no more than ten days. Terms of license suspensions resulting from multiple violations or Final Orders shall be applied consecutively, not concurrently.

~~(9)(10) Fines resulting from multiple violations or Final Orders shall be assessed cumulatively.~~

(10)(11) Notwithstanding subsection (6), license revocation may be recommended in any case or for any violation when the aggravating circumstances, licensee's

compliance history, and conditions of the public lodging establishment or public food service establishment present a significant threat to the public health, safety, and welfare.

PROPOSED EFFECTIVE DATE: January 1, 2013

Rulemaking Authority 455.2273, 509.032 FS. Law Implemented 386.207, 509.032, 509.261, 509.281, 509.292 FS. History--New 6-28-09, Amended 12-28.09, 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 16, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-21.003
 RULE TITLE: Continuing Education – Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the newest version of the handbook.
 SUMMARY: The newest version of the handbook will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.003 Continuing Education – Approval of Subjects and Providers.

The approval of continuing education courses and providers is covered in-depth by the Board’s publication “Interior Design Continuing Education Handbook Instructions, Applications and General Information for Interior Design Continuing Education ~~Providers and Courses~~” (“the Handbook”) (~~2012 2010~~), which is hereby incorporated by reference, effective July, 2012 ~~January, 2010~~, a copy of which may be obtained from the Board office. The Handbook contains three forms for use with the handbook. The applicant shall submit the applicable form, (DBPR ID 4002/Revised 7/12 ~~6/07~~), Interior Design Continuing Education Provider and Course Application, (DBPR ID 4002-Part A/Revised 7/12 ~~6/07~~), Interior Design Education Course Evaluation Summary Form, or (DBPR ID 4002-Part B/Revised 7/12 ~~6/07~~), Provider Course Evaluation Summary Form, which are hereby incorporated by reference, effective July, 2012 ~~June, 2007~~, copies of which may be obtained from the Board office. The Board office is located at 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Rulemaking Authority 455.2177(3), 455.2179, 481.215(4) FS. Law Implemented 481.215(4) FS. History--New 11-29-90, Formerly 21B-21.003, Amended 9-14-93, 6-22-95, 10-8-96, 10-16-08, 6-8-10,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-24.002
 RULE TITLE: Continuing Education Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the newest version of the handbook.
 SUMMARY: The newest version of the handbook will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.002 Continuing Education Approval of Subjects and Providers.

The approval of continuing education courses and providerships is covered in-depth by the Board's publication "Architecture Continuing Education Handbook Instructions, Applications and General Information for Architecture Continuing Education Providers and Courses" ("the Handbook") (2012 ~~2009~~), which is hereby incorporated by reference, effective July 2012 ~~October, 2009~~, a copy of which may be obtained from the Board office. The Handbook contains three forms for use with the booklet. The applicant shall submit the applicable form, (DBPR AID 4003/Revised July 2012 ~~10/09~~), Architecture Continuing Education

Provider/Course Application, (DBPR AID 4003-Part A/Revised July 2012 ~~10/09~~), Architecture Education Course Evaluation Summary Form, or (DBPR AID 4003-Part B/Revised July 2012 ~~10/09~~), Provider Course Evaluation Summary Form, which are hereby incorporated by reference, effective July 2012 ~~October, 2009~~, copies of which may be obtained from the Board office. The Board office is located at 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Rulemaking Authority 455.2177(3), 455.2179, 481.215(4) FS. Law Implemented 481.215(4) FS. History--New 1-17-96, Amended 10-8-96, 1-11-00, 10-16-08, 3-7-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-29.002	Temporary License
61H1-29.0025	Temporary License - Electronic Practice

PURPOSE AND EFFECT: For Rule 29.002, the Board proposes the rule amendment to remove the fee for a temporary license from this rule as it is being added to Rule 61H1-31.007, F.A.C. For Rule 29.0025, the Board proposes the rule amendment to delete the fee for an out of state certified public accountant seeking a temporary license from this rule as it is being added to Rule 61H1-31.0075, F.A.C.

SUMMARY: The fee for a temporary license will be removed from Rule 61H1-29.002, F.A.C. and be moved to Rule 61H1-31.007, F.A.C. The fee for an out of state certified public accountant seeking a temporary license will be removed from Rule 61H1-29.0025 and moved to Rule 61H1-31.0075.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

RULEMAKING AUTHORITY: 473.304, 473.305, 473.314 FS.

LAW IMPLEMENTED: 473.314, 473.315, 473.3141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607.

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.002 Temporary License.

(1) through (3) No change.

(4) The out-of-state certified public accountant shall furnish the Department with the names of all out-of-state personnel coming into the state to fulfill the specific engagement and such other information as required by Chapters 455 and 473, F.S., and rules promulgated pursuant thereto. ~~At the time of such furnishing, the out-of-state certified public accountant shall pay to the Department the sum of \$400 for the first license in a calendar year and \$400 for each additional application in the same calendar year.~~ If the out-of-state certified public accountant desires to substitute personnel or bring additional personnel into the state to fulfill the specific engagement, he shall notify the Department of the names of such substituted personnel or additional personnel as soon as practicable after the substitution or addition.

