### Section I

## Notice of Development of Proposed Rules and Negotiated Rulemaking

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:

62-42.100 Scope 62-42.200 Definitions

62-42.300 Minimum Flows and Levels and Recovery

and Prevention Strategies

PURPOSE AND EFFECT: The purpose of the proposed creation of Chapter 62-42, F.A.C., is to develop and implement Minimum Flows and Levels (MFLs) for systems that are impacted by activities in multiple districts.

SUBJECT AREA TO BE ADDRESSED: This rule creates a new rule chapter in order to adopt MFLs that impact multiple districts and therefore establishes both a scope and definitions rule. The proposed rule also includes MFLs for the lower Santa Fe river system and the Ichetucknee river system and associated springs. The Santa Fe MFL requires the adoption of the incorporated prevention strategy because flow is expected to fall below the MFL in the next 20 years. The Ichetucknee MFL requires the adoption of a recovery strategy because the existing flows are already below the MFL.

RULEMAKING AUTHORITY: 373.026(7), 373.036, 373.042, 373.043, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.709 FS.

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

DATE AND TIME: November 18, 2013, 1:00 p.m.

PLACE: Florida Gateway College, Wilson S. Rivers Library and Media Center, 149 SE College Place, Building 2, Room 102, Lake City, FL 32015

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: Linda Clemens at (850)245-3194. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Clemens at (850)245-3194 or Linda.Clemens@dep.state.fl.us THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE BY NOVEMBER 4, 2013 AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### **Domestic Violence**

RULE NOS.: RULE TITLES:

65H-1.012 Application and Certification Process 65H-1.013 Administration and Operations

65H-1.014 Services

65H-1.015 Emergency Shelter Facilities 65H-1.017 Monitoring and Evaluation

PURPOSE AND EFFECT: The purpose of this rulemaking is in response to Chapter 2012-147, Laws of Florida, amending the duties of the Department of Children and Families (DCF) relating to domestic violence center certification and monitoring. The effect will be revisions to the DCF's process for the certification and monitoring of domestic violence centers.

SUBJECT AREA TO BE ADDRESSED: Rule revisions address amendments to Chapter 39, which delegates the evaluation authority for the monitoring of domestic violence centers to the Florida Coalition Against Domestic Violence.

RULEMAKING AUTHORITY: 39.903 FS.

LAW IMPLEMENTED: 39.903, 39.9035, 39.905 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: Renee Starrett, (850)717-4073 or renee\_starrett@dcf.state.fl.us

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

### Section II Proposed Rules

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
62-780.100 Referenced Guidelines
62-780.600 Site Assessment
62-780.650 Risk Assessment

62-780.680 No Further Action and No Further Action

with Controls

PURPOSE AND EFFECT: Changes to Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria, to provide clarification on applicability of Referenced Guidelines, provide a list of references for toxicity and exposure information, clarify requirements for probabilistic risk

assessments and to provide criteria for risk-based closure without institutional controls.

SUMMARY: The proposed changes to Chapter 62-780, F.A.C., clarify specific rules pertaining to derivation of alternative cleanup target levels and the use of probabilistic risk assessments.

The first proposed revision to Rule 62-780.650, F.A.C., is the addition of a list of sources of information that can be used as references for the latest science with regard to toxicity or exposure factors. This expanded list of references will enable the use of the most current information in calculating alternative cleanup target levels and in making risk management decisions.

A second proposed revision to Rule 62-780.650, F.A.C., provides clarification to an existing rule provision regarding the use of probabilistic risk assessments (PRAs). The proposed language clearly identifies the appropriate components of a PRA and the level and detail of supporting information.

A third proposed revision is to Rule 62-780.680, F.A.C., to provide for risk-based site closure without institutional or engineering controls upon demonstration that such controls are not necessary based upon scientific studies or reports relating to a contaminant's toxicity or carcinogenicity or based upon non-site-specific exposure factors. Previously, the rule required institutional controls in all cases where contamination above the default cleanup target levels was being left on site. This revised provision provides regulatory relief from that requirement.

A fourth, technical amendment to rule 62-780.100 clarifies that the Referenced Guidelines in the Chapter are for informational purposes only and are not enforceable. One of the referenced guidelines, the Institutional Controls Procedures Guidance, has been updated.

OTHER RULES INCORPORATING THIS RULE: 62-730.210, 62-730.225, 62-701.510, 62-777.150, 62-777.170, 62-780.150, 62-780.200, 62-780.210, 62-780.220, 62-780.450, 62-780.500, 62-780.550, 62-780.560, 62-780.610, 62-780.690, 62-780.700, 62-780.750 and 62-780.900, F.A.C.

EFFECT ON THOSE OTHER RULES: The amendments to 62-780.100, .600, .650 and .680, F.A.C., will not have any effect on those rules cited above.

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 proposed rules provide greater flexibility and options for the regulated community and do not increase costs or regulatory burdens. Therefore, no SERC is required and the requirement for legislative ratification is not triggered.

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

RULEMAKING AUTHORITY: 376.303, 376.30701, 376.3071, 376.3078(4), 376.81, 403.061, 403.0877 FS.

LAW IMPLEMENTED: 376.30701, 376.3071, 376.3078(4), 376.81, 403.021, 403.061, 403.062, 403.0877 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, October 8, 2013, 9:00a.m. until conclusion, but no later than 5:00 p.m.

PLACE: Department of Environmental Protection, 2600 Blair Stone Rd, Room 609, Tallahassee, FL or VIA Webinar: https://www2.gotomeeting.com/register/531345978

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: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us

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

62-780.100 Referenced Guidelines.

Specific references to the guidelines listed below are made within this chapter. The guidelines are not standards as defined in Section 403.803, F.S. Use of these guidelines is not mandatory <u>and not enforceable</u>; the guidelines are included for informational purposes only.

(1) through (6) No change.

- (7) Institutional Controls Procedures Guidance, Division of Waste Management, Florida Department of Environmental Protection, dated September 2013 June 2012.
  - (8) through (9) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81 FS. History—New 4-17-05, Amended 6-12-13.

Editorial Note: Portions of this rule were copied from 62-770.140; 62-782.100; and 62-785.100.

- 62-780.600 Site Assessment.
- (1) through (4) No change.
- (5) The site assessment shall include tasks that are necessary to achieve objectives described in subsection 62-780.600(3), F.A.C., and include the following, as applicable:
  - (a) through (b) No change.
- (c) Sampling of soil from the unsaturated zone for the following criteria, as applicable:
  - 1. No change.
- 2. Measurement of appropriate soil properties such as texture, pH, moisture content, dry bulk density, organic carbon content, and infiltration rate using the test methods specified in Chapter 62-777, F.A.C., Table III, if such properties are chosen for the development of alternative soil CTLs in accordance with the technical report referenced in subsection 62-780.100(2), F.A.C. If soil properties are chosen to be used, mMeasurements shall be made on soil from within the contaminated area when feasible. If measurement from within the contaminated area is not feasible Otherwise, measurements may be made on soil from an alternative location that has equivalent soil properties or the PRSR may propose the use of other applicable and relevant data on soil properties;
  - 3. through 5. No change.
  - (d) through (u) No change.
  - (6) through (7) No change.
  - (8) The Site Assessment Report shall:
  - (a) No change.
- (b) Summarize conclusions regarding site assessment objectives outlined in subsection 62-780.600(3), F.A.C., and include one of the following:
  - 1. through 2. No change.
- 3. A recommendation to prepare a Risk Assessment or a Risk Assessment Work Plan shall be included if the PRSR chooses to justify alternative CTLs using risk assessment studies demonstrating that human health, public safety, and the environment are protected to at least the same degree provided by Sections 376.30701, 376.3071, 376.3078, or 376.81, F.S., as applicable the CTLs referenced in this chapter. The work plan shall include a schedule for completion of a Risk Assessment and documentation adequate to support the

request to do one or more of the task elements of subsection 62-780.650(1), F.A.C., and shall specify the parameters or exposure assumptions that will be used to develop the alternative CTLs pursuant to Rule 62-780.650, F.A.C.; or

- 4. No change.
- (9) through (10) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History–New 4-17-05, Amended 6-12-13,

Editorial Note: Portions of this rule were copied from 62-770.600, Formerly 17-70.008 and Formerly 17-770.600; 62-782.600; and 62-785.600.

