

## Section I

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

#### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.004  
 RULE TITLE: Employment of Relatives  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement Section 945.0311(2), Florida Statutes, by creating a rule that outlines how the Department handles the employment of persons who are related.  
 SUBJECT AREA TO BE ADDRESSED: Employment of Relatives.

RULEMAKING AUTHORITY: 945.0311 FS.

LAW IMPLEMENTED: 112.3135, 945.0311 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: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 33-208.004 Employment of Relatives.

##### (1) Definitions.

(a) Employee – Any individual on the payroll of the Department of Corrections.

(b) Hiring Authority – The Secretary, Deputy Secretary, Chief of Staff, General Counsel, Inspector General, Assistant Secretaries, Deputy Assistant Secretaries, Directors, Regional Directors, Bureau Chiefs, Wardens, Circuit Administrators, or his designee(s).

(c) Line of Authority – The direct chain of command or supervisory path that organizationally links positions within the Department. This includes the supervisory-subordinate relationship in which one employee has the authority by law, rule, regulation or delegation to appoint, employ, promote or advance, discharge, assign, reward, rate, or discipline another employee or to effectively recommend such actions; or one employee is under the line authority of another employee through intervening level(s) of direct supervision.

(d) Relative – An individual who is related to an employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law,

mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(e) Organizational Unit – An organizational unit includes:

1. A unit of a state correctional institution such as security, health services, classification, maintenance, food service, etc. A work camp or other annex of a state correctional institution is considered part of the institution and not a separate unit.

2. An area of a regional office such as personnel, medical, administrative services, probation and parole, or community facilities.

3. A correctional work center, road prison, or work release center.

4. A probation and parole circuit office or a sub-office within a circuit.

5. A bureau of the Office of the Secretary or of any of the assistant secretaries.

(2) The employment of a person in a position in which one employee would be in the line of authority over/under his relative is prohibited. The hiring authority will be responsible for strictly prohibiting work assignments that will violate this procedure among employees who are relatives.

(3) If employees in line-authority relationships marry or otherwise become relatives, the hiring authority will act to sever the conflicting work relationship. If the conflicting relationship cannot be remedied according to subsection (4) below, the hiring authority will direct that for one or more related employees the following will occur:

(a) Reassignment;

(b) Transfer;

(c) Demotion;

(d) Termination; or

(e) Retirement (if at the employee's request).

(4) When circumstances exist where the employment of relatives in a capacity prohibited by this procedure is beneficial to the Department, the hiring authority will make requests for such exceptions through his chain of command to the Secretary.

(5) In accordance with Section 112.3135, F.S., an employee is prohibited from appointing, employing, promoting, advancing or advocating for appointment, employment, or advancement any relative to a position in the Department or to a position over which the employee exercises jurisdiction or control. In the event of an emergency as defined in Section 252.34(3), F.S., the Secretary is authorized to approve the temporary employment of individuals whose employment would otherwise be prohibited by Section 112.3135, F.S., when such employment is necessary to carry out emergency management responsibilities.

Rulemaking Authority 945.0311 FS. Law Implemented 112.3135, 945.0311 FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.080  
 RULE TITLE: Home and Community-Based Services Waivers

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.080, F.A.C., is to update the Home and Community Based Services (HCBS) rule by deleting duplicative language contained in waiver handbooks incorporated in separate rules and to update the remaining rule language. The revised rule will list approved HCBS waiver programs and provide detailed information on the Channeling and Model waivers.

SUBJECT AREA TO BE ADDRESSED: Home and Community Based Services Waivers.

An additional area to be addressed during the workshop will be the potential regulatory impact on Rule 59G-13.080, F.A.C., as provided under sections 120.54 and 120.541 FS.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.910, 409.912, 409.913 FS.

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

DATE AND TIME: Wednesday, November 28, 2012, 3:00 p.m. to 4:00 p.m.

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

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: Barbara Hengstebeck at the Bureau of Medicaid Services, (850)412-4250. 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: Barbara Hengstebeck, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4250, e-mail: barbara.hengstebeck@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.080 Home and Community-Based Services Waivers.

(1) Purpose. Under authority of Section 2176 of Public Law 97-35, Florida obtained waivers of federal Medicaid requirements to enable the provision of specified home and community-based (~~HCBS~~) services to persons at risk of

institutionalization. Through the administration of several different federal waivers, Medicaid reimburses enrolled providers for services that eligible recipients may need to avoid institutionalization. Waiver program participants must meet institutional level of care requirements. The home and community-based services waiver ~~HCBS waiver services~~ are designed to allow the recipients to remain at home or in a home-like setting. To meet federal requirements, Medicaid must demonstrate each waiver’s cost-effectiveness.

(2) Definitions. General Medicaid definitions applicable to this program are located in Rule 59G-1.010, F.A.C. ~~Additional descriptions of services available under this program are provided in subsection (3) of this rule.~~ The following additional definitions apply:

(a) “Agency” means the Agency for Health Care Administration, the Florida state agency responsible for the administration of Medicaid waivers for home and community-based (~~HCBS~~) services.

(b) “Department” means the Florida Department of Elderly Affairs (DOEA).

~~(3) Home and Community Based (HCBS) Waiver Services are those Medicaid services approved by the Centers for Medicare and Medicaid under the authority of Section 1915(e) of the Social Security Act. The definitions of the following services are provided in the respective HCB services waiver, as are specific provider qualifications. Since several similar services with different names may be provided in more than one waiver, this section lists them as a cluster. A general description of each service cluster is provided. Individuals eligible for the respective HCB services waiver programs may need and receive the following services:~~

~~(a) Adaptive and Assistive Equipment, and Adaptive Equipment, include selected self-help items that are necessary for recipient safety and that assist recipients to increase their functional ability to perform activities of daily living.~~

~~(c)(b) Adult Day Health Care and Day Health Care are services provided in an ambulatory care setting. They are directed toward meeting the supervisory, social, and health restoration and maintenance needs of adult recipients who, due to their functional impairments, are not capable of living independently.~~

~~(d)(e) Caregiver Training and Support are services that encourage the provision of care for the recipient in the home or home-like settings from caregivers such as relatives, friends, and neighbors. Activities include workshops or in-home training conducted by professionals to increase the caregivers’ knowledge of caregiving skills and understanding of the aging or disease process and to provide emotional support through caregivers’ support groups.~~

~~(d) Case Aide services are adjunctive to case management and provided by paraprofessionals under the direction of case managers. These services include: assistance with implementing plans of care, assistance with obtaining access to~~

~~appointments for care plan and other services, supervision of provider activities, and assisting with linkages of providers with recipients via additional telephone contacts and visits. They will not develop care plans or conduct assessments or reassessments.~~

(e) ~~Case Management, or Waiver Case Management, and Support Coordination~~ are services that assist Medicaid eligible individuals in gaining access to needed medical, social, educational and other services, regardless of funding source.

(f) ~~Chore Services and Housekeeping/Chore Services~~ are provided to maintain the home in a clean, sanitary and safe environment. Chore services will be provided only in cases where neither the recipient, nor anyone else in the household, is capable of performing or financially providing for them, and where no other relative, caretaker, landlord, community volunteer/agency, or third party payor is capable of or responsible for their provision.

(g) Companion Services include those activities necessary to assist the recipient in performing household or personal tasks and providing social stimulation to relieve the negative effects of loneliness and isolation.

(h) Consumable Medical Supplies are expendable, disposable, and non-durable items used for the treatment of specific injuries or diseases, or for persons who have chronic medical or disabling conditions. These supplies exceed those routinely furnished by the provider in conjunction with skilled care and home health aide visits.

(i) ~~Counseling, Mental Health Services, Education and Support, and Behavioral Analysis~~ are services provided for the diagnosis or treatment of mental, psychoneurotic, or personality disorders, or providing assistance to recipients in identifying feasible goals, providing emotional support and guidance, providing advice about community resources, or exploring possible alternative behavior patterns.

~~(j) Day Training service programs support the participation of recipients in daily, valued routines of the community, which for adults may include work-like settings but exclude services directed at teaching specific job skills or meeting employment objectives of non-supported, competitive, paid or unpaid employment in the general work force. Day training programs for children are limited to children who, because of age, are not eligible for services through the local education agencies. Early developmental intervention activities are provided to maximize the development of the child. This service stresses self help, adaptive, and social skills which are age appropriate for the individual.~~

~~(j)(k) Emergency Alert Response, Medical Alert and Response Services, and Personal Emergency Response Systems~~ are methods of monitoring persons, through electronic or other means, in their own home to assure their safety by identifying their need for assistance or medical intervention and dispatching qualified personnel to the home.

~~(k)(l) Environmental Modifications, Minor Physical Adaptations to the Home/Home Modifications, and Home Modifications~~ are structural changes to the home which are necessary to enhance a recipient's safety and well-being or to help the recipient to function with greater independence in the home. These adaptations/improvements must be of direct medical or remedial benefit to the client.