(5) No change.

~~(6) The fee will not be refunded in the event the application is withdrawn or denied.~~

(7) through (9) renumbered (6) through (8) No change.

Rulemaking Authority 473.304, 473.305, 473.314 FS. Law Implemented 473.314, 473.315, 473.3141 FS. History--New 12-4-79, Amended 2-3-81, 10-19-83, Formerly 21A-29.02, Amended 5-3-88, 12-3-89, 6-13-90, 3-29-92, 12-2-92, Formerly 21A-29.002, Amended 6-28-94, 1-11-95, 8-28-06, 12-10-09, 6-21-11,_____.

61H1-29.0025 Temporary License – Electronic Practice.

(1) through (2) No change.

~~(3) At the time of submission of the application, the out-of-state certified public accountant or firm shall pay to the Department the \$400.00 license fee. The fee will not be refunded in the event the application is withdrawn or denied.~~

(4) through (5) renumbered (3) through (4) No change.

Rulemaking Authority 473.304, 473.314 FS. Law Implemented 473.314 FS. History--New 2-12-98, Amended 8-28-06, 12-10-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 10, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-31.001	Fees
61H1-31.002:	Examination and Reexamination Fees.
61H1-31.003	Renewal of Active and Inactive License Fee for CPA.
61H1-31.004	Delinquency Fee.
61H1-31.005	Initial Licensure Fee.
61H1-31.006	Reactivation Fee.
61H1-31.0065	Change of Status Process Fee.
61H1-31.007	Temporary License Fee.
61H1-31.0075	Temporary License Fee -- Electronic Practice.
61H1-31.008	Licensure by Endorsement
61H1-31.009	Renewal of Accountancy Firm License Fee.
61H1-31.010	Initial Accountancy Firm License Fees.
61H1-31.011	Licensure and Exam Score Verification Fee.
61H1-31.012	Duplicate License Fee.
61H1-31.014	Continuing Education Provider and Course Approval Fees.
61H1-31.015	Reinstatement of a Null and Void License Fee.

PURPOSE AND EFFECT: The Board proposes the rule amendment and rule promulgation in order to provide specific rules for specific fees.

SUMMARY: Specific fees will be provided for each rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.213(2), 455.219(1), (5), 455.271, 473.304, 473.305, 473.308, 473.3101, 473.311, 473.312, 473.313, 473.314, 473.3141 FS.

LAW IMPLEMENTED: 455.219(1), (5), 455.271, 473.305, 473.308, 473.311, 473.3101, 473.312, 473.313, 473.314, 473.3141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-31.001 Collection and Payment of Fees.

All fees shall be made payable to the Department of Business and Professional Regulation. Application fees will not be refunded in the event an application is withdrawn or denied.

(1) Applicants to sit for the CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, a fifty dollar (\$50.00) application fee will be owed prior to processing the application. Once the applicant has been approved to sit for the exam as a Florida candidate, it is the applicant's responsibility to complete the examination process with the national vendor and pay any examination fee required by the vendor.

(2) In addition to the examination fee charged to take each section of the exam set forth in subsection (1), re-examination candidates will be charged a re-examination administration fee

~~covering the costs of administration of the re-examination, which will vary depending on the number of examination sections the candidate applies to take per application:~~

- ~~(a) Four sections of the examination — \$105.00;~~
- ~~(b) Three sections of the examination — \$90.00;~~
- ~~(c) Two sections of the examination — \$75.00; or~~
- ~~(d) One section of the examination — \$60.00.~~

~~(3) For individual active and inactive status licenses, biennial renewal fee provided in Section 473.305, F.S., one hundred and five dollars (\$105.00).~~

~~(4) For change of status other than during the renewal period, fifty dollars (\$50.00); for reactivation of an inactive status license to active status; two hundred and fifty dollars (\$250.00); for reactivation of a delinquent status license to active, two hundred and fifty dollars (\$250.00); changing a delinquent status license to inactive status, fifty dollars (\$50.00). In all cases completion of the requirements of Rule 61H1-33.006, F.A.C., shall be required for reactivation.~~

~~(5) The biennial renewal fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S., one hundred fifty dollars (\$150.00). The biennial renewal fee provided in Section 473.305, F.S., for sole proprietor firms and other legal entities owned by a sole proprietor licensed in Section 473.3101, F.S., fifty dollars (\$50.00).~~

~~(6) Persons, partnerships and corporations licensed in the first year of the biennial period, as established by the Department, shall pay the fees established above. Those persons, partnerships and corporations licensed in the second year of the biennial period, as established by the Department, shall pay one half of the fees established above.~~

~~(7) For application for license by endorsement provided in Section 473.308, F.S., two hundred fifty dollars (\$250.00) per person. If such application is withdrawn or denied, no portion of the fee will be refunded by the Department.~~

~~(8) For fees relating to the Foreign Language Examination refer to Section 455.11, F.S.~~