#### 62-780.650 Risk Assessment.

- (1) During the risk assessment process, the PRSR is encouraged to have discussions with the Department at various decision points to establish applicable exposure factors, relevant receptors, and risk management options based on the current and projected land use(s) at the site. If a risk assessment is performed, the following risk assessment task elements shall be performed, as appropriate:
- (a) An exposure assessment that identifies pathways and routes by which human and environmental receptors may be exposed to contaminants and determines levels of contaminants to which human and environmental receptors may be exposed. The exposure assessment shall:
- 1. Identify actual and potential exposure pathways and routes;
- 2. Identify actual and potential human and environmental receptors for each exposure pathway, and sensitive subpopulations;
- 3. Determine expected concentrations of contaminants to which actual and potential human and environmental receptors may be exposed, with the most recent sampling of representative monitoring wells having occurred no more than 270 days prior to Risk Assessment Report submittal;
- 4. Determine exposure factors (<u>e.g.</u>, exposure duration, <u>exposure</u> and frequency, <u>body weight and ingestion rate</u>) based on:
- <u>a. S</u>site-specific characteristics, including consideration of current and plausible projected land uses. Institutional and engineering controls may be proposed in order to ensure that exposure factors do not change; <u>or and</u>
- b. Non-site-specific exposure factors contained in the most current U.S. Environmental Protection Agency Exposure Factors Handbook or other information on exposure factors applicable to a Florida exposure scenario.
- 5. Estimate the contaminant doses received by relevant receptors.

- (b) A toxicity assessment that determines human health and environmental criteria for contaminants found at the site.
- 1. The criteria, taking into consideration acute and chronic health effects associated with short-term and long-term exposure, shall be applicable to exposure pathways and routes identified in the exposure assessment, including, as appropriate:
- <u>a.1.</u> Potable water exposure from ingestion, dermal contact, and inhalation of vapors and mists;
- <u>b.</u>2. Non-potable water exposure from dermal contact, inhalation of vapors and mists, ingestion of food crops irrigated with such water, lawn watering, and other related exposures, and exposures to pets and livestock from ingestion;
- <u>c.3.</u> Soil exposure from ingestion, dermal contact, inhalation, and ingestion by humans or animals of food crops grown in contaminated soil; and
- <u>d.4.</u> Non-potable surface water exposure from ingestion, dermal contact, and inhalation of vapors and mists. Adverse effects on freshwater or marine biota (including any bioaccumulative effects in the food chain) and on humans (for example, through incidental ingestion and dermal contact while using the resource for recreational purposes or fish consumption) shall be considered.
- 2. Input assumptions different from those used to develop default CTLs may be used to propose alternative CTLs. The appropriate equations from Chapter 62-777, F.A.C., must be used in calculating the alternative CTLs. Toxicity values for quantifying human health risks and for developing alternative CTLs may be taken from the following tiers of information sources, in order of precedence.
  - a. Tier 1, in order of precedence:
  - (I) Integrated Risk Information System (IRIS), or
- (II) The Provisional Peer Reviewed Toxicity Values (PPRTV) derived by EPA's Superfund Technical Support Center for the USEPA Superfund program.
- b. Tier 2. If a toxicity value is available from more than one source in this tier, the value based upon the most recent review of the toxicological literature and accompanying doseresponse analysis should be selected:
- (I) Agency for Toxic Substances and Disease Registry Minimal Risk Levels (MRLs),
- (II) Upper intake limits developed by the National Academy of Sciences,
  - (III) Health Effects Assessment Summary Tables,
- (IV)Human Health Benchmarks for Pesticides and other toxicity values in technical documents available from the USEPA Office of Pesticide Programs, or
- (V) Office of Water, Drinking Water Regulations and Health Advisory Levels.

- c. Tier 3. If a toxicity value is available from more than one source in this tier, the value based upon the most recent review of the toxicological literature and accompanying doseresponse analysis should be selected:
- (I) The California Environmental Protection Agency Office of Environmental Health Hazard Assessment's Chronic Reference Exposure Levels and Cancer Potency Values,
- (II) World Health Organization Tolerable Daily Intake values,
- (III) International Toxicity Estimates for Risk Assessment,
  - (IV) Withdrawn IRIS Values, or
- (V) Values from sources other than Tiers 1 or 2 that are either selected by FDEP or proposed by a PRSR and accepted by FDEP.
- (c) A risk characterization that utilizes the results of the exposure assessment, the toxicity assessment, and any other relevant public health and epidemiological assessments, to characterize cumulative risks to the affected population(s) and the environment from contaminants found at the site. Based on the concentrations of contaminants found at the site, the characterization shall include:
- 1. Risks to human health and safety from exposure to the contamination;
- 2. Risks from the contamination to non-human species and ecosystems; and
- 3. Derivation of apportioned alternative CTLs, as applicable. [Refer to Appendix C of the technical report referenced in subsection 62-780.100(2), F.A.C., for guidance on the derivation of alternative CTLs for TRPHs based on a sub-classification methodology; and to Chapter 62-777, F.A.C., Table III for methods that may to be used in determining soil properties for the derivation of alternative CTLs based on site-specific soil characteristics, if soil properties are used to derive alternative CTLs.] In developing alternative CTLs, when scientific data are available the potential for additive, synergistic, or antagonistic interactions among contaminants and the potential for exposure to contaminants via multiple pathways shall be considered based on target organ(s) affected, mechanism(s) of toxicity, and empirical observations from clinical and laboratory studies. The default assumptions shall be that non-carcinogenic chemicals affecting the same target organ(s)/systems have additive effects and that carcinogenic risk, regardless of target is additive. However. non-default organ, organ(s)/system(s) or effects may be justified through a detailed toxicological analysis of the contaminants present at a specific site.

- (d) A justification for apportioned alternative CTLs, as applicable, for groundwater or soil. The justification for the alternative CTLs shall be based upon the site-specific data, modeling results, risk assessment studies, risk reduction techniques or a combination thereof characteristics affecting the site. In establishing the alternative CTLs for groundwater or soil, the following factors shall be used, as applicable: calculations using a lifetime excess cancer risk level of 1.0E-6 and a hazard index of 1, and (for groundwater only) nuisance, organoleptic, and aesthetic considerations. However, the Department shall not require site rehabilitation to achieve a CTL for an individual contaminant that is more stringent than site-specific background concentration for contaminant or the best achievable detection limit for that contaminant. The justification shall be based on:
- 1. <u>State-wide</u>, as <u>applicable</u>, <u>or</u> The site-specific characteristics <u>pertinent to</u> which affect the site, including:
- a. The present and projected uses of the affected aquifer(s) and adjacent surface water, with particular consideration of the probability that the contamination is substantially affecting, or will migrate to and substantially affect, a known public or private source of potable water;
- b. The technical feasibility of achieving the soil or water quality criteria based on a review of available technology; and
  - c. Site soil characteristics; and
- 2. The results of the exposure assessment, toxicity assessment, and risk characterization pursuant to paragraphs 62-780.650(1)(a), 62-780.650(1)(b), and 62-780.650(1)(c), F.A.C.
- (2) Fate and transport models for contaminants may be employed, pursuant to Rule 62-780.610, F.A.C., to document that human health and environmental risks are acceptable, and to document that potential risks associated with from the establishment of alternative CTLs are acceptable. If a fate and transport model for contaminants is used, the model shall be validated during subsequent monitoring to justify a No Further Action Proposal, or during natural attenuation monitoring or active remediation monitoring, and adjusted as appropriate using empirical data as the data are obtained.
- (3) Probabilistic Risk Assessments may be employed to document that human health and environmental risks are acceptable, and to document that potential risks associated with the establishment of alternative CTLs are acceptable provided:
- (a) The equations in Chapter 62-777 Figures (1)-(10), as applicable, shall be used as the basis for calculation of cumulative risks and for the calculation of the alternative CTL.