~~(l)(m) Financial Education and Protection Services~~ consist of formal instruction in budget management, sensible purchasing habits, and financial management skills to make optimum use of limited financial resources and to avoid exploitation.

~~(m)(n) Home Delivered Meals and Special Home Delivered Meals~~ are designed to provide meals to persons who have difficulty shopping for or preparing food without assistance.

~~(n)(o) Home Health Aide Services~~ include therapeutic, supportive, and compensatory health and personal care tasks and activities for recipients in their homes provided by an aide employed by a licensed home health agency working under the supervision of a registered professional nurse or another appropriate health professional.

~~(p) Homemaker, and Homemaker and Personal Care Services~~ provide assistance with daily living activities and household tasks related to supporting clients in a home setting. ~~Services include assistance with bathing, dressing, eating, maintenance of personal belongings, and performance of light housekeeping, and meal planning and preparation.~~

~~(q) Non-Residential Support Services~~ are activities provided in an individual, community integrated, non-residential setting. These activities are age appropriate and geared to enhance acceptable behaviors, increase the individual's ability to control the environment, and emphasize those qualities that are integrative and normative. For adults, these services may be provided in work like settings in the community.

~~(o)(r) Occupational Therapy~~ is the use of prescribed activities designed for a specific remedial purpose to restore, improve, or maintain impaired functions for the purpose of increasing or maintaining independent functioning.

~~(p)(s) Personal Care Services~~ provide assistance with, or supervision of, activities of daily living. Personal care services offer an alternative to home health aide services when a client's condition no longer requires the attention of a nurse or aide acting under regular supervision.

~~(q)(t) Physical Therapy,~~ is treatment by physical agents or methods to restore, improve, or maintain impaired bodily functions by massage, exercise, and the use of physical, chemical, and other properties of motion, heat, electromagnetic radiation, light, electricity, or sound, as defined in Chapter 486, F.S., incorporated by reference. In some waiver programs, it may include an assessment.

~~(u) Private Duty Nursing Services are individual and continuous care provided by licensed nurses in the recipient's home.~~

~~(v) Residential Habilitation is assistance with acquisition, retention, or improvement in skills related to activities of daily living, such as personal grooming and cleanliness, bed making and household chores, eating and the preparation of food, and the social and adaptive skills necessary to enable the recipient to reside in a non-institutional setting.~~

~~(r)(w) Respite Care is the provision of in-home or institutional supervisory, supportive, and short-term emergency care necessary to maintain the health and safety of a recipient when the primary caregiver is not available to provide such care or requires relief from the stress and demands associated with daily care.~~

~~(x) Risk Reduction services provide care and guidance to caregivers, based on a plan of specific exercises for the recipient to increase physical capacity, strength, dexterity, and endurance to perform activities of daily living. This service also includes assessment and guidance for the recipient and caregiver to learn to prepare and eat nutritious meals and promote better health through improved nutrition. This service may include instructions on shopping for appropriate food, preparation, and monitoring of same. This service also provides guidance for budgeting and paying bills, which may include establishing checking accounts and direct deposits to lessen the risk of financial exploitation and abuse of the recipient.~~

~~(s)(y) Skilled Nursing and Skilled Care are skilled nursing services are provided to assure the client's safety and to achieve the objectives of the physician authorized treatment plan. This care may also include the services of a licensed respiratory therapist. These skilled services may be provided in the client's home.~~

~~(t)(z) Special Drug and Nutritional Assessments assure that basic health care needs are being accurately prescribed. Drug assessments include a review of prescriptions to assure that multiple medications are being administered correctly. Nutritional assessments include a review of the recipient's nutritional needs, development of special diets, and nutrition education of the recipient or caregivers.~~

~~(aa) Special Medical Home Care is nursing care and supervision required by medically fragile persons residing in small licensed group homes. The service includes 24-hour a day nursing service.~~

~~(bb) Specialized Personal Care Services to Foster Care Children is special care given in foster, group, and shelter care homes to children with AIDS. Additional care is given to these children primarily in the areas of monitoring, supervision, disinfection and stimulation. Payment for this service is exclusive of that paid by the Department for room and board.~~

~~(u)(ee) Speech Therapy is the provision of services necessary for the diagnosis and treatment of speech and language disorders that have resulted in a communication disability.~~

~~(dd) Substance Abuse Treatment includes counseling and therapeutic services by licensed providers directed to assist substance abusers in understanding and resolving or ameliorating contributory behavioral patterns or life conditions and to provide support and assistance to those recipients during this process.~~

~~(ee) Supported Living Coaching services are provided to recipients living in their own home or apartment and support them in maintaining an autonomous household in the community.~~

~~(ff) Transportation is travel to and from service providers or community resources identified in the service plan. This service is available under the HCB services waiver to enable recipients to gain access to planned services when transportation to those services is not otherwise Medicaid compensable.~~

~~(4) Covered Services—General. Services provided under the HCB services waivers include those described in paragraphs (3)(a) through (ff). The availability of these services to waiver program participants is subject to approval by the Medicaid office and is subject to the availability of the services under the specific waiver program for which a recipient has been determined eligible.~~

~~(5) Service Limitations—General. The following general limitations and restrictions apply to all home and community based services waiver programs:~~

~~(a) Covered services are available to eligible waiver program participants only if the services are part of a waiver plan of care ("care plan", "individual support plan", or "family support plan"). Care plan requirements are outlined in subsections (6) and (8) of this rule.~~

~~(b) The agency or its designee shall approve plans of care based on budgetary restrictions, the recipient's necessity for the services, and appropriateness of the service in relation to the recipient, prior to their implementation for any waiver recipient.~~

~~(c) Additional service limitations applicable to specific waiver programs are specified in subsections (10) through (14) of this rule.~~

~~(6) Program Requirements—General.~~

~~(a) The Medicaid program will deny an applicant's enrollment request if the proposed enrollment could cause the program to exceed the maximum enrollment level authorized by the Health Care Financing Administration in the applicable HCB services waiver.~~

~~(b) A person can not receive Medicaid waiver services until he is determined eligible, waiver funding is available, and is enrolled in the appropriate waiver program.~~

~~(e) The Agency or its designee will conduct home visits of waiver program applicants or participants. Assessments of the applicant's or participant's home situation will be made to determine if it is acceptable in providing for his general health or safety. If the applicant's or participant's home situation does not provide for the applicant's or participant's general health or safety, the Agency shall restrict the applicant or participant from participation in the waiver program.~~

~~(d) The Department or its designee will perform an evaluation of the level of care needed by an applicant for services when there is a reasonable indication that the applicant might need institutionalization in the near future, if the covered HCB services were not available.~~

~~(e) The Department or its designee will perform reevaluations of level of care at least annually, or as changes in the recipient's condition or community care setting may warrant.~~

~~(f) The plan of care will identify the type of services to be provided, the amount, frequency, and duration of each service, and the type provider to furnish each service.~~

~~(g) Reimbursement claims for the provision of Medicaid services not listed in the plan of care of HCB services waiver program participants are subject to denial or recoupment.~~

~~(h) In providing applicants or participants freedom of choice, the Agency or its designee must:~~

~~1. Inform all prospective waiver program participants of the feasible alternatives available under the respective waiver program and afford recipients a freedom of choice to participate in the community program in lieu of institutional placement;~~

~~2. Afford recipients the opportunity to choose from those enrolled providers capable of providing the covered services identified in the recipient's plan of care; and~~

~~3. Afford all enrolled recipients the right to disenroll at any time.~~

~~(i) The Agency or its designee, will disenroll waiver program participants who:~~

~~1. Do not follow a recommended plan of care, as evidenced by: not keeping two consecutive appointments, or demonstrating multiple failures to avail themselves of offered services.~~

~~2. Demonstrate behavior that is disruptive, unruly, abusive, or uncooperative to the extent that their participation in the program seriously impairs the provider's ability to furnish services to the participant or other participants. Prior to disenrolling participants for the above reasons, the Agency or its designee must provide the participant at least one verbal and at least one written warning that the consequence of their actions, or inactions will be disenrollment from the program.~~

~~(7) Provider Qualifications and Provider Enrollment. To enroll and participate in the waiver programs, providers must comply with the provisions of Chapter 59G-5, F.A.C. Additional provider requirements are specified in subsections (10) through (14) of this rule.~~

~~(a) Begin the initial needs assessment before services are provided and complete it within 30 days of enrollment in the waiver program;~~  
~~(8) Case Management Requirements. Case managers advocate for recipients during the eligibility determination process and assist applicants in complying with requests for information, interviews, or activities required for a determination of Medicaid eligibility. Case managers will conduct a comprehensive needs assessment and identify areas in the person's life that require supports or services to reduce the risk of having to be placed in an institution. In addition, each case manager will:~~

~~(b) Make a home visit as part of the needs assessment process;~~

~~(c) Prepare a written plan of care for each program participant and maintain the plan in the participant's case record;~~

~~(d) Reassess the plan of care at least every six months to review service goals, outcomes, and functional changes that may warrant the modification of the plan and reassessment of the recipient's level of care;~~