~~(9) Duplicate licensee fee — If a Florida certified public accountant requests a duplicate license or wall certificate, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of twenty five dollars (\$25.00).~~

~~(10) For verification of licensure to other states; fifty dollars (\$50.00).~~

~~(11) For initial licensure, fifty dollars (\$50.00).~~

~~(12) For approval of continuing education provider status, one hundred dollars (\$100.00), valid for two years.~~

~~(13) For approval of a continuing education course in ethics, meeting the requirements of Section 473.312(1)(c), F.S., two hundred fifty dollars (\$250.00).~~

Rulemaking Authority 455.213(2), ~~455.219(5), 455.271~~, 473.305 FS. Law Implemented 455.219(5), ~~455.271~~, 473.305, 473.313 FS. History—New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04, 1-31-05, 7-14-05, 4-9-06, 12-3-06, 4-29-07, 9-24-07, 2-24-08, 8-20-09, 12-10-09, _____.

61H1-31.002 Examination and Reexamination Fees.

(1) Applicants to sit for the CPA examination, as a first time candidate or for candidates transferring partial credits from another state, a \$50.00 application fee will be owed prior to processing the application. Once the applicant has been approved to sit for the examination as a Florida candidate, it is the applicant's responsibility to complete the examination process with the national vendor and pay any examination fee required by the vendor.

(2) In addition to the examination fee charged to take each section of the examination set forth in subsection (1), re-examination candidates will be charged a re-examination administration fee covering the costs of administration of the re-examination, which will vary depending on the number of examination sections the candidate applies to take per application:

- (a) Four sections of the examination – \$105.00.
- (b) Three sections of the examination – \$90.00.
- (c) Two sections of the examination – \$75.00, or
- (d) One section of the examination – \$60.00.

(3) For fees relating to the Foreign Language Examination refer to Section 455.11, F.S.

Rulemaking Authority 455.213(2), 455.219(1), 473.305 FS. Law Implemented 455.219(1), 473.305 FS. History—New _____.

61H1-31.003 Renewal of Active and Inactive License Fee for CPA

For individual active and inactive status licenses, the biennial renewal fee provided for in Section 473.305, F.S., shall be \$100.00, with the exception that for the 2013-2014 renewal period, the fee shall be \$80.00. A special fee of \$5.00 per licensee shall be imposed upon initial licensure and at each renewal to fund efforts to combat unlicensed activity.

Rulemaking Authority 455.219(1), 455.271, 473.305, 473.311, 473.313 FS. Law Implemented 455.219(1), 455.271, 473.305, 473.311, 473.313 FS. History—New _____.

61H1-31.004 Delinquency Fee.

A delinquent status licensee shall pay a delinquency fee of \$50.00 when the licensee applies for active or inactive status.

Rulemaking Authority 455.271, 473.305 FS. Law Implemented 455.271, 473.305 FS. History—New _____.

61H1-31.005 Initial Licensure Fee.

The fee for initial licensure of an individual shall be \$50.00. In the event the application is denied or withdrawn, no portion of the fee shall be refunded by the Department. A special fee of \$5.00 per licensee shall be imposed upon initial licensure and at each renewal to fund efforts to combat unlicensed activity.

Rulemaking Authority 455.213(2), 455.219(5), 455.271, 473.305 FS. Law Implemented 455.219(5), 455.271, 473.305, 473.313 FS. History—New _____.

61H1-31.006 Reactivation Fee.

The application fee for reactivation of an inactive status license to active status shall be \$250.00; for reactivation of a delinquent status license to active, \$250.00; In all cases completion of the requirements of Rule 61H1-33.006, F.A.C., shall be required for reactivation.

Rulemaking Authority 473.305, 473.311 FS. Law Implemented 473.305, 473.311 FS. History—New _____.

61H1-31.0065 Change of Status Process Fee.

The fee for processing a licensee's request to change licensure status from active to inactive at any time other than during the renewal period shall be \$50.00.

Rulemaking Authority 473.305, 473.313 FS. Law Implemented 473.305, 473.313 FS. History—New _____.

61H1-31.007 Temporary License Fee.

The fee for a temporary license shall be \$400.00 for the first license in a calendar year and \$400.00 for each additional application in the same calendar year.

Rulemaking Authority 473.305, 473.314 FS. Law Implemented 473.305, 473.314, 473.3141 FS. History—New _____.

61H1-31.0075 Temporary License Fee – Electronic Practice

The fee for a temporary license shall be \$400.00 for the first license in a calendar year and \$400.00 for each additional application in the same calendar year.

Rulemaking Authority 473.304, 473.305, 473.314 FS. Law Implemented 473.305, 473.314 FS. History—New _____.

61H1-31.008 Licensure by Endorsement.

The application fee for license by endorsement provided in Section 473.308, F.S. shall be \$250.00 per person.

Rulemaking Authority 473.305, 473.308, 473.3141 FS. Law Implemented 473.305, 473.308, 473.3141 FS. History—New _____.

61H1-31.009 Renewal of Accountancy Firm License Fee.

(1) The biennial renewal fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S., \$145.00.