- (b) The selection of the alternative CTL shall be the value representing the 90<sup>th</sup> percentile of the final exposure or risk distribution produced by the model (equivalent to the 10<sup>th</sup> percentile of the CTL distribution); and
- (c) The following information regarding the Probabilistic Risk Assessment model is submitted to and approved by the Department pursuant to subsection 62-780.610(2), F.A.C.:
- 1. All information required by paragraph 62-780.610(2)(b), F.A.C.;
  - 2. The type of simulation used;
- 3. Whether the simulation used is an open-source model or a proprietary model;
  - 4. The source(s) for the distribution(s) used in the model;
- 5. Any information describing the applicability or limitations of the distribution(s) used in the model;
- 6. Any assumptions made regarding the shapes of distribution(s) used in the model and the basis for these assumptions; and
- 7. Any default model parameter values that were replaced with other values for the purposes of the Probabilistic Risk Assessment and the rationale for such replacement, specifically including any change made to the algorithms for sampling from the distributions. The PRSR may submit the information listed in paragraph 62-780.650(3)(c), F.A.C., above for review and approval in advance of the submittal of the model results; and
- 8. A discussion of the uncertainties associated with the models and inputs used in the probabilistic risk assessment, including contributions from:
- a. The nature and sources of exposure and toxicity information;
- b. The shape of input distributions and limits, and choice of point value inputs, if any, used in the analysis; and
  - c. The selection of specific models used in the analysis.
- (4)(3) Within the time frames specified in Table A, located at the end of Rule 62-780.900, F.A.C., or the CAD, the PRSR shall submit to the Department for review an electronic or paper copy of the Risk Assessment Report.
- (5)(4) The Risk Assessment Report shall contain a description of the task elements undertaken, summarize the conclusions obtained, include the tables required pursuant to subparagraph 62-780.600(8)(a)27., F.A.C., updated as applicable, include a scaled site map for each contaminated medium, that illustrates the degree and extent of contamination (and, for groundwater, the flow direction), and include one of the following:
- (a) A No Further Action Proposal without institutional controls or without institutional and engineering controls shall

be included if the site meets the applicable No Further Action criteria of subsection 62-780.680(1), F.A.C., or a No Further Action Proposal with institutional controls or both institutional and engineering controls may be included if the site meets the applicable No Further Action criteria of subsection 62-780.680(2) or (3), F.A.C.; or a No Further Action Proposal with or without institutional controls or both institutional and engineering controls may be included if the site meets the applicable No Further Action criteria of subsection 62-780.680(3), F.A.C.

- (b) A Natural Attenuation Monitoring Plan may be included if the site meets the Natural Attenuation Monitoring criteria of Rule 62-780.690, F.A.C.; or
- (c) A recommendation to prepare a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C., shall be included, unless a recommendation pursuant to paragraph 62-780.650(4)(a) or 62-780.650(4)(b), F.A.C., is included.
  - (6)(5) The Department shall:
- (a) Provide the PRSR with written approval of the Risk Assessment Report and:
- 1. If the No Further Action Proposal is approved, with a Site Rehabilitation Completion Order as referenced in subsection 62-780.680(7), F.A.C.;
- 2. If the Natural Attenuation Monitoring Plan is approved, with a Natural Attenuation Monitoring Plan Approval as referenced in paragraph 62-780.690(5)(a), F.A.C.; or
- 3. If the recommendation to prepare a Remedial Action Plan is approved, with a written notification that the Remedial Action Plan shall be prepared pursuant to Rule 62-780.700, F.A.C.; or
  - (b) Notify the PRSR in writing, stating:
- 1. The reason(s) why the Risk Assessment Report does not contain information adequate to support the proposed alternative CTLs; or
- 2. The reason(s) why the proposal, plan, or recommendation submitted pursuant to subsection 62-780.650(3), F.A.C., is not supported by the applicable criteria.

(7)(6) If the Risk Assessment Report is incomplete in any respect, or is insufficient to satisfy the objectives set forth in subsection 62-780.650(5) 62-780.650(4), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.650(6)(b) 62-780.650(5)(b), F.A.C., of the basis for a rejection or determination of insufficiency, including the technical and scientific basis for any such rejection. and Tthe PRSR shall submit to the Department for review an electronic or paper copy of a Risk Assessment Report Addendum that addresses the deficiencies within 60 days after receipt of the notice.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.021, 403.061, 403.062 FS. History—New 4-17-05, Amended 6-12-13,

Editorial Note: Portions of this rule were copied from 62-770.650; 62-782.650; and 62-785.650.

- 62-780.680 No Further Action and No Further Action with Controls.
  - (1) through (2) No change.
- (3) Risk Management Options Level III A No Further Action with institutional controls, if needed, and, if appropriate, engineering controls shall apply if the controls are protective of human health, public safety, and the environment and are agreed to by the current real property owner(s) of all properties subject to the institutional or engineering controls. Alternative CTLs that are based on limitations to land use must be used in conjunction with institutional controls to ensure that the limited land use upon which the exposure duration and frequency assumptions were based remains in effect in perpetuity until the PRSR submits information to the Department that supports removal or modification of the institutional controls. The PRSR may also use scientific studies or reports to support a No Further Action Proposal without institutional controls under this subsection. Proposals may be based on information about a contaminant's toxicity or carcinogenicity, provided such information is consistent with the requirements of subparagraph 62-780.650(1)(b)2., F.A.C. Proposals for no further action without controls may also be based on information about non-site-specific exposure factors, provided such information is consistent with the requirements of sub-subparagraph 62-780.650(1)(a)4.b. Fate and transport models, as defined in Rule 62-780.610, F.A.C., supported by a minimum of one year of monitoring data, may be utilized to justify the No Further Action Proposal. It shall be demonstrated to the Department that the following conditions are met for those contaminants that do not meet Risk Management Options Level I or Level II criteria of subsection 62-780.680(1) or 62-780.680(2), F.A.C.:
  - (a) through (c) No change.
  - (4) through (5) No change.
- (6) If the No Further Action Proposal is incomplete in any respect, or is insufficient to satisfy the objectives of subsection 62-780.680(1), 62-780.680(2), or 62-780.680(3), F.A.C., the Department shall inform the PRSR pursuant to paragraph 62-780.680(5)(b), F.A.C., of the basis for a rejection or determination of insufficiency, including the technical and scientific basis for any such rejection. and Tthe PRSR shall

submit to the Department for review an electronic or paper copy of a revised No Further Action Proposal that addresses the deficiencies within 30 days after receipt of the notice. If the deficiencies are not timely corrected, or cannot be corrected, the PRSR shall submit to the Department for review, as appropriate, an electronic or paper copy of a Natural Attenuation Monitoring Plan pursuant to Rule 62-780.690, F.A.C., or an electronic or paper copy of a Remedial Action Plan pursuant to Rule 62-780.700, F.A.C., within 60 days after receipt of the notice.

(7) through (9) No change.

Rulemaking Authority 376.303, 376.3071, 376.30701, 376.3078(4), 376.81, 403.061, 403.0877 FS. Law Implemented 376.3071, 376.30701, 376.3078(4), 376.81, 403.0877 FS. History–New 4-17-05, Amended 6-12-13.

Editorial Note: Portions of this rule were copied from 62-770.680; 62-782.680; and 62-785.680.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jorge R. Caspary, Director, Division of Waste Management NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2013

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

#### DEPARTMENT OF HEALTH

### **Board of Massage Therapy**

RULE NO.: RULE TITLE: 64B7-32.002 Proof of Graduation

PURPOSE AND EFFECT: The board proposes this rule amendments to institute procedure to prevent fraud and to clarify the requirements for proof of graduation.

SUMMARY: The proposed rule amendments are necessary to clarify the requirements for proof of graduation and institute procedures to prevent fraud.

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 been prepared by the agency.

The following is a summary of the SERC:

- Based on the annual average number of entities, 150 of the current 170 schools are expected to comply with the rule.
- There will be no costs to the Department for implementing the proposed rule.

- There will be no costs to any other state and local government entities for implementing the proposed rule.
- There will be no costs to any other state and local government enforcing the proposed rule.
- There will be costs incurred by individuals and entities required to comply with the requirements of the proposed rule will be minimal.
- The estimated number of small businesses that would be subject to the rule is less than 150.
- No small county or small city will be impacted by this proposed rule.
- No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs.

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: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) 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 Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

64B7-32.002 Proof of Graduation.

To be acknowledged as a graduate of a Board approved massage school as referred to in Section 480.033(9), F.S., the Board's administrative office must receive one of the following: a list of graduates sent electronically in a method designed by the Board office or an official transcript which indicates that an applicant has met all educational and institutional requirements indicating the start date and the date of graduation.

- (1) List of graduates sent electronically in a method designed by the Board office; or
- (2) Official transcript which indicates that an applicant has met all educational and institutional requirements indicating the date of enrollment and the date of graduation. An official transcript must include the following:
  - (a) Transcript must be printed on counterfeit proof paper;
- (b) Transcript must be created in an electronic system at the approved massage school that includes an audit trail;

(c) Transcripts must be sent directly from the school to the Board office in a sealed envelope that states "Transcript is not valid if seal is broken."

Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History–New 3-25-86, Formerly 21L-32.002, Amended 2-13-95, 2-21-96, 61G11-32.002, Amended 2-26-12.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 14, 2013

### .....

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

### DEPARTMENT OF EDUCATION

### **State Board of Education**

RULE NO.: RULE TITLE:

6A-4.00821 Florida Educational Leadership Examination

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 163, August 21, 2013 Florida Administrative Register has been continued from September 17, 2013 to October 15, 2013.