~~(e) After the needs assessment has been completed, maintain in each client's record case progress notes that document the provision of services;~~

~~(f) Make legible entries in the case progress notes in sufficient detail to document the case management service rendered and to allow an audit of the appropriateness of charges;~~

~~(g) Date and sign all written case record entries;~~

~~(h) Notify the Agency of all disenrollments by waiver program participants within 30 days after the effective date; and~~

~~(i) Maintain records in an accessible location for review by authorized federal and state representatives for monitoring and auditing purposes; ensure that recipient specific information is maintained as "confidential"; ensure that program, administrative, and financial information is maintained for a period of at least five years after termination of participation as a waiver service provider. If an audit has been initiated and audit findings have not been resolved at the end of five years, the records will be retained until resolution of the audit findings.~~

~~(3)(9) Home and Community-Based Services Waiver Programs. The following are authorized (HCB) services waivers Medicaid Home and Community Based Services Waiver Programs: Adult Cystic Fibrosis Waiver; Adult Day Health Waiver; Aged and Disabled Adult Waiver; Alzheimer's Disease Waiver; Assisted Living for the Elderly Waiver; Channeling Waiver; Consumer Directed Care Waiver;~~

Developmental Disabilities Waivers (Tiers 1, 2, 3, and 4); ~~Family Supported Living Waiver~~; Familial Dysautonomia Waiver; Model Waiver; Individual Budgeting Waiver; Project AIDS Care Waiver; Nursing Home Diversion Waiver and Traumatic Brain Injury and Spinal Cord Injury Waiver.

~~(4)(40)~~ Channeling Waiver.

(a) Program Summary. The Channeling Waiver program serves Medicaid eligible adults age 65 and older who meet nursing facility level of care as defined in Section 400.021(12), Florida Statutes ~~is directed toward a group of seriously impaired, aged Medicaid eligible individuals~~. The core functions of outreach, screening, assessment, care planning, and case management focus community services on program participants as an alternative to institutional care.

(b) Covered Services and Provider Qualifications. The Department Agency contracts with an ~~the~~ organized health care delivery system for the provision of these services to enrolled recipients. The standards applicable to the contractor's selection of vendors and providers of covered services are outlined in the Centers for Medicare and Medicaid Services approved 1915c waiver entitled "FL Channeling for the Frail Elderly (0116.R05.00" available at <http://www.medicaid.gov/Medicaid-CHIPProgram-Information/By-Topics/Waivers/Waivers.html> and the Agency approved contract between the Department Agency and the contractor which is available by contacting the Florida Department of Elder Affairs. The following services are available:

1. Adult Day Health Care;
2. Caregiver Training and Support;
3. Companion Services;
4. Consumable Medical Supplies;
5. Financial Education and Protection Services;
6. Home Health Aide Services;
7. Personal Care Services;
8. Chore Services;
9. In Home Counseling;
10. Medical Alert and Response Service;
11. Mental Health Services;
12. Minor Physical Adaptations to the Home/Home Modification;
13. Occupational Therapy;
14. Physical Therapy;
15. Respite Care;
16. Skilled Nursing;
17. Special Home Delivered Meals;
18. Special Drug and Nutritional Assessments;
19. Special Medical Equipment;
20. Special Medical Supplies;
21. Speech Therapy; and
22. Waiver Case Management.

(c) Recipient Eligibility. Recipients eligible for services under this waiver must be Broward or Dade County residents, 65 years of age or older, and eligible under the HCBS ~~services~~ waiver optional coverage groups as defined by 42 Code of Federal Regulations ~~CFR~~ section 435.217, or otherwise be Medicaid eligible. Recipients must be assessed as meeting level of care criteria for skilled or intermediate nursing home care as defined in Rules 59G-4.290 and 59G-4.180, Florida Administrative Code F.A.C. The contractor may refuse participation in the program to otherwise qualified recipients whose estimated cost of community care exceeds 85 percent of the cost of institutional care in that recipient's county of residence.

(d) Provider enrollment is coordinated by the Channeling provider.

(e) Payment Methodology. Payment is based on a ~~prospective monthly~~ per diem reimbursement rate. Medicaid will make ~~monthly~~ payment to the contractor following Medicaid provider reimbursement policy found in the Florida Medicaid Provider General Handbook and in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500 for satisfactory performance of duties and responsibilities as set forth in the contract. Both handbooks are available from the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7. The per diem rate is set annually as a part of the contract renewal process. The rates are developed using historical Channeling ~~Project~~ data for similar services in the same geographic area, adjusted for anticipated service and cost increases.

~~(5)(44)~~ Model Waiver.

(a) Program Summary. The Model ~~model~~-waiver allows the provision of specified home and community-based HCB services to Medicaid eligible children under age 21 persons with degenerative spinocerebellar disease. These services are provided to eligible children persons who would otherwise require the level of care provided in an acute care hospital.

(b) Services Availability. Eligible program participants may receive covered services if approved by the case manager as part of a service plan of care as defined in Rule 59G-1.010, Florida Administrative Code developed in accordance with the requirements outlined in this section.

(c) Recipient Eligibility. Individuals eligible for HCB services under the Model ~~model~~ waiver must be:

1. Persons Under 21 years of age, disabled with a degenerative spinocerebellar disease as identified in the International Classification of Diseases, (ICD-9-CM) Professional Edition 2012 9th Revision (ICD-9), 1995 Edition, effective October 1, 1994, code range beginning with the first three digits of 334 330 through 337, inclusive; hereby incorporated by reference;

2. Assessed as being at risk of hospitalization by the comprehensive assessment tool and review for long-term care services (CARES) team administered by DOEA; or used by the Children’s Multidisciplinary Assessment Team (CMAT), administered by the Department of Health, Children’s Medical Services; and able to live safely at home with the Medicaid home and community-based HCB services made available to him or her; and

3. Cost-effective to the state for each individual program participant, pursuant to the approved federal waiver entitled “FL Model Waiver (40166.R04.00) available at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/Waivers.htm>.

(d) Covered Services and Provider Qualifications. Provider qualifications for services available under this waiver are:

1. Case Management providers must be licensed as a registered nurse in the state of Florida and meet applicable state requirements, pursuant to Chapter 464, F.S.

2. Respite Care providers must be a Florida licensed and Medicaid participating home health agency and meet applicable state requirements, pursuant to Chapter 400, Part III, F.S.

~~(12) Assistive Care Services and Assisted Living for the Elderly Waiver. All Assistive Care Services and Assisted Living for the Elderly Waiver providers must comply with the provisions of the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, July 2001, which is incorporated by reference and available from the Medicaid fiscal agent’s Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper Copies are available by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.~~

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.910, 409.912, 409.913 FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, 11-24-03, 1-16-05, 6-23-05, Formerly 59G-8.200, Amended 11-29-07, 12-3-08,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: RULE TITLE:  
61G10-13.005 Obtaining Inactive Status  
PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to provide consistency with recent statutory changes.  
SUBJECT AREA TO BE ADDRESSED: Clarification with regard to reactivation of licensure status from inactive to active status.

RULEMAKING AUTHORITY: 481.306, 481.315(2), 455.271(2), (5) FS.

LAW IMPLEMENTED: 481.315(2), 455.271(2), (5) 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: RULE TITLE:  
61G10-15.001 Practice of Landscape Architecture  
PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to provide consistency with recent statutory changes.  
SUBJECT AREA TO BE ADDRESSED: Clarification of the rule by changing “Xeriscape” to “Florida-friendly landscaping.”

RULEMAKING AUTHORITY: 481.306, 481.310, 481.325(2) FS.

LAW IMPLEMENTED: 481.309(1), 481.310, 481.325 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: RULE TITLE:  
64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the guidelines to provide penalty guidelines for animal control shelters pursuant to legislative changes in Section 828.055, F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

RULEMAKING AUTHORITY: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 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: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-6.001	General
64E-6.002	Definitions
64E-6.003	Permits
64E-6.008	System Size Determinations
64E-6.010	Septage and Food Establishment Sludge
64E-6.011	Abandonment of Systems
64E-6.014	Construction Standards for Drainfield Systems
64E-6.017	Definitions
64E-6.018	System Location, Design and Maintenance Criteria
64E-6.0181	Cesspit and Undocumented System Replacement and Interim System Use
64E-6.028	Location and Installation

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes, incorporate modifications proposed through the Technical Review and Advisory Panel, and implement statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: Onsite sewage treatment and disposal system definitions, design, permitting, construction, modification, repair, maintenance and abandonment; septage treatment and disposal; standards for systems in the Florida Keys; and performance-based treatment standards.

RULEMAKING AUTHORITY: 381.0065(3)(a) FS.

LAW IMPLEMENTED: 381.0065, 381.00655, 381.0066, 381.0067, 381.0069, 386.041 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: Gerald Briggs, Department of Health, Bureau of Environmental Health, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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 CITRUS**

RULE NO.:	RULE TITLE:
20-9.002	Processed Form

PURPOSE AND EFFECT: Amendment clarifying the process, deadline for filing and form to be used in the election to pay only one-third of the assessment on imports in order to make the process more clear to the industry.