(2) The biennial renewal fee provided in Section 473.305, F.S., for sole proprietor firms licensed in Section 473.3101, F.S., \$45.00.

Rulemaking Authority 473.305, 473.3101 FS. Law Implemented 473.305, 473.3101 FS. History–New

61H1-31.010 Initial Accountancy Firm License Fees.

(1) The initial licensure fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S. shall be \$145.00.

(2) The initial licensure fee provided in Section 473.305, F.S., for sole proprietor firms licensed in Section 473.3101, F.S., \$45.00.

(3) Persons, partnerships and corporations licensed in the first year of the biennial period, as established by the Department, shall pay the fees established above. Those persons, partnerships and corporations licensed in the second year of the biennial period, as established by the Department, shall pay one half of the fees established above.

Rulemaking Authority 473.305, 473.3101 FS. Law Implemented 473.305, 473.3101 FS. History–New

61H1-31.011 Licensure and Exam Score Verification Fee.

The fee for verification of licensure and examination status to other states shall be \$50.00.

Rulemaking Authority 473.305 FS. Law Implemented 473.305 FS. History–New

61H1-31.012 Duplicate License Fee.

Duplicate licensee fee – If a Florida certified public accountant requests a duplicate license or wall certificate, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$25.00.

Rulemaking Authority 455.219(5), 473.305 FS. Law Implemented 455.219(5), 473.305 FS. History–New

61H1-31.014 Continuing Education Provider and Course Approval Fees.

(1) For approval of continuing education provider status, \$100.00, valid for two years.

(2) For approval of a continuing education course in ethics, meeting the requirements of Section 473.312(1)(c), F.S., \$250.00.

Rulemaking Authority 473.305, 473.312 FS. Law Implemented 473.305, 473.312 FS. History–New

61H1-31.015 Reinstatement of a Null and Void License Fee

Upon approval of the board, reinstatement of a null and void license must be accompanied by an application fee of \$250.00. The completion of the requirements of Rule 61H1-33.006, F.A.C. shall be required for reinstatement.

Rulemaking Authority 473.305, 473.311 FS. Law Implemented 473.305, 473.311 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 10, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.0032 RULE TITLE: Board Approval of CPA Ethics

Continuing Education by Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete fee references and provide for departmental approval of continuing education.

SUMMARY: Fee references will be removed; provides for departmental approval of continuing education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2178, 455.2179, 473.312 (1)(a), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.0032 Board Approval of CPA Ethics Continuing Education by Providers.

(1) through (2) No change.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) through (h) No change.

~~(i) The fee as established in subsection 61H1-31.001(13), F.A.C. If such application is withdrawn or denied, no portion of the fee will be refundable.~~

(4) through (6) No change.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History—New 6-30-05, Amended 9-24-07, 12-11-07, 12-10-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 24, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NO.: 61K1-4.006
 RULE TITLE: Physician and Emergency Medical Technician Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth the obligations of amateur licensees licensed under Chapter 548, F.S., and applicants for licensure as amateur sanctioning organizations under chapter 548, F.S. by moving the requirements to a chapter designated strictly for amateur licensees and updating the rules to match industry standards.

SUMMARY: The proposed rule set forth the obligations of amateur licensees licensed under Chapter 548, F.S., and applicants for licensure as amateur sanctioning organizations under chapter 548, F.S. by moving the requirements to a chapter designated strictly for amateur licensees and updating the rules to match industry standards.

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 Commission conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 548.003(2) FS.

LAW IMPLEMENTED: 548.003(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61K1-4.006 Physician and Emergency Medical Technician Requirements.

(1) For each event or match, the amateur sanctioning organization shall provide:

(a) An ambulance on site, with two paramedics or one paramedic and one Emergency Medical Technician (EMT), with at least one paramedic stationed ringside while the competition is occurring. If an athlete needs to be transported via ambulance to the hospital, another unit must arrive before the competition can continue.

(b) A minimum of one (1) amateur sanctioning organization approved physician shall be on site for the entire event and stationed at ringside while competition is occurring. The amateur sanctioning organization shall ensure that there is one physician assigned to each ring/cage at an event.

(2) Physician requirements:

(a) The physician shall be governed by the requirements of his licensure as an M.D. or D.O. The physician shall hold a license in good standing to practice medicine as an M.D. or D.O.

(b) All amateur sanctioning organizations shall ensure that the physicians they select as ringside physicians have obtained 6 hours of continuing medical education units relating to

trauma or ringside medical treatment as part of their biannual continuing medical education requirements required by the Florida Board of Medicine. Amateur Sanctioning Organizations who utilize a ringside physician who does not comply with the continuing education requirements following January 1, 2014, shall be subject to disciplinary action.

(c) The physician shall carry proof of licensure on his person at all times during an event and provide it to commission representatives if requested.

(3) No match shall begin or continue unless all personnel are on the premises, in a state of readiness and in a pre-designated readily accessible location known to the referee, physicians and the amateur sanctioning organization supervisor.

(4) No match shall begin or continue unless the physician is located in the designated seat and the referee is in the ring.