### DEPARTMENT OF FINANCIAL SERVICES

### **FSC - Financial Institution Regulation**

RULE NO.: RULE TITLE:

69U-140.020 Semiannual Assessment

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 177, September 11, 2013 issue of the Florida Administrative Register Remove "corrects a mathematical error in the calculation of the base assessments for the current monetary assessment tiers from \$500M to \$2.5B and" from the purpose and effect. This was an errant reference to an outdated form.

### Section IV Emergency Rules

### NONE

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

### **NONE**

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

The Division of Plant Industry announces public meetings to which all persons are invited.

DATES AND TIMES: October 3, 2013, 1:00 p.m. – 5:00 p.m. and October 4, 2013, 8:00 a.m. – 12:00 Noon

PLACE: Doyle Conner Building Auditorium, 1911 Southwest 34th Street, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Endangered Plant Advisory Council meeting, October 3 and 4, 2013, 1911 SW 34 Street, Gainesville, Florida 32608 October 3 (1:00 p.m. – 5:00 p.m.)

Welcome and Opening Remarks – Richard Moyroud

Approval of Agenda (Additions, Changes) - Council

Review and Approve Minutes of Last Fall Meeting – Council Presentations by grant applicants/recipients on activities performed on past grant funded conservation programs as well as Q/A for future conservation program – Applicants

Submit Completed Application Evaluation Forms on EPAC GRANT Proposals for Fiscal Year 2014-2015 – Council

October 4 (8:00 a.m. - 12:00 Noon)

Welcome - Richard Moyroud

Four Year Interval Review of Regulated Plant Index (approx 15 plants) – Council

An updated Regulated Plant Index will be provided to council members prior to the meeting.

Review of Proposed and specific listed plants - Council

- Pithecellobium bahamense, Bahama blackbead, proposed 2012
- Symphoricarpos orbiculatus, Coralberry, proposed 2012
- Xylosma buxifolia, Mucha-Gente, proposed 2012
- Echinordorus floridanus, Florida burhead, Not native and shouldn't be listed.
- Kalmia latifolia, mountain laurel, Carryover from last year discussion.
- Warea cuneifolia, n/a, Proposed? Carryover from last year discussion.

- Marsilea ancylopoda, blunt-spined water-clover, Not native?
- Peperomia alata, n/a, Proposal from Steven Woodmansee.

Election of Officers - Council

Comments or Concerns from Council or Interested Parties – Group

Schedule Next Meeting - Council

Adjourn

A copy of the agenda may be obtained by contacting: Bryan K. Benson, EPAC Secretary, (352)395-4704 or bryan.benson@freshfromflorida.com.

For more information, you may contact: Bryan K. Benson, EPAC Secretary, (352)395-4704 or bryan.benson@freshfromflorida.com.

#### DEPARTMENT OF EDUCATION

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

DATE AND TIME: October 1, 2013, 9:00 a.m. – 11:00 a.m. PLACE: Conference line (888)670-3525, conference code (7923533220#)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Planning/Coordination Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.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: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

#### DEPARTMENT OF EDUCATION

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

DATE AND TIME: October 7, 2013, 10:00 a.m. – 12:00 Noon

PLACE: Conference line (888)670-3525, conference code(7923533220#)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Awareness Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.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: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

#### DEPARTMENT OF EDUCATION

Division of Florida Colleges

College President Search Committee semi-finalists interviews The Florida State College at Jacksonville District Board of Trustees announces the following College President semifinalists on-site visits and interviews to which the public is invited. The all-day activities will transpire on various campuses and centers of the College.

DATES: The schedule of the six semi-finalists is as follows:

Monday, September 16: Dr. Art Tyler

Wednesday, September 18: Dr. Cynthia Bioteau

Tuesday, September 24: Dr. Garrett Hinshaw

Wednesday, September 25: Dr. Hank Dunn

Thursday, September 26: Dr. Terry Calaway

Friday, September 27: Dr. Paula Gastenveld

TIMES: 4:45 p.m. – 6:00 p.m.

PLACE: Advanced Technology Center, 401 West State Street, Jacksonville, FL 32202, Room T-140

GENERAL SUBJECT MATTER TO BE CONSIDERED: The College President Search Committee will meet to interview the six semi-finalists. The interviews will be facilitated by the search committee co-chairs, District Board of Trustees Karen Bowling and Tom Bryan.

Copies of the itinerary will be available beginning Monday, September 16, 2013, by contacting Human Resources Coordinator Carol Harrell at (904)632-3318 or Carol.Harrell@fscj.edu.

All objections to this notice or the propriety of the on-site visits and scheduled interviews should be filed in writing with the Interim College President, Florida State College at Jacksonville, on or before September 16, 2013. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the on-site visits/interviews. The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college.

If special accommodations are required, please advise Human Resources twenty-four (24) hours in advance of the on-site visits/interviews by contacting Associate Vice President of Human Resources Dan Richardson at (904)632-3381 or Dan.Richardson@fscj.edu.

Florida State College at Jacksonville

Dr. Willis N. Holcombe Interim College President

### DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:

12-13.001: Scope of Rules

The Florida Department of Revenue announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2013, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

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

Please refer to the Cabinet Agenda posted to the Department's Internet site at http://dor.myflorida.com/dor/rules prior to attending a meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed rules listed below. These proposed rules were noticed in the July 3, 2013 (Vol. 39, No. 129, pp. 3350-3365), Florida Administrative Register:

Rule Chapter 12-13, F.A.C. – Compromise and Settlement (Rules 12-13.001, 12-13.003, 12-13.004, 12-13.0063, 12-13.0064, 12-13.007, 12-13.0075, 12-13.008, 12-13.009, and 12-13.010, F.A.C.)

Rule Chapter 12-16, F.A.C. – Consent Agreements (Rule 12-16.004, F.A.C.)

Rule Chapter 12A-12, F.A.C. – Solid Waste Fees (Rules 12A-12.001 and 12A-12.0011, F.A.C.)

A copy of the agenda may be obtained by contacting: Tammy Miller at (850)617-8347 or by going to the Department's Internet site at http://dor.myflorida.com/dor/rules.

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: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

#### DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE: 12-17.001: Scope of Rules

The Florida Department of Revenue announces a public meeting to which all persons are invited.

DATE AND TIME: September 24, 2013, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a m

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

Please refer to the Cabinet Agenda posted to the Department's Internet site at http://dor.myflorida.com/dor/rules prior to attending a meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval to publish a Notice of Proposed Rule for the following rule sections:

Rule Chapter 12-17, F.A.C. – Agreements for Scheduling Payment of Liabilities (Rules 12-17.001, 12-17.002, 12-17.003, 12-17.004, 12-17.005, 12-17.006, 12-17.007, 12-17.008, 12-17.009, and 12-17.010, F.A.C.)

Rule Chapter 12-21, F.A.C. – Warrants, Jeopardy, and Post Warrant Collections (Rules 12-21.001, 12-21.0015, 12-21.002, 12-21.005, 12-21.007, 12-21.010, 12-21.040, 12-21.050, 12-21.201, 12-21.202, 12-21.203, 12-21.204, 12-21.205, and 12-21.208, F.A.C.)

Rule Chapter 12A-1, F.A.C. – Sales and Use Tax (Rule 12A-1.090, F.A.C.)

Rule Chapter 12-18, F.A.C. – Remittance Requirements for Clerks of the court, Municipalities, and Counties (Rule 12-28.008, F.A.C.)

Rule Chapter 12-24, F.A.C. – Payment of Taxes and Submission of Returns by Electronic Means; Taxpayer Recordkeeping and Retention Requirements (Rule 12-24.023, F.A.C.)

Rule Chapter 12A-1, F.A.C. – Sales and Use Tax (Rules 12A-1.059, 12A-1.0641, and 12A-1.097, F.A.C.)

Rule Chapter 12A-16, F.A.C. – Rental Car Surcharge (Rule 12A-16.008, F.A.C.)

Rule Chapter 12A-19, F.A.C. – Communications Services Tax (Rules 12A-19.071, and 12A-19.100, F.A.C.)

Rule Chapter 12B-5, F.A.C. – Fuels and Pollutants Tax (Rules 12B-5.020, 12B-5.060, 12B-5.080, 12B-5.090, 12B-5.130, 12B-5.140, 12B-5.150, 12B-5.200, 12B-5.300, and 12B-5.500, F.A.C.)

Rule Chapter 12B-8, F.A.C. – Insurance Premium Tax (Rules 12B-8.0016, and 12B-8.003, F.A.C.)

Rule Chapter 12C-1, F.A.C. – Corporate Income Tax (Rule 12C-1.051, F.A.C.)

Rule Chapter 12C-2, F.A.C. – Intangible Personal Property Tax (Rule 12C-2.0115, F.A.C.)