SUMMARY: Clarification of information used in conjunction with opting out of paying two-thirds of the import assessment.

**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: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 601.10(1), 601.15(1)(10)(a), 601.155(3), (7) FS.

LAW IMPLEMENTED: 601.15(5), (6), 601.155 FS.



A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 19, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, FL 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us or (863)537-3999

THE FULL TEXT OF THE PROPOSED RULE IS:

20-9.002 Processed Form.

(1) No change.

(2) All persons or entities required to file assessment returns pursuant to Section 601.155, Florida Statutes, shall file, each week, an assessment return on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.).

(a) All persons liable for the assessment imposed by this section shall file with the Department of Citrus the Equalization Advertising Assessment Return B CIT/REV/04R REV. 5-15-12, subsection 20-100.004(34), F.A.C., as furnished by the Department equalizing assessment returns, certified as true and correct. ~~The return, certified as true and correct as furnished by the Department,~~ shall report information as to the number of units of processed orange or grapefruit products subject to this section upon which any assessable privilege was exercised during the period of time covered by the return, in addition to the status of inventoried product. Each handler shall maintain records and documentation supporting declarations made on the assessment return filed with the Department of Citrus. Unless the actual number of boxes is known to the processor and can be substantiated by appropriate records in his possession, the following table shall be used in determining the equivalent number of boxes:

Conversion Unit			
Product	Oranges	Grapefruit	Number of Equivalent 1-3/5 Bushel Boxes
Concentrate	6.56 solids	4.91 solids	1
Single Strength	6.22 gallons	5.64 gallons	1

(Table to be updated every three years, based on five year weighted average of state test house yields.)

(b) Equalizing assessments shall be due and payable within 61 days after the first of the assessable privileges is exercised in this state.

1. Assessable privileges exercised during August are due and payable by November 10, after the assessment rate has been established in October.

2. By June 1 of each citrus season the Department of Citrus shall send by certified mail to all persons who during that citrus season paid equalization assessments to the Department, an Import Assessment Election (Opt-out form) [Cit/Rev10 REV. 5-15-12, subsection 20-100.004(41), F.A.C.] allowing the person liable for the payment of the equalization assessment to object to the assessment for the subsequent season and to not pay two-thirds of the applicable assessment otherwise due that citrus season, as contemplated in Section 601.155(10), F.S. The address to be used by the Department shall be the last address shown on the Equalization Advertising Assessment Return [CIT/REV/04R REV. 5-15-12, subsection 20-100.004(34), F.A.C.] or on the prior year Import Assessment Election (Opt-out form), whichever address is deemed most deliverable. The form must be completed and returned to the Department via certified mail, courier, facsimile or e-mail to the address stated on the election form by July 15<sup>th</sup> or no later than 60 days before payment would be due. The election shall apply to all assessable privilege activity on and after the date of receipt by the Department of the Import Assessment Election (Opt-out form) for the balance of the citrus season.

3. Persons who did not pay assessments the previous season or who did not receive the Import Assessment Election form by the Department under subparagraph 2 may, at any time during the citrus season, request an Import Assessment Election (Opt-out form) from the Department and the right to opt-out of paying two-thirds of the applicable assessment shall, pursuant to Section 601.155(10), F.S., be granted by the Department immediately upon receipt of such completed and returned Import Assessment Election (Opt-out form) so long as the Opt-out form is delivered to the Department by certified mail, courier delivery, facsimile or e-mail to the address stated on the election form. The election shall apply to all assessable privilege activity on and after the date of receipt by the Department for the balance of the citrus season.

(c) through (d) No change.

(3) through (4) No change.

Rulemaking Authority 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS. Law Implemented 601.15(5),(6), 601.155 FS. History--Formerly 105-1.15(2), Revised 1-1-75, § (2), Amended 11-21-77, 8-1-80, § (3), 2-1-81, 8-1-83, Formerly 20-9.02, Amended 7-21-86, 8-30-89, 8-27-91, 7-13-94,10-22-95, 8-1-97, 8-3-00, 11-27-01, 7-23-03, 7-25-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 1, 2012

THE FULL TEXT OF THE PROPOSED RULE IS:

**DEPARTMENT OF CITRUS**

RULE NOS.:	RULE TITLES:
20-108.001	General Provisions
20-108.002	Processing of Applications
20-108.004	Determination of Minimum Bond Required
20-108.006	Investigation and Determination of Financial Responsibility
20-108.007	Disposition of Application
20-108.008	Special Presentations
20-108.009	Treatment of Persons Protected Under the Bankruptcy Act

PURPOSE AND EFFECT: Pursuant to industry input, amendments to the citrus fruit dealer licensing process to ensure better protection for the Florida citrus grower.

SUMMARY: Citrus Fruit Dealer licensing process and requirements.

**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: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 601.10(1),(7), 601.56, 601.57(7), 601.61(1)(a) FS.

LAW IMPLEMENTED: 601.03(8), 601.10(1),(5),(7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 19, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, FL 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us or (863)537-3999

20-108.001 General Provisions.

(1) All citrus fruit dealer license application forms (CIT/LIC/01 Rev. 5-31-07, subsection 20-100.004(1), F.A.C. and CIT/LIC/02 rev. 6-22-04, subsection 20-100.004(2), F.A.C.) must be properly completed with accompanying documentation and filed at least 30 days before the applicant intends to operate; however, for the application for licensure to be considered prior to the start of each shipping season (which, pursuant to Section 601.55(2)(a), Florida Statutes, begins August 1 of each year), the application for licensure must be properly completed and timely filed no later than June 30 and timely filed by the applicant by June 15 of each year. These forms can be downloaded at <http://www.fdocgrower.com/category/forms/>. Each properly completed application shall be carefully reviewed and appropriate investigation made by the staff as hereinafter provided, and any errors or omissions noticed to the applicant in accordance with the provisions of the Administrative Procedures Act, s.120.60, Florida Statutes. In accordance with the provisions of the Administrative Procedure Act, Section 120.60, Florida Statutes, within 30 days of receipt of any application containing any apparent errors or omissions, Department staff shall notify an applicant of such errors or omissions. The applicant shall have 15 days from the date of such notification to provide the additional information required by the Department.

(2) No change.

Rulemaking Specific Authority 601.10(1), 601.56 FS. Law Implemented 601.03(8), 601.10(5), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS. History--Revised 12-18-74, Effective 12-31-74, Formerly 105-2.02(1), Formerly 20-108.01, Amended 4-23-95, 7-2-03, \_\_\_\_\_.

20-108.002 Processing of Applications.

“New applications” and “repeat applications” as defined by Section 601.55, Florida Statutes, shall be processed as follows:

(1) If the application is properly completed, and the review and investigation reveals no unusual or questionable circumstances which have not been satisfactorily resolved answered, the staff shall be authorized to give conditional approval and transmit the application to the Department of Agriculture and Consumer Services for issuance of a license pending final approval by the Commission as outlined in Section 601.57, Florida Statutes. A list of all applications so processed shall be furnished to each Commission member and Commission consideration of final approval shall occur by the Commission of each shall be requested at the next applicable Commission meeting in accordance with 20-108.002(4) F.A.C. Applicants shall be made aware that pursuant to Section 601.57, Florida Statutes, only the Florida Citrus Commission has the authority to approve or deny a license application. Staff’s “conditional approval” is subject to approval by the Commission and shall, in no way, vest applicants with any

rights pursuant to Chapter 120, or otherwise. Staff may rescind such conditional approval at any time prior to the Commission giving final approval in the event additional facts are discovered which evidence:

a. The applicant owes additional assessments or is not current on the payment of its assessments;

b. The applicant has failed to report outstanding debt as required by the application;

c. The applicant has misrepresented the applicant's work/employment or criminal history;

d. Other factors which would constitute grounds for disapproval of the application as specified under Section 601.57(4), Florida Statutes and /or Section 601.641, Florida Statutes.

In the event staff rescinds such conditional approval, notice of such action shall be provided to the Department of Agriculture and Consumer Services and the applicant shall immediately cease all operations affected.

(2) If the staff review and investigation of a properly completed application reveals unusual or questionable circumstances which cannot be satisfactorily resolved answered, the application shall not be given conditional staff approval but shall be presented to the Commission at its next regularly scheduled meeting (subsection 20-108.002(4) below) along with a staff report outlining all pertinent information concerning the application. A staff recommendation for approval, disapproval or other action appropriate under the particular circumstances shall be included in the report.

(3) In the event staff recommends denial of an application, or approval of an application subject to placing conditions on the license, such staff recommendation shall constitute an agency determination affecting the substantial interest of the applicant, and the applicant may, within 15 days of receipt of the notice of the staff recommendation, request an administrative hearing pursuant to Section 120.569, Florida Statutes, which hearing shall be conducted pursuant to Section 120.57, Florida Statutes. In the event the Department adopts the recommended order of the administrative law judge, pursuant to Rule. 20-108.007, F.A.C., the Commission shall treat the administrative law judge's recommendation as the Staff's recommendation regarding the application.