(5) The physicians shall not leave until he or she has completed all required paperwork following the matches.

(6) Physicians shall be prepared to assist if any serious emergency shall arise, and shall render temporary or emergency treatments for cuts and minor injuries sustained by the amateurs.

(7) Physicians shall refuse to permit a match to start or stop an ongoing match if the ringside physician has reason to believe the referee conducting the match is not able to properly officiate without endangering the health, safety, or welfare of the participants, due to injury, intoxication, influence of any substance, or other reason.

(8) Amateur sanctioning organization duties in regards to Physicians:

(a) If an amateur sanctioning organization representative reasonably believes or observes the need for medical assistance for an amateur or is informed by any third party that an amateur is in need of medical assistance, and the physician is not providing medical assistance to that amateur, the representative shall make a reasonable attempt to ensure that the physician, paramedics, or Emergency Medical Technicians (EMTs) provide medical assistance to the amateur as soon as practicable.

(b) Failure by the physician to provide appropriate medical attention when practical to an amateur when informed by the amateur sanctioning organization representative or any third party, or when the physician observes the need, shall cause the amateur sanctioning organization to be subject to disciplinary action.

(c) The amateur sanctioning organization representative shall stop any match if the physician moves away from the ringside during the match.

(d) The amateur sanctioning organization representative shall stop any match if the physician indicates that the referee conducting the match is not able to properly officiate without endangering the health, safety, or welfare of the participants, due to injury, intoxication, influence of any substance, or other

reason. The amateur sanctioning organization shall not start any match until ensuring that the referee conducting the match is able to officiate the match without endangering the health, safety, or welfare of the participants.

(e) The amateur sanctioning organization representative, referee, or commission representative shall prevent a match from beginning if another amateur requires medical attention and the physician is providing care to the amateur.

Rulemaking Authority 548.003(2) FS. Law Implemented 548.003, FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida State Boxing Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 27, 2012

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: RULE TITLE:

64B-9.001 Biennial Licensing

PURPOSE AND EFFECT: To update the material incorporated by reference to comply with the requirements in Chapter 2012-64, L.O.F.

SUMMARY: To update application forms to reflect the requirements in Section 456.0635(2), Florida Statutes.

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:

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(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane Dennin, Operations and Management Consultant I, 4052 Bald Cypress Way, Bin #C-01, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.001 Biennial Licensing.

(1) Pursuant to Section 456.004(1), F.S., the Department implemented a plan for staggered biennial renewal of licenses issued by the Division of Medical Quality Assurance. Each licensed person who is subject to practitioner profiling under Sections 456.039(1) or 456.0391(1), F.S., shall renew using Form DH-MQA 1229 (07/12 ~~02/10~~), Renewal Notice, at <https://www.flrules.org/Gateway/reference.asp?No=Ref-01895>. All other licensed persons shall renew using Form DH-MQA 1230 (07/12 ~~02/10~~), Renewal Notice, at <https://www.flrules.org/Agency/addRefResult.asp?No=Ref-01896>. Licensed facilities shall renew by using Form DH-MQA 1231 (07/12 ~~02/10~~), Renewal Notice, at <https://www.flrules.org/Agency/addRefResult.asp?No=Ref-01897>.

These forms are incorporated by reference and can be obtained from the Division at 4052 Bald Cypress Way, Bin C01, Tallahassee, FL 32399, or online at <http://ww2.doh.state.fl.us/mqaservices/login.asp>.

(2) through (5) No change.

Rulemaking Authority 456.004(1) FS. Law Implemented 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635 FS. History—New 11-5-00, Amended 11-24-05, 11-8-07, 7-30-08, 7-19-09, 11-8-09, 8-2-10, 5-16-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane Dennin

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, M.D., FACS, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 27, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-51.006	Rule Governing Licensure and Inspection of Electrology Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 35, August 31, 2012 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-54.002	Inactive Licensure Status; Reactivating of Licensure, Delinquent Renewal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 30, July 27, 2012 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-55.002	Citations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 30, July 27, 2012 issue of the Florida Administrative Register has been withdrawn.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on October 24, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Seaside Plaza. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2012-346).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on October 23, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Airmasters. Petitioner seeks an emergency variance of the requirements of ASME A18.1, Section 2.1.1.3, 2.1.1.6, 2.1.1.7, 2.7.1, and 2.10.1, as adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators runway enclosures, limitation of load, speed and travel, and operation which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2012-345).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on October 25, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Westgate Towers. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2012-350).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on October 25, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ellis-Van Pelt Inc. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3), as adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators 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 (VW2012-349).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on October 24, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 2400 Building. Petitioner seeks a variance of the requirements of unspecified parts of 399.02 of Florida Statutes, as adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators 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 (VW2012-348).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on October 24, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Banyan House. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5

days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2012-347).

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

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida Agriculture in the Classroom, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday November 14, 2012, 10:00 a.m.

PLACE: Straughn IFAS Extension Professional Development Center, University of Florida, 2142 Shealy Drive, Room 219, Gainesville, FL 32611

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Agriculture in the Classroom Board of Directors will hold a regularly scheduled board meeting.