Rule Chapter 12C-3, F.A.C. Estate Tax (Rules 12C-3.0015, 12C-3.0025, 12C-3.0035, 12C-3.0045, 12C-3.0055, 12C-3.008, 12C-3.010, 12C-3.011, and 12C-3.012, F.A.C.)

A copy of the agenda may be obtained by contacting: Tammy Miller at (850)617-8347 or by going to the Department's Internet site at http://dor.myflorida.com/dor/rules.

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: Tammy Miller at (850)617-8347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

### EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The State Emergency Response Commission for Hazardous Materials Training Task Force (TTF) announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2013, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 180, 2075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Training Task Force and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)413-9970.

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: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

### EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Local Emergency Planning Committee (LEPC), Chairpersons and Staff Contacts for the State Emergency Response Commission for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2013, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 180, 2075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committee in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)413-9970.

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: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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#### REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

The Local Emergency Planning Committee District 6 announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2013, 10:00 a.m. – 12:00 Noon

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Material related to EPCRA Community right to know.

A copy of the agenda may be obtained by contacting Tim Kitchen, (407)262-7772 or tkitchen@ecfrpc.org.

### REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's Clearinghouse Review Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2013, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: Mr. Avera Wynne, (727)570-5151, ext. 30 or avera@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, (727)570-5151, ext. 22 or wren@tbrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Mr. Avera Wynne, (727)570-5151, ext. 30.

#### WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

The Suwannee River Water Management District announces public meetings to which all persons are invited.

DATE AND TIMES: September 24, 2013: 1:30 p.m., Audit Committee Meeting; 3:00 p.m., Governing Board Workshop; 5:30 p.m., 1st Public Hearing on FY 2014 Budget

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governing Board meeting is to consider District business and conduct public hearings on regulatory, real estate, and other various matters.

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

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

### WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: RULE TITLE:

40B-4.1010: Policy and Purpose

40B-4.1020: Definitions

40B-4.1030: Implementation

40B-4.1040: Permits Required

40B-4.1050: Permit Fees (Repealed)

40B-4.1060: Recognition of Comparable Regulatory Programs

40B-4.1070: Exemptions

40B-4.1090: Publications and Agreements Incorporated by Reference

40B-4.1100: Duration of Permits

40B-4.1110: Modification of Permits

40B-4.1120: Revocation of Permits

40B-4.1130: Transfer of Permits

40B-4.1140: Limiting Conditions on Permits

40B-4.1150: Emergency Authorization

40B-4.1170: Inspections and Enforcement

40B-4.2010: General Environmental Resource Permits

40B-4.2020: Content of Environmental Resource Permit Application

40B-4.2030: Conditions for Issuance of Environmental Resource Permits

40B-4.2035: Minimum Operation and Maintenance Entity Requirements

40B-4.2040: Minimum Operation and Maintenance Standards

40B-4.3000: Adopted Works of the District

40B-4.3010: General Works of the District Development Permits

40B-4.3020: Content of District Floodway Development Permit Applications

40B-4.3030: Conditions for Issuance of Works of the District Development Permits

40B-4.3035: Minimum Operation and Maintenance Standards 40B-4.3040: Unlawful Use of Works of the District

NOTICE OF CORRECTION – The Suwannee River Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: September 25, 2013, 3:00 p.m. **and** 6:00 p.m.

PLACE: Suwannee River Water Management District Headquarters, 9225 CR 49, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is designed to inform the public of the changes that will be implemented as part of Statewide Environmental Resource Permitting (SWERP) effort.

A copy of the agenda may be obtained by contacting: Leroy Marshall, Suwannee River Water Management District Headquarters, 9225 CR 49, Live Oak, FL 32060, (386)362-1001.

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: Leroy Marshall, Suwannee River Water Management District Headquarters, 9225 CR 49, Live Oak, FL 32060, (386)362-1001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Leroy Marshall, Suwannee River Water Management District Headquarters, 9225 CR 49, Live Oak, FL 32060, (386)362-1001.

### AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Bureau of Managed Health Care announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 23, 2013, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Jackson Behavioral Health Hospital, Diagnostic Treatment Center, 1080 NW 19 Street, DTC/259 on the 2nd Floor, Miami, Florida 33136

GENERAL SUBJECT MATTER TO BE CONSIDERED: The intent of the Statewide Managed Care Behavioral Health Meeting is to have a dialogue between the Medicaid managed care plans, behavioral health providers, Advocates, and Stakeholders. The purpose of the discussion will be to identify ways to enhance the provision of behavioral health services to Medicaid recipients in managed care.

Please take note that this meeting is not affiliated with the Statewide Medicaid Managed Care implementation.

A copy of the agenda may be obtained by contacting: Kimberly Houston via email (850)412-4315. Kimberly.Houston@ahca.myflorida.comor The call-in number is (888)670-3525, please enter the passcode: 2821178326#. For those unable to attend in person, an audio recording of the meeting will be available by contacting: Kimberly Houston via email Kimberly. Houston@ahca.myflorida.com or (850)412-4315.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly Houston via email at Kimberly.Houston@ahca.myflorida.com or (850)412-4315. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Kimberly Houston via email at Kimberly.Houston@ahca.myflorida.com or (850)412-4315.

### AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Bureau of Managed Health Care announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 22, 2013, 9:00 a.m. – 4:30 p.m. (EST)

PLACE: Jackson Behavioral Health Hospital, Diagnostic Treatment Center, 1080 NW 19 Street, DTC/259 on the 2nd Floor, Miami, Florida 33136

### GENERAL SUBJECT MATTER TO BE CONSIDERED:

The intent of this workshop is to have dialogue between the Medicaid managed care plans, behavioral health providers, Advocates, and Stakeholders regarding best practices for the Admissions and Discharge Planning Process for residents of Assisted Living Facilities (ALF). A panel discussion will follow the presentations facilitated by the following guest speakers: Brandy Hamilton of Central Florida Behavioral Hospital, William Delaney of Psychcare, Vivian Demille of Chrysalis Center and Luis Collazo of Palm Breeze ALF.

The purpose of the workshop is to identify barriers to the system of care and develop ways to enhance the provision of behavioral health services to Medicaid recipients in managed care.

Please take note that this meeting is not affiliated with the Statewide Medicaid Managed Care implementation.

A copy of the agenda may be obtained by contacting: Kimberly Houston via email at Kimberly.Houston@ahca. myflorida.com or (850)412-4315. The call-in number is (888)670-3525, please enter the passcode: 2821178326#. For those unable to attend in person, an audio recording of the meeting will be available by contacting: Kimberly Houston via email at Kimberly.Houston@ahca.myflorida.com or (850)412-4315.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly Houston via email at Kimberly.Houston@ahca.myflorida.com or (850)412-4315. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Kimberly Houston via email at Kimberly.Houston@ahca.myflorida.com or (850)412-4315.

### AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Bureau of Managed Health Care announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 23, 2013, 9:00 a.m. -11:30 a.m. (EST)

PLACE: Jackson Behavioral Health Hospital, Diagnostic Treatment Center, 1080 NW 19 Street, DTC/259 on the 2nd Floor, Miami, Florida 33136

GENERAL SUBJECT MATTER TO BE CONSIDERED: The intent of the Assisted Living Facility Sub Workgroup Meeting is to have a dialogue between the Medicaid managed care plans, behavioral health providers, Assisted Living Administrators, Advocates, and Stakeholders. The purpose of the discussion will be to identify ways to enhance the provision of behavioral health services to Medicaid recipients in managed care living in an Assisted Living Facility.

Please take note that this meeting is not affiliated with the Statewide Medicaid Managed Care implementation.

A copy of the agenda may be obtained by contacting: Kimberly Houston via email at Kimberly.Houston@ahca. myflorida.com or (850)412-4315.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly Houston via email Kimberly.Houston@ahca.myflorida.com or (850)412-4315. The call-in number is (888)670-3525, please enter the passcode: 2821178326#. For those unable to attend in person, an audio recording of the meeting will be available by contacting: Kimberly Houston via email Kimberly.Houston@ahca.myflorida.com or (850)412-4315. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Kimberly Houston via email at Kimberly.Houston@ahca.myflorida.com or (850)412-4315.

### AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

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

DATE AND TIME: October 16, 2013, 2:00 p.m. – 3:00 p.m. PLACE: Agency for Health Care Administration, Conference Room D, 2727 Mahan Dr., Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: \*\*\*This notice replaces the hearing notice published in the Florida Administrative Register on September 12, 2013, Vol. 39, No. 178. The date in the previous notice was incorrect.\*\*\* Pursuant to Section 120.54(7)(b), Florida Statutes, the Agency announces a public hearing to consider comments regarding a Petition to Initiate Rulemaking filed by Dayspring Village, Inc. The petition asks the Agency to initiate rulemaking regarding the Agency's process for surveying assisted living facilities including the Agency's survey process, documents utilized, standards for Agency surveyors, standards for determining compliance, and standards related to the determination of direct threat during a survey. The petition alleges the Agency relies on unadopted rules in the administration of its survey duties.