(4)(a) At least 30 days prior to an application being considered by the Commission at its regularly scheduled meeting, a list of all applications for Commission consideration at that meeting, along with staff's recommended action on the application, shall be posted on the Department's fdocgrower.com website. Failure to meet this 30-day posting deadline due to an incomplete application shall cause the application, once completed, to be presented for consideration at the next regularly scheduled meeting of the Commission. The posting deadline shall not impact the department's authority to grant conditional approval of completed applications, pursuant to subsection 20-108.002(1), F.A.C.

(b) Any person wishing to file a written challenge to staff's recommendation regarding the issuance of such license, the recommended minimum bond amount or recommended conditions on the license, shall, no later than 20 days prior to the Commission meeting at which the Commission is scheduled to consider the application, shall provide the Department (with a copy to the applicant) with specific, written reasons why the license should not be granted to the applicant and/or why the recommended minimum bond amount or conditions placed on the license are insufficient. To be considered by staff and/or the Commission, any such written challenge shall be signed by the person submitting the challenge and shall contain sufficient material to substantiate a challenge. If such written challenge results in a changed staff recommendation regarding the application, the staff shall provide the applicant with an opportunity to (i) postpone consideration of the application until the next regularly scheduled Commission meeting; (ii) request an administrative hearing pursuant to Section 120.569, Florida Statutes, which hearing shall be conducted pursuant to Section 120.57, Florida Statutes; or (iii) proceed with the Commission's consideration of the license application as scheduled. In acting upon the application, the Commission shall consider, in addition to all other relevant factors, any such timely submitted written challenge.

Rulemaking Specific Authority 601.10(1), (7), 601.56 FS. Law Implemented 601.03(8), 601.10(1), (5), (7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS. History--Revised 12-18-74, Effective 12-31-74, Formerly 105-2.02(2), Formerly 20-108.02, Amended 4-23-95.

20-108.004 Determination of Minimum Bond Required.

(1) Subject to the provisions in subsection 20-108.004(4), F.A.C., the following schedule shall be used in calculating the amount of surety bond, certificate of deposit, or cash bond posted in support of the applicant's citrus fruit dealer's license:

(a) \$1,000 up to 2,000 boxes;

(b) \$2,000 up to 5,000 boxes;

(c) \$3,750 up to 7,500 boxes;

(d) \$5,000 up to 10,000 boxes;

(e) \$10,000 up to 20,000 boxes;

(f) \$1,000 for each additional 20,000 boxes or fraction thereof in excess of 20,000 boxes, with a maximum bond of \$100,000.

(2)(+) Repeat applications. The minimum bond to be posted in support of repeat such applications shall be not less than the amount required to cover the total volume of fruit handled by the dealer during the previous season for which bond was required. Exceptions to this rule shall only be made by special approval of the Commission, by majority vote, based upon the written request of the applicant which written request must be received by the Department no later than 20 days prior to the Commission meeting at which the application will be considered by the Commission. The applicant's written request shall give a full explanation of why the applicant feels

he will ~~handle deal with~~ less bondable fruit during the season for which application is made, than was ~~handled dealt with~~ by the applicant ~~him~~ during the previous season.

~~(3)(2)~~ New applications:

~~(a)~~ The minimum bond required ~~of new applications~~ shall be based on the volume of fruit stated in the application ~~which the applicant expects to handle as that expected to be handled~~ during the season for which the application is made and for which bond is required. ~~As an additional basis for determining minimum bond the Commission shall take into consideration such factors as any past history of the applicant which may be available; the type of business to be conducted by the applicant; and any other information appropriate to make a proper determination as to the minimum bond required to assure reasonable protection to growers and dealers with whom the new applicant may be expected to do business.~~

~~(b)~~ When the facts indicate there is a valid reason to require a larger minimum bond than that indicated by the volume of bondable fruit shown on an application, the staff shall prepare a recommendation to the Commission as to an appropriate minimum bond to be required prior to the application being approved. No such application shall be given conditional staff approval unless the applicant posts a bond in accordance with the staff's recommendation. Final decision as to the minimum bond required shall be made by the Commission at the time the application is presented for final approval.

(4) General minimum bond requirements for both repeat and new applications:

(a) As an additional basis for determining minimum bond required, the staff (in making recommendations) and the Commission (in setting the bond requirements) shall take into consideration such factors as any past history of the applicant (or anyone affiliated with the applicant as contemplated in Section 601.57(1) and (5), Florida Statutes) which may be available; the type of business to be conducted by the applicant; submissions by the public as outlined in subsection 20-108.002(4), F.A.C.; and any other information appropriate to make a proper determination as to the minimum bond required. In assessing all factors, the staff and the Commission shall, to the extent possible, assure reasonable protection to the growers and dealers with whom the applicant may be expected to do business.

(b) When the facts, including, but not limited to, those adduced by staff pursuant to Rule 20-108.006, F.A.C., indicate there is a valid reason to require a larger bond than indicated by the volume of bondable fruit shown on an application, the staff shall have the authority to recommend and the Commission shall have the authority to require, the applicant to post a higher bond which may exceed the \$100,000 maximum contained within 20-108.004(1), F.A.C., in order to ensure reasonable protection to the growers and dealers with whom the applicant can be expected to conduct business. Such facts shall include, but not be limited to:

1. The applicant's amount of "overdue debt" as defined in Rule 20-108.006, F.A.C., is greater than 50% of the amount of the citrus fruit dealer's bond coverage;

2. The applicant's past history indicates the applicant poses a special risk of non-payment; or

3. Industry input as contemplated in paragraph 20-108.002(4)(b), F.A.C., suggests that the applicant poses a special risk of non-payment.

(c) The increased amount of surety bond, certificate of deposit, or cash bond posted in support of the applicant's citrus fruit dealer's license shall be determined by adding the minimum bond required for an applicant based on the schedule set out in 20-108.004(1), F.A.C., plus an additional amount equal to the amount of overdue debt as defined in subsection 20-108.006(1), F.A.C. Under this rule, the increased bond amount may exceed the \$100,000 maximum contained within subsection 20-108.004(1), F.A.C.

The staff shall prepare a recommendation to the Commission as to an appropriate bond amount prior to the application being approved. Final decisions as to the bond amount required shall be made by the Commission at the time the application is presented to the Commission for final approval.

Rulemaking Specific Authority 601.10(1), (7), 601.56 FS. Law Implemented 601.03(8), 601.10(1), (5), (7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS. History-Revised 12-18-74, Effective 12-31-74, Formerly 105-2.02(4), Formerly 20-108.04, Amended 4-23-95, 11-27-12,\_\_\_\_\_.

20-108.006 Investigation and Determination of Financial Responsibility.

It is the express intention of the Department of Citrus that ~~the Department staff make of Citrus staff make~~ a reasonable effort in its review and investigation of each application to determine applicant's financial responsibility to citrus growers and dealers. In order to facilitate this investigation, each new applicant shall submit at least three business references (grower or credit, as provided on the citrus fruit dealer application) and supply the department with the requested information necessary to conduct a Florida Department of Law Enforcement background check. Such determination additionally shall consider the following factors:

(1) For the purpose of this rule, the term "overdue debt" means that a valid invoice from a grower or dealer remains unpaid by the applicant (or anyone affiliated with the applicant as contemplated in Section 601.57(1) and (5), Florida Statutes.) for more than 90 days (and that the creditor has not signed off on the debt).

(2)(4) Where information on an applicant shows outstanding debts to growers or dealers, which are not shown as being overdue, involving the handling, purchase or sale of citrus fruit, the staff shall make a determination as to whether or not the number and total amount of such debts appear to be within the normal range for such debts that might be expected for the type and size of operation taking into account the

current market price for fruit, the amount of citrus fruit dealers bond coverage, the time of year and any other factors or information pertinent to the particular situation. If the staff feels it is necessary to do so in order to clarify the status of indebtedness of the applicant, it shall contact each creditor or take such other action it deems necessary to verify the amount and due date of each debt and the degree of satisfaction with which the debt is being handled.

~~(3)~~(2) Where information on an application shows overdue debts to growers or dealers involving the handling, purchase or sale of citrus fruit, the staff shall determine whether or not a formal complaint has been filed with the Department of Agriculture and Consumer Services by each creditor. Where a formal complaint has been filed, the amount claimed and the amount of indebtedness shown on the application shall be checked for accuracy. If no formal complaint has been filed, the staff shall notify each creditor, as shown on the application or otherwise known by the staff to exist, and verify the accuracy and due date of the debt and advise the creditor of his right to file formal complaint with the Department of Agriculture and Consumer Services. Where the circumstances appear to warrant it, all creditors covered by this section shall be contacted by the staff in writing by certified mail, return receipt requested, and asked to make recommendation to the Department of Citrus as to whether or not the applicant should be approved for issuance of a new license. If any such creditor objects to such approval, the staff shall not be authorized to give conditional approval of the application.