A copy of the agenda may be obtained by contacting: Lisa Gaskalla at gaskalla@ufl.edu.

For more information, you may contact: Lisa Gaskalla at gaskalla@ufl.edu.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Seed Investigation and Conciliation Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 7th, 2012, 9:30 a.m. – 3:00 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, Alachua Regional Office, Conference Room 115, 14101 U.S. Highway 441, Alachua, Florida 32615, phone (386)418-2197.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seed Complaint Hearings.

A copy of the agenda may be obtained by contacting: Mr. Weldon Collier at (850) 617-7907.

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: Mr. Weldon Collier at (850)617-7907. 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: Mr. Weldon Collier, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650, phone (850)617-7907.

DEPARTMENT OF EDUCATION

State Board of Education

The State Board of Education announces a workshop to which all persons are invited.

DATE AND TIME: November 5, 2012, 2:00 p.m.

PLACE: Boca Raton High School, 1501 NW 15th Ct., Boca Raton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to discuss the College and Career First Plan released by Office of the Governor.

A copy of the agenda may be obtained by contacting: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org or by visiting the Department's website at: <http://www.fldoe.org>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org.

DEPARTMENT OF EDUCATION

State Board of Education

The State Board of Education announces a workshop to which all persons are invited.

DATE AND TIME: November 5, 2012, 2:45 p.m.

PLACE: Boca Raton High School, 1501 NW 15th Ct., Boca Raton, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to provide the State Board an opportunity for discussion on all aspects regarding Students with Disabilities.

A copy of the agenda may be obtained by contacting: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org or by visiting the Department's website at: <http://www.fldoe.org>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org.

DEPARTMENT OF EDUCATION

State Board of Education

The State Board of Education announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2012, 8:30 a.m.

PLACE: Boca Raton High School, 1501 NW 15th Ct., Boca Raton, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of approval of minutes of the State Board meetings held September 25 and October 9, 2012, and updates on various reports and status of education initiatives by the Commissioner. Updates will be provided by President David Armstrong on behalf of the Council of Presidents and Superintendent Wayne Gent on behalf of Public K-12 Superintendents. Updates will also be provided on the Transition to Common Core Standards and Assessments and digital implementation. Action items include the Approval of Amendment to Rule 6A-4.00821, Florida Educational Leadership Examination, consideration of a Request for Waiver of Termination – Sweetwater Branch Academy Elementary School – Alachua County and Request for Waiver of Termination – A.A. Dixon Charter School of Excellence – Escambia County. Other actions items include Request for Approval of Baccalaureate Proposal by Broward College for a BAS in Supply Chain Management; Request for Approval of Baccalaureate Proposal by Gulf Coast State College for a BAS in Organizational Management; and Adoption of a Resolution of the State Board of Education Requesting the Issuance and Sale of Not Exceeding \$560,000,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Refunding Bonds, 2013 (Series to be Determined). Approval of action on pending litigation for Ruiz v. Robinson, et al. and Peek v. State Board of Education, et al. A report will be provided by the Chair of the Education Practices Commission.

A copy of the agenda may be obtained by contacting: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org or by visiting the Department’s website at: <http://www.fldoe.org>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lynn Abbott at (850)245-9661 or lynn.abbott@fldoe.org.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District, Projects & Land Committee announces public meetings to which all persons are invited.

DATE AND TIME: Thursday, November 8, 2012, 5 p.m., Projects and Land Committee business meeting.

PLACE: St. Johns River Water Management District's Palm Bay Service Center, 525 Community College Parkway SE, Palm Bay, FL 32909. Phone: (321)984-4940

Website & map location viewable at: www.floridaswater.com (from home page click on “Contact Us” and then “District Offices”).

DATE AND TIME: Friday, November 9, 2012, 8 a.m., Projects & Land Committee site visit.

PLACE: Starting location: St. Johns River Water Management District's Palm Bay Service Center, 525 Community College Parkway SE, Palm Bay, FL 32909. Phone: (321)984-4940

Website & map location viewable at: www.floridaswater.com (from home page click on “Contact Us” and then “District Offices”).

The location of the site visit may be changed due to inclement weather or other unforeseen circumstances. Notice of such change will be available by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, via email at hbarnes@sjrwm.com or by phone at (386)329-4347 or (386)937-9717.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by Committee recommendations to be approved by the full Governing Board. NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on Tuesday, November 13, 2012, 8 a.m. at District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, via email at hbarnes@sjrwm.com, by phone at (386)329-4347, by visiting the District’s website at www.floridaswater.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: District Clerk at (386)329-4500. 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).

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: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, via email at hbarnes@sjrwm.com, by phone at (386)329-4347, by visiting the District's website at www.floridaswater.com.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, November 13, 2012, 8:15 a.m., Chair's Meeting; 9:00 a.m., Finance, Administration and Audit Committee; 10:00 a.m., Regulatory Committee followed by Governing Board Meeting.