A copy of the agenda may be obtained by contacting: Shaddrick Haston. Esa. at Shaddrick.Haston@ahca. mvflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Shaddrick Haston, Esq. at Shaddrick.Haston@ ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: For more information or a copy of the petition, you may contact: Shaddrick Haston, Esq. at Shaddrick.Haston@ahca.myflorida.com.

### AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

RULE NO.: RULE TITLE:

59G-13.080: Home and Community-Based Services Waivers The Agency for Health Care Administration announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, September 25, 2013, 1:30 p.m. - 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling a workshop in Tallahassee, FL for the purpose of discussing the Home and Community-Based Services Waivers. The Channeling Waiver will be discontinued. There are several proposed changes to the Model Waiver that include assistive technology and service evaluation assessment, transitional case management, program summary, recipient eligibility, and covered services and provider qualifications.

A copy of the agenda may be obtained by contacting: Brenda Jones-Garrett, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, telephone: (850)412-4260, email: brenda.jones-garrett@ahca.myflorida.com, or may be downloaded at www.ahca.myflorida.com/Medicaid/ review/index.shtml.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brenda Jones-Garrett, Bureau of Medicaid Services at (850)412-4260. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

### AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

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

DATE AND TIME: October 15, 2013, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308. Those not able to attend in person may participate via conference phone by calling (888)670-3525 and entering the participant pass code 3715274100.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to discuss regular agenda topics and activities of the Medical Care Advisory Committee, and to provide stakeholders with the opportunity to provide meaningful comment on the progress of Florida's 1115 Managed Medical Assistance (MMA) Waiver (previously known as Medicaid Reform Waiver), approved by the Centers for Medicare and Medicaid Services (Federal CMS) on June 14, 2013. In addition, the future of Florida's 1115 MMA Waiver will be discussed to include the following topics: legislation creating the MMA program passed during the 2011 Florida Legislative Session, overview of the existing waiver and description of the draft waiver extension request. There will be an opportunity for public comment at the meeting.

As specified in Special Term and Condition #18, "Post Award Forum," of the 1115 MMA Waiver, the Agency for Health Care Administration (Agency) must afford the public with an opportunity to provide meaningful comment on the progress of the 1115 MMA Waiver within six months of approval of the waiver amendment (see "Summary Description of the Demonstration Waiver" below for more information), and annually thereafter. The Agency can use its Medical Care Advisory Committee to meet this requirement, and the Agency must publish the date, time and location of the public meeting at least 30 days prior to the public meeting date.

SUMMARY DESCRIPTION OF THE DEMONSTRATION WAIVER: Florida's 1115 Research and Demonstration Waiver was initially approved by Federal CMS October 19, 2005 to operate the demonstration for the period from July 1, 2006 to June 30, 2010. Implementation of the demonstration occurred in Broward and Duval Counties on July 1, 2006 with expansion to Baker, Clay and Nassau Counties occurring July 1, 2007. Federal CMS granted temporary extensions of demonstration until December 15, 2011, when final approval of the extension request was granted, for the period from December 16, 2011 to June 30, 2014.

On June 14, 2013, Federal CMS approved an amendment to the demonstration that allows for implementation of an improved model of managed care to all counties in Florida and the continuation of the Low Income Pool program. The amendment also changed the name of the demonstration to the Florida Managed Medical Assistance program. The program is guided by principles designed to improve coordination and patient care while fostering fiscal responsibility.

A copy of the agenda may be obtained by contacting: Ms. Carla Sims at (850)412-4013 or via email at Carla.Sims@ahca.myflorida.com.

For more information, you may contact: Ms. Carla Sims at (850)412-4013 or via email at Carla.Sims@ahca. myflorida.com.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-3.001: Scope 61G20-3.002: Definitions

61G20-3.007: Product Approval by the Commission

The Florida Building Commission announces a workshop to which all persons are invited.

DATE AND TIME: October 18, 2013, 8:30 a.m., or as soon as thereafter as the matter comes before the Florida Building Commission in accordance with its agenda.

PLACE: Gaylord Palms Resort and Convention Center, 600 W. Osceola Pkwy, Kissimmee, Florida 34746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Changes to the State Product Approval Program. Specifically the commission seeks to determine how to address the new product category "impact protective systems" and how to include applications for product approval using product evaluation reports from evaluation entities other than those from licensed engineers or architects.

A copy of the agenda may be obtained by contacting: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1825.

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 Mo Madani at (850)717-1825. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1825.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION RULE NO.: RULE TITLE:

62-304.645: Springs Coast Basin TMDLs

The Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: September 30, 2013, 2:30 p.m.

PLACE: Weeki Wachee Springs State Park, Banquet Hall Building, 6131 Commercial Way, Weeki Wachee, Florida 34606

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and receive public comments on 1) the revised draft total maximum daily load (TMDL) for the nutrient impairment of the Weeki Wachee Spring and Weeki Wachee River, in the Springs Coast Basin, to be adopted in Rule 62-304.645, F.A.C., and 2) having these nutrient TMDLs, if adopted, constitute site specific numeric interpretations of the narrative nutrient criterion set forth in paragraph 62-302.530(47)(b), F.A.C., that would replace the otherwise applicable numeric nutrient criteria in paragraphs 62-302.531(2)(b) and (c) for these particular waters, upon paragraph 62-302.531(2)(a), F.A.C., becoming effective. The draft TMDL document for these impaired waters will be placed on the Department's TMDL website (http://www.dep.state.fl.us/water/tmdl/) by September 23, 2013 and will be provided upon request to interested parties by mail or via email distribution. The Department will accept written comments on the draft TMDLs, as well as the establishment of these nutrient TMDLs as site specific interpretations of the narrative nutrient criterion, through October 24, 2013. Written comments should be directed to: Richard Hicks, PG Administrator, Ground Water Management Section, Florida Department of Environmental Protection, Mail Station 3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, email: richard.w.hicks@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Patricia Waters, Ground Water Management Section, MS 3575, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400 or by calling (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Patricia Waters, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

### DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATE AND TIME: Thursday, September 26, 2013, 9:00 a.m. PLACE: Conference call number: (888)670-3525, conference code 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: The Florida Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Florida Board of Pharmacy, (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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: The Florida Board of Pharmacy at (850)245-4292.

### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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

DATE AND TIME: Wednesday September 25, 2013, 5:30 p.m. - 7:30 p.m.

PLACE: Orange Park Library, Meeting Room A, 2054 Plainfield Ave., Orange Park, FL 32073

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Children and Families announces a public meeting to discuss child welfare in Clay County, Circuit 4: what is working in the current system of care, identification of gaps in services, and critical areas needing improvement.

A copy of the agenda may be obtained by contacting: James (352)415-6269, Taylor, phone: email: james\_e\_taylor@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: James Taylor, phone: (352)415-6269, email: james\_e\_taylor@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: James Taylor, phone: (352)415-6269, email: james\_e\_taylor@dcf.state.fl.us, 1000 NE 16th Avenue, Bldg I, Gainesville, FL 32602.

### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Refugee Services

The Pensacola Area Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 26, 2013, 10:00 a.m. – 12:00 Noon

PLACE: TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Pensacola Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Theresa Leslie at (850)921-7944 or Taddese Fessehaye at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Theresa Leslie at (850)921-7944 or Taddese Fessehaye at (407)317-7335. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Theresa Leslie at (850)921-7944 or Taddese Fessehaye at (407)317-7335.

### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Refugee Services

The Department of Children and Families, Refugee Services announces a public meeting to which all persons are invited. DATE AND TIME: Thursday, September 26, 2013, 8:30 a.m. PLACE: Florida Department of Children and Families, 1317 Winewood Blvd., Bldg. 5, Room 202, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Title: Meeting of Negotiation Team to Develop Recommendation for Award for the Technical Assistance for Ethnic Community-Based Organizations (ECBOs) in Duval County (ITN# 05K13BS1).

Description: As provided for in Sections 2.5 and 5.4 of this ITN which was published to the Vendor Bid System (VBS) on June 5, 2013. The VBS can be accessed at: http://vbs.dms.state.fl.us/. The Meeting of Negotiation Team to Develop Recommendation for Award is where negotiators will develop a recommendation as to the award that will provide the best value to the State based on the criteria set forth in Section 5.4.1.