~~(4)~~(3) If the staff review and investigation of a properly completed application reveals unusual or questionable financial circumstances, which cannot otherwise be satisfactorily resolved ~~answered~~, staff shall require the applicant to furnish a financial statement which shall be considered "additional information" as contemplated in Section 120.60(1), F.S., and subsection 20-108.001(1), F.A.C., and, therefore, must be submitted to the Department within 15 days of Department's request for the same.

~~(5)~~(4) Staff shall not have the authority to give conditional staff approval nor shall the Commission approve a license application without specific conditions being placed on the license if: Conditional staff approval shall not be given nor shall final Commission approval be granted if:

(a) The total amount of overdue ~~debt~~ indebtedness is greater than 75% of the amount of citrus fruit dealers' bond coverage; and/or

(b) The application bears ~~shows~~ the name of any individual who has a past history of a direct connection with a citrus fruit dealer against whom there is still a record of outstanding debts which arose out of his dealings in citrus fruit. Nothing herein shall prohibit the Commission from denying the license based on the above criteria.

Rulemaking Specific Authority 601.10(1), (7), 601.56 FS. Law Implemented 601.03(8), 601.10(1), (5), (7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS. History—Revised 12-18-74, Effective 12-31-74, Formerly 105-2.02(5) (c), (d), Formerly 20-108.06, Amended 4-23-95.

#### 20-108.007 Disposition of Application and Revocation of Licenses.

Each application presented to the Commission shall be accompanied by a recommendation from the staff as to disposition, or, in the event an applicant has sought administrative review of a staff recommendation as outlined in Section 120.569, Florida Statutes, and subsection 20-108.002(3), F.A.C., an administrative law judge's recommended order, and shall be acted upon in the following manner:

(1) Denial: All applications presented to the Commission with a recommendation for denial shall be accompanied by a staff report setting forth a summary of the staff's review and investigation of the application; ~~the basis for the recommendation;~~ The staff recommendation shall include, in addition to other information helpful to the Commission, the basis for the recommendation, and, if applicable, a copy of the administrative law judge's recommended order and provisions for a hearing if one should be requested by the applicant. The Department of Citrus shall inform the applicant of any right to a hearing pursuant to Section 120.57, Florida Statutes, on a Commission action denying an application. The Commission, by a majority vote of the members present, shall decide ~~by roll call vote~~ the action to be taken on all applications so presented.

(2) No change.

(3) Approval Subject to Conditions: ~~Conditional approval:~~ Whenever the facts warrant it, an application shall be presented to the Commission with the staff recommendation that the Commission approve the application contingent upon such reasonable conditions as the Commission may order endorsed thereon, based on the staff report setting forth the facts, grounds and basis for such conditions. The Commission in so granting approval of a license subject to conditions ~~conditional approval~~ shall include in its action appropriate sanctions to ensure compliance with the conditions endorsed thereon. Approval of a license subject to conditions ~~Conditional approval of any application~~ shall be by majority vote of the Commission members present.

(4) Such conditions may include but are not limited to:

(a) Require that the applicant post a higher bond pursuant to paragraph 20-108.004(4)(b), F.A.C.

(b) Require that the applicant and license be reviewed by the Commission at their regularly scheduled meeting six months after issuance of the license subject to conditions, and if the Commission does not meet six months after the issuance of the license subject to conditions then the applicant and license will be reviewed at the next regularly scheduled Commission meeting following the passage of the initial six month review period.

(c) Require the applicant to operate on a cash basis, and/or  
(d) Require that the applicant make payments according to a schedule subject to the Commission's final approval.

(5) Approval of a license subject to conditions shall be by majority vote of the Commission members present. Additionally, a list of all applicants that have been granted a license subject to conditions by the Commission, including the conditions and/or sanctions that accompany the license, shall be posted on the Department's website.

(6)(4) Deferred action: Commission action on any application may, by majority vote, be deferred to a subsequent date for final action, however, in accordance with Section 120.60, Florida Statutes, final action must be taken within 90 days after receipt of the original application or receipt of timely requested additional information or correction of errors or omissions.

(7) Final Agency Action: A vote by the Commission to deny, approve, or approve a license subject to conditions, shall be considered final agency action subject to judicial review as prescribed in Section 120.68, Florida Statutes.

(8) The Commission shall have the authority to revoke a license where facts and circumstances indicate that the licensee has failed to satisfy a condition of its licensure, pursuant to Section 120.60, F.S., when such facts and circumstances as those contemplated in Sections 601.64 and 601.641, F.S., indicate that revocation is necessary in order to protect the growers and others in the industry with whom the licensee has or will conduct business during the term of the license.

Rulemaking Specific Authority 601.10(1), (7), 601.56 FS. Law Implemented 601.03(8), 601.10(1), (5), (7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS. History-Revised 12-18-74, Effective 12-31-74, Formerly 105-2.02(6) (a), (b), Formerly 20-108.07, Amended 4-23-95.

20-108.008 Special Presentations.

(1) All applications from persons who during the current or immediately prior season were the subject of a disciplinary order of the Commissioner of Agriculture shall be presented separately to the Commission with a brief outline of the order and the circumstances surrounding the order. The Commission, by a majority vote of the members present, shall decide by roll call vote the action to be taken on all applications so presented.

(2) No change.

Rulemaking Specific Authority 601.10(1), (7), 601.56 FS. Law Implemented 601.03(8), 601.10(1), (5), (7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS History-Revised 12-18-74, Effective 12-31-74, Formerly 105-2.02(6) (c), Formerly 20-108.08, Amended 4-23-95.

20-108.009 Treatment of Persons Protected Under the Bankruptcy Act.

(1) The Commission shall not deny a license application nor place conditions upon the license of any applicant solely because such applicant, or another person with whom the applicant has been associated, is or has been a debtor under the

Bankruptcy Reform Act of 1978 (Pub.L. 95-598, 92 Stat. 2549, November 6, 1978). However, nothing herein shall prohibit the Commission from the consideration of other factors, such as future financial responsibility or method and manner of doing business.

(2) Where an applicant's license is conditioned upon doing business on a "cash only" basis, a bond or certificate of deposit in excess of the schedule in subsection 20.108.004(1), F.A.C. s. 601.61(1), Florida Statutes, shall not be required unless the Commission has reason to believe that the applicant may violate such condition of his license. In making such determination, the Commission shall consider applicant's reputation as shown by past and current activities, including his method and manner of doing business.

Rulemaking Specific Authority 601.10(1), (7), 601.56 FS. Law Implemented 601.03(8), 601.10(1), (5), (7), 601.57, 601.58, 601.60, 601.61(1) FS. History-New 1-11-89, Repromulgated 4-23-95, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
William Roberts, Acting General Counsel  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 1, 2012

**DEPARTMENT OF MANAGEMENT SERVICES**

**E911 Board**

RULE NO.: 60FF1-5.007  
RULE TITLE: Requirements for T1 and Primary Rate Interface Fee Remittance Submitted by or on Behalf of Non-wireless Service Providers

PURPOSE AND EFFECT: This rule is being repealed.

SUMMARY: The current language of the rule under consideration became a mere recitation of statute on July 1, 2012 as a result of the implementation of Chapter 2012-177, Laws of Florida and is, therefore, ripe for repeal due to redundancy.

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

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

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

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

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

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(8) 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: Christopher Campbell, Director, Division of Telecommunications, Designee of Secretary for the Department of Management Services, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF1-5.007 Requirements for T1 and Primary Rate Interface Fee Remittance Submitted by or on Behalf of Non-wireless Service Providers.

Rulemaking Authority 365.172(6)(a)11., 365.172(8) FS. Law Implemented 365.172(8) FS. History--New 10-27-10, Formerly 60FF-5.007, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:	RULE TITLE:
61G4-18.001	Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify requirements for specialized continuing education courses.

SUMMARY: The rule amendment will add language to clarify requirements for specialized continuing education courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 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: Drew Winters, Executive Director, Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, Florida 32399-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

(1) through (2) No change.

(3) The content of Board approved courses must be business, trade, workers' compensation, laws and rules related to the construction industry, or safety topics relevant to the construction industry. For purposes of this rule:

(a) through (f) No change.

(g) Pursuant to Section 489.115(4)(b)2.m., F.S., specialized continuing education courses approved for the purpose of allowing Division I certificateholders or registrants to certify plans and specifications on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and alternate methodologies approved by the Florida Building Commission are required to comply with Florida Building Code 2010 Section 1609.1.1 Exceptions: 1.-3. and must require the demonstration of proficiency at the completion of such course.

(4) through (12) No change.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00, 12-27-00, 3-25-01, 7-26-04, 9-1-05, 9-27-06, 9-1-07, 11-15-07, 11-17-08,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 16, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-9.004 RULE TITLE: Approval of Courses  
PURPOSE AND EFFECT: This proposed amendment implements recent statutory changes through the authorization and activation of terms of a statutorily mandated reciprocal agreement between the Board and the State Fire Marshal related to the mutual recognition of continuing education course offerings.