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Kyia Tiffany, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4101, or by visiting the District's website at floridaswater.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: District Clerk at (386)329-4500. 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).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers (FBPE) Committee on Florida Building Code CEU Requirements announces a public meeting to which all persons are invited.

DATE AND TIME: November 14, 2012 at 1:30 p.m. (EST) or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the committee. The meeting may be accessed by conference call. Telephone Conference #: 888-392-4560, Passcode: 1188973

A copy of the agenda may be obtained by contacting: Rebecca Sammons, rsammons@fbpe.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 48 hours before the workshop/meeting by contacting: Rebecca Sammons, rsammons@fbpe.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).

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: Rebecca Sammons, rsammons@fbpe.org

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers announces a public meeting to which all persons are invited.

DATE AND TIME: December 5, 2012 at 1:00 p.m. (EST) or soon thereafter and December 6, 2012 at 8:30 a.m. (EST) or soon thereafter.

PLACE: Monroe Street Conference Center, 2714 Graves Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the board.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Application Committee and/or Educational Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: to be held at the conclusion of the Florida Board of Professional Engineers Board Meeting being held on December 5, 2012

PLACE: Monroe Street Conference Center, 2714 Graves Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for licensure and other general business of the committees.

A copy of the agenda may be obtained by contacting: Rebecca Sammons, rsammons@fbpe.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 48 hours before the workshop/meeting by contacting: Rebecca Sammons, rsammons@fbpe.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).

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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF HEALTH

Board of Dentistry

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

DATE AND TIME: November 9, 2012, 2:30 p.m. *Notice of Time Change*

PLACE: (888)670-3525 when prompted, enter pass code 5805370981

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

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

DEPARTMENT OF HEALTH

Board of Dentistry

The Board of Dentistry announces a public meeting to which all persons are invited.

DATE AND TIME: November 30, 2012 at 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Building 4042, Room #301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

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

DEPARTMENT OF HEALTH

Board of Nursing

The Florida Board of Nursing South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 19, 2012 from 10:00 a.m. until 1:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (888) 670-3525 code 1135981458.

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 at (850)245-4125. 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.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

690-137.001: Annual and Quarterly Reporting Requirements

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 690-137.001, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed to December 11, 2012.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Kerry Krantz at E-mail Kerry.Krantz@flor.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: Kerry Krantz at E-mail Kerry.Krantz@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

690-138.001: NAIC Financial Condition Examiners Handbook Adopted

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 690-138.001, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed to December 11, 2012.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Kerry Krantz at E-mail Kerry.Krantz@flor.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: Kerry Krantz at E-mail Kerry.Krantz@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

690-143.045: Definitions

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed repeal of Rule 690-143.045, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed to December 11, 2012.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Debra Seymour at E-mail Debra.Seymour@flor.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: Debra Seymour at E-mail Debra.Seymour@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-149.003: Rate Filing Procedures

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 69O-149.003, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed to December 11, 2012.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Tom Zutell at E-mail Tom.Zutell@flor.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: Tom Zutell at E-mail Tom.Zutell@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-149.022: Forms Adopted

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 69O-149.022, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed to December 11, 2012.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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For more information, you may contact: Tom Zutell at E-mail Tom.Zutell@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-157.018: Right to Return Policy – Free Look

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed repeal of Rule 69O-157.018, Florida Administrative Code, published on August 31, 2012 in Vol. 38, No. 35, of the Florida Administrative Register.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Debra Seymour at E-mail Debra.Seymour@flor.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: Debra Seymour at E-mail Debra.Seymour@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-157.105: Refund of Premium

The Office Of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed Repeal of Rule 69O-157.105, Florida Administrative Code, published on October 31, 2012 in Vol. 38, No. 35, of the Florida Administrative Register.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Debra Seymour at E-mail Debra.Seymour@flair.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: Debra Seymour at E-mail Debra.Seymour@flair.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-164.030: Application of Rule 69O-164.020, F.A.C., to Various Product Designs.

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed repeal of Rule 69O-164.030, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed to December 11, 2012.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Kerry Krantz at E-mail Kerry.Krantz@flair.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: Kerry Krantz at E-mail Kerry.Krantz@flair.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-170.012: Sinkhole Insurance

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed repeal of Rule 69O-170.012, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed to December 11, 2012.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Debra Seymour at E-mail Debra.Seymour@flair.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: Debra Seymour at E-mail Debra.Seymour@flair.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-185.005: Advertisement of Mortgage Insurance

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed repeal of Rule 69O.185.005, Florida Administrative Code, published on August 31, 2012 in Vol. 38, No. 35, of the Florida Administrative Register.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Debra Seymour at E-mail Debra.Seymour@flair.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: Debra Seymour at E-mail Debra.Seymour@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-196.008: Failure to Comply

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed repeal of Rule 69O-196.008, Florida Administrative Code, published on October 31, 2012 in Vol. 38, No. 35, of the Florida Administrative Register.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Debra Seymour at E-mail Debra.Seymour@flor.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: Debra Seymour at E-mail Debra.Seymour@flor.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-198.003: License Required

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: December 11, 2012 at 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed repeal of Rule 69O-198.003, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed to December 11, 2012.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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: Debra Seymour at E-mail Debra.Seymour@flor.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: Debra Seymour at E-mail: Debra.Seymour@flor.com. System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850) 245-4474.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Department of Elder Affairs has received the petition for declaratory statement from Douglas D. Adkins, Director, Dayspring Village, Inc. The petition seeks the agency's opinion as to the applicability of Section 429.28, Florida Statutes, as it applies to the petitioner.