A copy of the agenda may be obtained by contacting: Holly Merrick@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Pamela Thornton, email: Pamela\_Thornton@dcf.state.fl.us or (850)717-4567. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Holly\_Merrick@dcf.state.fl.us.

### FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The Florida Atlantic Research & Development Authority announces a public meeting to which all persons are invited. DATE AND TIME: October 1, 2013, 8:00 a.m.

PLACE: Technology Business Incubator, 3651 FAU Blvd, Suite 400, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review sub-lease agreements relating to the Deerfield Beach campus.

A copy of the agenda may be obtained by contacting: Christine Burres, cc@research-park.org.

#### MOFFITT CANCER CENTER & RESEARCH INSTITUTE

The H. Lee Moffitt Cancer Center & Research Institute, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2013, 2:00 p.m.

PLACE: Stabile Trustees Boardroom, 12902 Magnolia Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Joint Finance and Planning Committee.

A copy of the agenda may be obtained by contacting: Kris Butler, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, Florida 33612.

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 24 hours before the workshop/meeting by contacting: Kris Butler, (813)745-1888. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

### MOFFITT CANCER CENTER & RESEARCH INSTITUTE

The H Lee Moffitt Cancer Center & Research Institute, Inc. announces a public meeting to which all persons are invited. DATE AND TIME: September 24, 2013, 1:30 p.m.

PLACE: Moffitt Cancer Center, Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by contacting: Lori Payne, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612.

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 24 hours before the workshop/meeting by contacting: Lori Payne, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

### MOFFITT CANCER CENTER & RESEARCH INSTITUTE

The Florida Cancer Control & Research Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 13, 2013, 12:00 p.m.

PLACE: Conference call: (800)206-6032, passcode: 7451520# GENERAL SUBJECT MATTER TO BE CONSIDERED: Cancer Control Research Advisory Council (CCRAB) Sub-Committee Goal I, System Capacity & Infrastructure.

A copy of the agenda may be obtained by contacting: Sandra.Stonecypher@Moffitt.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 1 day before the workshop/meeting by contacting: Sandra.Stonecypher@Moffitt.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Sandra.Stonecypher@Moffitt.org.

Section VII

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

NOTICE IS HEREBY GIVEN that on August 20, 2013, the Electrical Contractors' Licensing Board has received the petition for declaratory statement from National Conductor Constructors. The petition seeks the agency's opinion as to the applicability of Section 489.503(4), F.S. as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 489.503(4), F.S., as to whether there are requirements to hold an electrical license to perform the following: electrical substation construction, bus and wire installation, turbine ISO phase installation and maintenance and inspection of those types of installation. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Daniel Biggins, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, Daniel.Biggins@myfloridalicense.com or by telephoning (850)487-1395.

### DEPARTMENT OF HEALTH

Board of Respiratory Care

The Board of Respiratory Care hereby gives notice that on September 3, 2013, it received a Petition for Declaratory Statement filed by Kelly Colon, RRT. The petition seeks the Board's interpretation of Chapter 468.352, Florida Statutes, and whether a Respiratory Care Practitioner or a Certified or Registered Respiratory Therapist can collect and test other blood samples such as, but not limited to, electrolytes or hemoglobin, to assist with the physiologic monitoring of cardiopulmonary patient systems. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

Copies of the petition may be obtained from: Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, Allen\_Hall@doh.state.fl.us or by telephoning (850)245-4373.

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

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

### **NONE**

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

### **NONE**

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

### **NONE**

### Section X

Annoucements and Objection Reports of the Joint Adminstrative Procedures Committee

### **NONE**

### Section XI Notices Regarding Bids, Proposals and Purchasing

FLORIDA POLYTECHNIC UNVERSITY
RFSOQ 2013-001, Development of Residential Housing
NOTICE OF REQUEST FOR STATEMENT OF
QUALIFICATIONS
STATE OF FLORIDA
FLORIDA POLYTECHNIC UNIVERSITY
REQUEST NO. RFSOQ 2013-001

The Florida Polytechnic University is soliciting competitive statements of qualifications from developers interested in financing, designing, building, maintaining and operating a residential housing unit for University students.

PROJECT NAME: Development of Residential Housing

PROJECT LOCATION: Lakeland, Florida

PROJECT POINT OF CONTACT: John T. Gray, Director of Special Projects, Florida Polytechnic University, 439 S. Florida Avenue, Suite 300, Lakeland, Florida 33801, jtgray@floridapolytechnic.org, (863)583-9955.

INSTRUCTIONS: The request for Statements of Qualifications may be obtained at http://floridapolytechnic.org/about/campus/rfsoq-2013-001-residential-housing/.

STATEMENT SUBMITTAL DUE DATE: No later than 1:00 p.m. (ET) on October 7, 2013, to the Project Point of Contact, as further described in the Request for Statements of Qualifications.

NOTICE OF RIGHTS: Notice of Intent to Protest the Request for Statement of Qualifications Specifications must be filed with and received by the Project Point of Contact within 72 hours after posting. Failure to timely file a Notice of Intent to Protest or a formal, written protest in accordance with State University System Board of Governors' Regulation 18.002 shall constitute a waiver of the right to a hearing on the protest.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Project Point of Contact at least five (5) workdays in advance. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

#### DEPARTMENT OF CORRECTIONS

Florida State Prison-Roof Replacement

### ADVERTISEMENT FOR BID

PROPOSALS ARE REQUESTED FROM CERTIFIED ROOFING CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: 05-702

PROJECT NAME & LOCATION: ROOF REPLACMENT OF THE MAIN BUILDING AT THE FLORIDA STATE PRISON, 7819 NW 228<sup>TH</sup> STREET, RAIFORD, FLORIDA 32026.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PREQUALIFICATION: Each bidder, whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification, must submit prequalification data of their eligibility to submit proposals as soon as possible. Bidders must receive confirmation of their prequalification five (5) calendar days prior to the bid opening date. If not previously qualified by the Department for the current biennium (July 1

through June 30) of odd numbered years, or you are unsure, please contact Ms. Nancy Jewett (850)717-3672 for prequalification instructions. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received and publicly opened on:

DATE AND TIME: October 21, 2013, 2:00 p.m. Eastern Time PLACE: CRA Inc., 2027 Thomasville Rd., Tallahassee, FL 32308

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Specifications, Bidding Conditions and Contractual Conditions, which may be obtained from: CRA (850)385-6153

Full sets of Drawings and specifications may be purchased for \$150.00 per print set and \$20.00 per electronic set from the Architect, non-refundable. Partial sets may not be purchased.

A mandatory pre-bid conference will be held on September 26, 2013, at 10:00 a.m. Eastern Time, at the Administration Building, Conference Room. A brief walk-through of the work area(s) will be available as part of the pre-bid conference. Everyone attending the Pre-Bid conference must have a valid Driver's License or a valid Photo ID; and must sign in and out at the Administrative Office. Bidders must call the person listed below at least four (4) days prior to the date of the site visit and furnish them with the following information on all attendees: Attendee's full name, social security number, date of birth, driver's license number, and state of issuance. Persons present as attendees must be the same individuals noted on the written list (no changes or additions may be made). Attendees must present photo identification at the site. For security reasons, any person present for admission to a site visit, not on the written list, will be denied access.

All site visits and deliveries will be coordinated with: Brian Sutton, Florida State Prison, Phone: (904)368-2525, email address: <a href="mailto:sutton.brian@mail.dc.state.fl.us">sutton.brian@mail.dc.state.fl.us</a>.

NOTE: Any technical questions regarding this Bid or Requests for substitutions shall be submitted in writing, by email or fax, to the address listed below and must be received no later than October 2, 2013, 4:00 p.m. Eastern Time. Only written answers by addendum will be binding. Email: triley@clemons-rutherford.com or fax: (850)386-8420.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

## TAMPA BAY ESTUARY PROGRAM TAMPA BAY CRITICAL COASTAL HABITAT ASSESSMENT

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

TAMPA BAY CRITICAL COASTAL HABITAT ASSESSMENT

Request for proposal instructions and associated proposal documents may be obtained by contacting Ron Hosler at TBEP, 263-3th Avenue South, Suite 350, Saint Petersburg, Florida 33701 or <a href="mailto:ron@tbep.org">ron@tbep.org</a>. Sealed proposals will be received at the following address: TBEP, 263-13th Avenue South, Suite 350, Saint Petersburg, Florida 33701 until 2:00 p.m. local time, Friday, October 11, 2013, at which time they will be publicly opened.