SUMMARY: Currently, individuals who possess certifications issued by both the State Fire Marshal and the Board of Building Code Administrators and Inspectors find it necessary to take multiple continuing education courses of a similar nature to meet the respective licensing bodies' requirements for renewal of licensure. This amendment is intended to facilitate the mutual recognition of credit for courses of instruction that offer material suitable to both skills.

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

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

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

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

RULEMAKING AUTHORITY: 468.606, 468.627 FS.  
LAW IMPLEMENTED: 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G19-9.004 Approval of Courses.
- (1) through (10) No change.
- (11) The Board approves those continuing education courses which are
  - (a) approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; ~~or and~~ the Board of Architecture and Interior Design, or;
  - (b) Approved by the Division of State Fire Marshal (DSFM) in accord with the provisions of the recipirical agreement entered into between the Board and the DSFM relating to continuing education credit for crossover studies.
- (12) through (13) No change.

Rulemaking Specific Authority 468.606, 468.627 FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 5-21-95, 10-1-97, 8-17-99, 4-23-01, 1-2-02, 12-10-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Building Code Administrators and Inspectors Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-2.027 RULE TITLE: Applications by Individuals  
PURPOSE AND EFFECT: The Commission proposes the rule amendment to delete unnecessary language and to add new language to clarify the qualifications for applications by individuals and to make the rule consistent with application questions and to renumber certain sections of the rule from numbers to roman numerals.



SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify the qualifications for applications by individuals and to make the rule consistent with the application questions and will renumber certain sections of the rule from numbers to roman numerals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 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: Juana Watkins, Executive Director, Division of Real Estate, 400 N. Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate, is governed by substantially the same rules and forms.

(1) The applicant must meet necessary personal qualifications as follows:

(a) No change

(b) If the application is for broker:

~~(i)1-~~ (ii)2- Has been registered as an active sales associate for at 24 ~~12~~ months during the preceding 5 years under one or more brokers;

~~(ii)2-~~ Has held a current and valid real estate sales associate's license for at least 24 ~~12~~ months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in Chapter 475, F.S.; or

~~(iii)3-~~ Has held a current and valid real estate broker's license for at least 24 ~~12~~ months during the preceding 5 years in any other state, territory, or jurisdiction of the United States, or in any foreign national jurisdiction.

(c) No change.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) Whether the applicant has ever been convicted or found guilty of, or entered a guilty plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction or if applicant is currently under criminal investigation; If ever convicted of a crime, or if any judgment or decree has been rendered against the applicant for fraud or dishonest dealings; ~~or~~

~~(b) If now a patient of a mental health facility or similar institution for the treatment of mental disabilities, or~~

~~(b)(e) Whether the applicant has ever~~ Whether the applicant has ever ~~if ever called by, or done business under any other name, or alias, than the name signed on the application, with sufficient information to enable the Commission to investigate the circumstances;~~ ~~or~~

~~(c)(d) Whether the applicant has had any license, registration or permit to practice any requested profession, occupation, vocation or business revoked, annulled, suspended, relinquished, surrendered or otherwise disciplined in Florida or in any other jurisdiction or if any such proceeding or investigation is now pending; and if ever had a broker's or sales associate's license revoked, suspended, or otherwise acted against, or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.~~

(d) Whether the applicant has had an application for a real estate license denied in Florida or in any other jurisdiction or if there is a pending proceeding to deny such application.

(3) Each applicant must submit digital fingerprint data for processing to determine if the applicant has a criminal history record. application shall be accompanied by a completed FBI fingerprint card for processing, and

(4) No change.

Rulemaking Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History—New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, 1-18-00, 11-26-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Commission  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Florida Real Estate Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: October 16, 2012  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: August 3, 2012

**DEPARTMENT OF HEALTH**

RULE NOS.:	RULE TITLES:
64-1.010	Authority
64-1.011	Designation of Official Reporter for Subject Matter Index
64-1.012	Plan
64-1.013	Maintenance of Records
64-1.014	Listing of Final Orders
64-1.015	Numbering of Final Orders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal rules identified during the annual regulatory review as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Rules 64-1.010, .011, .012, .013, .014, and .015, F.A.C., were identified during the Department’s annual rule review as containing requirements that are duplicative of statute or no longer necessary, and thus appropriate for repeal. There are no other rules incorporating these rules.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 120.53 FS.

LAW IMPLEMENTED: 119.041, 120.53 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: Tiffany Harrington, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, Florida 32399-1703, Telephone: (850)245-4005

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

64-1.010 Authority.

~~Rulemaking Specific~~ Authority 120.53(1)-(3) FS. Law Implemented 120.53(1)-(3) FS. History–New 3-24-99, Repealed.

64-1.011 Designation of Official Reporter for Subject Matter Index.

~~Rulemaking Specific~~ Authority 120.53(2)(a) FS. Law Implemented 120.53(1)(a), (2) FS. History–New 3-24-99, Repealed.

64-1.012 Plan.

~~Rulemaking Specific~~ Authority 120.53(1)(a), (b), (f), (h), (2) FS. Law Implemented 120.53(1)(a), (b), (c), (f), (h) FS. History–New 3-24-99, Repealed.

64-1.013 Maintenance of Records.

~~Rulemaking Specific~~ Authority 120.53(3) FS. Law Implemented 119.041(2), 120.53(3) FS. History–New 3-24-99, Repealed.

64-1.014 Listing of Final Orders.

~~Rulemaking Specific~~ Authority 120.53(1)(a), (c), (e) FS. Law Implemented 120.53(1)(a), (c), (d), (e) FS. History–New 3-24-99, Repealed.

64-1.015 Numbering of Final Orders.

~~Rulemaking Specific~~ Authority 120.53(1)(h) FS. Law Implemented 120.53(1)(h) FS. History–New 3-24-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Tiffany Harrington

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2012

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.:	RULE TITLE:
64B-9.003	Military Spouse Temporary License

PURPOSE AND EFFECT: To update the material incorporated by reference to decrease the background screening fee.

SUMMARY: The rule lowers the cost for background screening for applicants for temporary licenses for spouses of active duty members of the armed forces.

**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.

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

RULEMAKING AUTHORITY: 456.024(3) FS.

LAW IMPLEMENTED: 456.024(3) 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: Allen Hall, Executive Director, Division of Medical Quality Assurance, Medical Therapies-Psychology Board, 4052 Bald Cypress Way, Bin #C-01, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

**64B-9.003 Military Spouse Temporary License.**

To obtain a temporary license to practice in Florida for 12 months in any health care profession, an eligible spouse of any active duty member of the Armed Forces must submit fingerprints for a criminal history check, hold a valid license in another jurisdiction, establish eligibility to take the appropriate examination and entitlement to full licensure under the appropriate practice act, and otherwise comply with Section 456.024(3), F.S., by submitting a completed application on the incorporated by reference form DH-MQA 1251, ~~07/12 0944~~, at ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-01932~~ ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01112~~, which also may be obtained from the Department at [http://doh.state.fl.us/mqa/app\\_temp\\_Lic\\_Military\\_Spouses.pdf](http://doh.state.fl.us/mqa/app_temp_Lic_Military_Spouses.pdf) or by writing to the Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin C-01, Tallahassee, FL 32399.

Rulemaking Authority 456.024(3) FS. Law Implemented 456.024(3) FS. History—New 4-15-12, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Allen Hall

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 17, 2012

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:	RULE TITLES:
69A-62.001	Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards

69A-62.003

Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes

PURPOSE AND EFFECT: These rules are being amended to remove duplicative verbiage by clarifying and simplifying seemingly conflicting language between the rules.

SUMMARY: These amendments clarify the requirements for a firefighter employee to enter a structure fire; remove language that is out of date; clarify what firefighter employees, who are not trained to enter a structure fire, may do on the fire scene; remove adopted OSHA regulations that are not needed; and replace language directing customers to come to the division to view adopted regulations with on-line access.

**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 Division of State of Fire Marshal conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(1), F.S. and it therefore does not require legislative ratification pursuant to Section 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 633.01(1), 633.821 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.803, 633.808, 633.821 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, November 27, 2012, 10:00 a.m.

PLACE: Florida State Fire College, Room 107, 11655 N.W. Gainesville Rd., Ocala, FL 34482

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: Charlie Brush @ (352)369-2836 or

charlie.brush@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Brush, Safety Programs Manager, Bureau of Fire Standards, Division of State Fire Marshal, Department of Financial Services, 11655 N.W. Gainesville Rd., Ocala, FL 34482, (352)369-2836 or charlie.brush@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-62.001 Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards.