Petitioner seeks clarification as to whether Section 429.28, Florida Statutes, the Resident Bill of Rights, can serve as a legal mechanism to cite assisted living facilities for issues that include infection control.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Tony DePalma, Assistant General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000, depalmaa@elderaffairs.org.

Please refer all comments to: Tony DePalma, Assistant General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000. depalmaa@elderaffairs.org.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.014: Standards for Telemedicine Prescribing Practice

Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed by John Cottam, M.D., on October 23, 2012. The Petitioner seeks the Board's interpretation of Rule 64B8-9.014, F.A.C., and asks whether a the requirement for a physical examination as set forth in subparagraph (2)(a) of the rule, allows for high quality digital pictures to perform an exam specifically in the telemedicine practice of dermatology. The Board will consider this petition at its meeting currently scheduled for November 30, 2012.

Copies of the petition may be obtained by writing Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

NOTICE IS HEREBY GIVEN that Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from on October 12, 2012, from Wesley W. Hayes, Petitioner, file no. 129479-12-FM. The petition seeks the agency's opinion as to the applicability of the Florida Fire Prevention Code NFPA 101, Chapter 30, New Apartment Buildings as it applies to the petitioner.

Within the definitions of 101, no definition can be found of a 'Townhouse'. However, there is commentary in the annex of a townhouse 3.3.1.28.3. Definitions can be found of "Apartments" (6.1.8.1.5). Per statute one and two family homes are exempt from NFPA 101, however the argument comes in about a building that is going to become a Townhouse. This particular structure will be built with a two hour fire rating between units, a 'Separated Occupancy' as defined in 101. The builder states that a fire inspection is not called for the two hour rated walls since a Townhouse is considered a one and two family dwelling. The petitioner is suggesting that the building does not become a 'Townhouse' until after confirmation of the required fire rating between units. So therefore a fire inspection would be required of the fire rated wall.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Mandy O'Callaghan, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4150, fax number (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request Mandy.O'Callaghan@myfloridacfo.com.

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

NONE

Section XII
Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Receipt of Applications for Permit Coverage under the State's Generic Permit for MS4's

The Department announces receipt of the application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from the Florida Department of Transportation in Alachua County, St. Johns County and Clay County. The applications are being processed and are available for public inspection during normal business hours, 8am to 5pm, Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed applications, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address:

Ms. Heather Ritchie, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (M.S. 2500), Tallahassee, FL 32399-2400.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Receipt of Applications for Permit Coverage under the State's Generic Permit for MS4's

The Department announces receipt of the application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate

Storm Sewer Systems from the City of Gainesville, Alachua County and Marion County. The application is being processed and is available for public inspection during normal business hours, 8 am to 5 pm, Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address:

Ms. Heather Ritchie, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (M.S. 2500), Tallahassee, FL 32399-2400.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Siting Coordination Office

NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of intent to modify the Conditions of Certification (COCs) issued pursuant to the Florida Electrical Power Plant Siting Act, 403.501 et seq., Florida Statutes (“F.S.”), for Solid Waste Authority’s Palm Beach County Renewable Energy Park (PBCREP), Power Plant Siting Application No. PA84-20N, OGC Case No. 11-0487. Pursuant to Section 403.516(1)(c), F.S., the Department proposes to modify the COCs for PBCREP to incorporate operating requirements for the existing Biosolids Pelletization Facility and various other Department initiated updates. A copy of the proposed modification may be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Boulevard, MS 48, Tallahassee, Florida 32399-3000, (850) 245-2002. Pursuant to 403.516(1)(c)2, F.S., parties to the certification proceeding have 45 days from issuance of notice to such party’s last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant

may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

FINANCIAL SERVICES COMMISSION
FSC – Financial Institution Regulation
Financial Institutions

NOTICE OF FILINGS
Financial Services Commission
Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel’s Office
Tallahassee, Florida 32314-8050		The Fletcher Building, Suite 526
Phone (850) 410-9800		101 East Gaines Street,
Fax: (850) 410-9548		Tallahassee, Florida 32399-0379
		Phone: (850) 410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., November 19, 2012):

APPLICATION TO ORGANIZE A SUCCESSOR
INSTITUTION

Application to Establish a Successor Institution: First Bank of Miami Shares Inc., Coral Gables, Florida

Received: October 25, 2012

APPLICATION TO MERGE

Constituent Institutions: First Bank of Miami Shares, Inc., Coral Gables, Florida and First Bank of Miami, Coral Gables, Florida

Resulting Institution: First Bank of Miami Shares, Inc.

With Title: First Bank of Miami

Received: October 25, 2012

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