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

### Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Golf Depot, Inc. for relocation of Club line-make
Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Club Car, LLC, intends to allow the relocation of Golf Depot, Inc., as a dealership for the sale of low-speed vehicles manufactured by Club Car, LLC (line-make CLUB) from its present location at 13913 Panama City Beach Parkway, Panama City Beach (Bay County), Florida 32413, to a proposed location at 242 Hollywood Boulevard Southwest, Fort Walton Beach, (Okaloosa County), Florida 32547, on or after October 14, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Golf Depot, Inc., are dealer operator(s): Edward McAuliff, 1783 Ivalea Circle, Navarre, Florida 32566, principal investor(s): Edward McAuliff, 1783 Ivalea Circle, Navarre, Florida 32566, Peggy Wolfe, 206 Covington Street, Panama City Beach, Florida 32413 and Helen McAuliff, 206 Covington Street, Panama City Beach, Florida 32413.

The notice indicates intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael R. Packer, Club Car, LLC, 4125 Washington Road, Evans, Georgia 30809.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

### AGENCY FOR HEALTH CARE ADMINISTRATION Certificate of Need

### NOTICE OF BATCHED APPLICATION RECEIPT AND TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds and Facilities review cycle with an application due date of September 4, 2013.

County: Sumter District: 3

CON # 10196 Application Receipt Date: September 4, 2013 Applicant/Facility/Project: HealthSouth Rehabilitation Hospital of Sumter/Lake County, LLC

Project Description: Establish a comprehensive medical rehabilitation hospital of up to 65 beds

County: Sumter District: 3

CON # 10197 Application Receipt Date: September 4, 2013

Facility/Project: The Villages Regional Hospital

Applicant: The Villages Tri-County Medical Center, Inc.

Project Description: Establish a comprehensive medical rehabilitation

unit of up to 30 beds

County: Duval District: 4

CON # 10198 Application Receipt Date: August 30, 2013

Facility/Project: UF Health Jacksonville North

Applicant: Shands Jacksonville Medical Center, Inc.

Project Description: Establish an acute care hospital of up to 100

beds

County: Volusia District: 4

CON # 10199 Application Receipt Date: August 30, 2013 Applicant/Facility/Project: Select Specialty Hospital – Daytona Beach, Inc.

Project Description: Establish a long-term care hospital within a hospital of up to 34 beds

County: Polk District: 6

CON # 10200 Application Receipt Date: September 3, 2013

Applicant/Facility/Project: Kindred Hospitals East, LLC

Project Description: Establish a 30-bed long-term care hospital within a hospital in Polk County

County: Martin District: 9

CON # 10201 Application Receipt Date: September 4, 2013 Applicant/Facility/Project: Treasure Coast Behavioral Health, LLC Project Description: Establish a seven-bed adult psychiatric hospital in Martin County

County: Broward District: 10

CON # 10202 Application Receipt Date: September 4, 2013

Applicant/Facility/Project: East Florida Healthcare, LLC

Project Description: Establish an acute care hospital of up to 100 beds

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 3 – CONs 10196 & 10197

DATE/TIME: Thursday, October 24, 2013, 9:00 a.m. – 12:00 Noon PLACE: WellFlorida Council, Inc, 1785 NW 80th Blvd., Gainesville, FL 32606

PROPOSAL: District 4 - CON #10198

DATE/TIME: Tuesday, October 22, 2013, 9:00 a.m. – 10:30 a.m. PLACE: Health Planning Council of Northeast Florida, Inc., 101 N. Laura Street, Suite 801, Jacksonville, FL 32202

PROPOSAL: District 4 - CON #10199

DATE/TIME: Tuesday, October 22, 2013, 10:30 a.m. – 12:00 Noon PLACE: Health Planning Council of Northeast Florida, Inc., 101 N. Laura Street, Suite 801, Jacksonville, FL 32202

PROPOSAL: District 6

DATE/TIME: Wednesday, October 23, 2013, 9:00 a.m. – 12:00 Noon

PLACE: Madison Building (Koger Complex), 9600 Koger Blvd., 2nd Floor Conference Room, St. Petersburg, FL 33702

PROPOSAL: District 9

DATE/TIME: Tuesday, October 22, 2013, 10:00 a.m. -12:00 Noon PLACE: Health Council of Southeast Florida, 600 Sandtree Drive,

Suite 101, Palm Beach Gardens, FL 33403

PROPOSAL: District 10

DATE/TIME: Monday, October 21, 2013, 12:00 Noon – 5:00 p.m. PLACE: Broward Regional Health Planning Council, Inc., 200 Oakwood Lane, Suite 100, Conference Rooms B and D, Hollywood, FL 33020

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention James B. McLemore, by 5:00 p.m., September 27, 2013. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by October 9, 2013.

### AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

Agency for Health Care Administration

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Finance, provides the following public notice regarding a State Plan Amendment (SPA) for Physician's Supplemental Payments.

Florida medical schools are developing a proposed revised supplemental payment methodology using a campus-specific enhanced fee schedule for each CPT Code based on the major three to five contracted commercial insured rates, which constitute 90% of the volume of the commercial business. The updated methodology would become effective in a State Plan Amendment July 1, 2013, and will be applicable to fee-forservice claims. We do not intend to base the supplemental payment methodology on Medicare payments.

### **DEPARTMENT OF ECONOMIC OPPORTUNITY Division of Community Development**

Polk County Land Development Regulations adopted by Ordinance No.: 13-023

DEO FINAL ORDER NO. DEO-13-089

In re: POLK COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY POLK COUNTY ORDINANCE NO.13-023

### FINAL ORDER

The Department of Economic Opportunity (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., rejecting Polk County Ordinance No. 13-023.

### **FINDINGS OF FACT**

- 1. The Green Swamp Area is a statutorily designated area of critical state concern. § 380.0551, Fla. Stat. Polk County is a local government within the Green Swamp Area.
- 2. On June 8, 2013, the Polk County Board of County Commissioners adopted Ordinance No. 13-023 (the "Ordinance"), which was rendered to the Department on July 15, 2013.
- 3. The Ordinance, identified by the County as Land Development Code Amendment LDC 13T-05, amends Ordinance No. 00-09, as amended, the Polk County Land Development Code, by amending Table 4.16 to allow car washes (incidental), convenience stores, gas stations, vehicle sales and leasing, and vehicle service (mechanical) in the Employment Center-X (ECX) land use district of the North Ridge Selected Area Plan. The Ordinance also amends section 401.06.E.3 to provide conditional use criteria for those uses.
- 4. The land development regulations in the Ordinance are consistent with Policies 2.109-A9 and 2.131-Q4 of the Polk County Comprehensive Plan.
- 5. The Ordinance is consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern in Rule 28-26.003, Fla. Admin. Code, as a whole and is not inconsistent with any Principle.

### CONCLUSIONS OF LAW

- 6,. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat.
- 7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.
- 8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code.

WHEREFORE, IT IS ORDERED that Polk County Ordinance No. 13-023 is consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is filed as described below. DONE AND ORDERED in Tallahassee, Florida, this 11th day of September, 2013.

/s/

Chad Poppell
Chief of Staff

Department of Economic Opportunity NOTICE OF ADMINISTRATIVE RIGHTS

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

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

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY **PETITION** REQUESTING A **FORMAL ADMINISTRATIVE HEARING BEFORE** AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF **ADMINISTRATIVE** HEARINGS, **PURSUANT** TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA **ADMINISTRATIVE** CODE. ΑT A **FORMAL** 

ADMINISTRATIVE HEARING, BE YOU MAY REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT **EVIDENCE** ARGUMENT ON ALL THE ISSUES INVOLVED. CONDUCT CROSS-EXAMINATION AND **SUBMIT** REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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

AGENCY CLERK DEPARTMENT OF ECONOMIC OPPORTUNITY OFFICE OF THE GENERAL COUNSEL 107 EAST MADISON STREET, MSC 110 TALLAHASSEE, FLORIDA 32399-4128 FAX (850)921-3230

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

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

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE

AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

### CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this <u>12th</u> day of September, 2013.

\_\_\_\_\_\_\_/s/ James W. Bellflower, Agency Clerk

By U.S. Mail: Melony M. Bell, Chairman Polk County Board of County Commissioners P.O. Box 9005, Drawer BC01 Bartow, FL 33831-9005 Stacy M. Butterfield, Clerk Polk County Board of County Commissioners P.O. Box 9005, Drawer BC01 Bartow, FL 33831-9005

Michael F. Craig, Esq. Polk County Attorney 330 West Church Street Bartow, FL 33830

Thomas Deardorff, AICP, Director Polk County Office of Planning and Development P.O. Box 9005, Drawer GM01 Bartow, FL 33831-9005

### By Hand Delivery or Interagency Mail:

Rebecca Jetton, Community Planning Administrator, DEO Tallahassee

## Section XIII Index to Rules Filed During Preceeding Week

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