(1) ~~The Department of Financial Services, Division of State Fire Marshal, adopts and incorporates as rules of the Division of State Fire Marshal the following standards as they pertain solely to firefighter employees firefighters and firefighter employers: Sections 1910.120(q) 1910.120, 1910.134 as modified by Section 633.821(3), F.S. [excluding Section 1910.134(g)(3) and 1910.134(g)(4)], and 1910.146, and 1910.156, of Part 1910, of the Occupational Safety and Health Standards, 29 Code of Federal Regulations, effective April 8, 1998.~~

(2) ~~A copy of all AH standards adopted and incorporated by reference in this rule may be obtained at www.osha.gov are available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.~~

~~Rulemaking Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.803, 633.808, 633.821 FS. History—New 11-21-01, Formerly 4A-62.001, Amended \_\_\_\_\_.~~

~~69A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes.~~

~~(1) The Department of Financial Services, Division of State Fire Marshal, adopts and incorporates as rules of the Division of State Fire Marshal the following standards as they pertain solely to firefighters and firefighter employers: 29 Code of Federal Regulations, Sections 1910.134(g)(3) and 1910.134(g)(4), Procedures for IDLH Atmospheres, including Notes 1 and 2 to paragraph (g) (relating to interior structural firefighting, commonly referred to as the “two in, two out rule”), effective April 8, 1998.~~

~~(2) All standards adopted and incorporated by reference in this rule are available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.~~

~~(3) With respect to 29 C.F.R. § 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident.~~

~~(1)(a)1. Except as provided in paragraphs (a) or (b) subparagraphs 2, 3, and 4, a no firefighter employee or any other person under the authority of the firefighter employer at the scene of a fire may not is permitted to participate in any operation involving two-in, two-out as one of the two or more persons inside the Immediate Danger to Life and Health (IDLH) atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire has successfully completed the training curriculum and examination requirements training set forth in Part I of paragraph 69A-37.055(2)(a), F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters but is also applicable to any other person working under the authority of the Firefighter Employer at the scene of a fire.~~

~~2.a. A volunteer firefighter who possesses the State Basic Volunteer certificate previously issued by the division is exempt from the requirement in subparagraph (3)(a)1. The training encompassed in the basic volunteer certificate in itself may not meet “trained commensurate to duty” as defined depending upon duties or tasks assigned or undertaken in the exclusionary zone.~~

~~b. A volunteer firefighter who provides evidence of having completed curriculum equivalent to the training set forth in Part I of paragraph 69A-37.055(2)(a), F.A.C., prior to January 1, 2004, is exempt from the requirement in subparagraph (3)(a)1., if:~~

~~(I) The fire chief or other chief administrative officer of the fire department of which the firefighter is a member files with the State Fire Marshal form DFS-K4-1594, “Training Exemption Application,” effective 09/06/04, amended 01/01/09, which is hereby adopted and incorporated by reference, and~~

~~(H) The form is accepted by the State Fire Marshal after confirmation of the evidence provided. Form DFS-K4-1594 may be obtained by writing the Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486.~~

~~(a)3- United States Department of Defense firefighters responding in their capacity as U.S. Department of Defense firefighters meeting equivalent U.S. Department of Defense qualifications are exempt from the requirement in subsection (1) subparagraph (3)(a)1.~~

~~(b)4. Volunteer firefighters having National Wildfire Coordinating Group (NWCG) S-130, S-190, and Standards for Survival certification by the Florida Division of Forestry may~~

~~are permitted to participate in wild land fire suppression without meeting the requirement of subsection (1) subparagraph (3)(a)1.~~

~~(2)(b) It is each Firefighter Employer's responsibility to be familiar with the training standards of commonly used mutual aid agreements, automatic aid agreements, and other similar resources with other entities with whom the Firefighter Employer has an agreement. Each fire department responding pursuant to a mutual aid agreement or automatic aid agreement or similar document is responsible for the training and certification of its own personnel. Unless otherwise specified, responses to requests for assistance shall be with constitute requests for personnel meeting the training requirements in subsection (1) standard required by these rules.~~

~~(4)(a) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, F.S. (2003), or utilizes volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which is included in the standards adopted in Sections 633.801—821, F.S. (2003), or pursuant to this rule chapter unless such firefighter or other person at the scene of a fire has completed the training set forth in Part I of paragraph 69A 37.055(2)(a), F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person operating in the exclusionary zone of a scene that would require the use of breathing apparatus, protective clothing, or specialized training required under Section 633.821(2), F.S.~~

~~(3)(b) This subsection does not prohibit a person who has not met the training requirements in paragraph (a) from taking any action at all at a fire scene. It merely prohibits a person who has not met such training requirements from engaging in any activity which is governed by the standards adopted in Sections 633.801—821, F.S. (2003). A firefighter employee and any other person under the authority of the firefighter employer who has Persons not having met the training requirements in subsection (1) paragraph (a), may engage in assigned support services outside of the hot zone, but who are "trained commensurate to duty" to perform those activities they are assigned to, are permitted to engage in certain activities outside of the exclusionary zone. Those activities include pulling hoses, opening and closing fire hydrants, moving vehicles, carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, and similar activities.~~

Rulemaking Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.803, 633.808, 633.821 FS. History—New 11-21-01, Formerly 4A-62.003, Amended 9-6-04, 1-1-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Charlie Brush, Safety Programs Manager, Bureau of Fire Standards, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief of Financial Officer, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 3, 2012

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

**DEPARTMENT OF CITRUS**

RULE NO.:	RULE TITLE:
20-82.004	Adjustment of Minimum Total Soluble Solids Requirements
NOTICE OF CHANGE	

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 40, October 1, 2012 issue of the Florida Administrative Register. The Department published a Notice of Change on October 1, 2012 and inadvertently included Rule 20-108.004 in that notice. Rule 20-108.004 was not included in the proposed rule published on August 24, 2012.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**State Boxing Commission**

RULE NOS.:	RULE TITLES:
61K1-1.002	Definitions
61K1-1.0024	Code of Conduct for Commissioners, Commission Staff, and Commission Officials
61K1-1.0025	Executive Director, Duties and Responsibilities
61K1-1.050	Method of Payment
61K1-1.070	Administrative Complaints

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 56, October 23, 2012 issue of the Florida Administrative Register.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2012

DATE THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2012 and August 31, 2012

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-2.002	Definitions
64D-2.003	Confidentiality

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. 38, No. 39, September 28, 2012 issue of the Florida Administrative Register.

64D-2.002 Definitions.

(1) through (5) No change.

(6) "Health care provider" – Any licensed physician, dentist, podiatric physician podiatrist, naturopath, nurse, advanced registered nurse practitioner (ARNP), physician assistant, dental assistant, dental hygienist, paramedic, emergency medical technician, psychologist, mental health professional, lay midwife, any person licensed under the Division of Medical Quality Assurance at the DOH, an administrator, employee or agent of a health care facility or other person providing medical, nursing, psychological, or other health care services or medical or other students receiving training as health care professionals at a health care facility.

(7) through (10) No change.

64D-2.003 Confidentiality.

(1) through (2) No change.

(3) All patient records, client records or medical records containing HIV test results ~~shall be recommended to~~ be kept in the following manner:

(a) through (d) No change.

(4) through (6) No change.

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on October 25, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 61C-1.004(1)(a), Florida

Administrative Code, Section 5-203.13, 2001 FDA Food Code, Paragraph 5-202.11(A), 2001 FDA Food Code and Paragraph 61C-4.010(5), Florida Administrative Code from Centerplate Portable Food Cart #1 located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater and that each establishment have facilities for manually washing, rinsing and sanitizing equipment and utensils and an area for food preparation and storage. They are requesting to install holding tanks at portable handwashing sink and share warewashing, food preparation and food storage areas with another licensed food service establishment on the same premise and under the same ownership.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On October 09, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Paragraph 61C-1.004(1)(a), Florida Administrative Code, Section 5-203.13, 2001 FDA Food Code, Subparagraph 61C-1.004(2)(a), Florida Administrative Code, Paragraph 61C-4.010(7), Florida Administrative Code, Paragraph 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from 2 Sisters Cafe located in Wildwood. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and at least one accessible bathroom be provided for use by customers and employees. They are requesting to share the mop sink and bathrooms located within the Cherokee Trading Post complex.

The Petition for this variance was published in Vol. 38/55 on October 22, 2012. The Order for this Petition was signed on October 29, 2012 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that the mop sink and bathroom areas within the Cherokee Trading Post complex are

maintained in a clean and sanitary manner, all sinks are provided with hot and cold running water under pressure and available during all hours of operation. The Petitioner shall also ensure the bathrooms located within the Cherokee Trading Post complex are provided with soap, approved hand drying devices, and directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of the Cherokee Trading Post complex changes, an updated signed agreement for use of all facilities is required immediately.

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

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

On October 12, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 61C-1.004(2)(a), Florida Administrative Code, Paragraph 61C-4.010(7), Florida Administrative Code, Paragraph 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from J & K Food located in Orlando. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share bathroom facilities with an adjacent business for use by both customers and employees.

The Petition for this variance was published in Vol. 38/55 on October 22, 2012. The Order for this Petition was signed on October 29, 2012 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within 6602 International Drive, Orlando, Florida, are maintained in a clean and sanitary manner, have hot and cold running water under pressure, soap, approved hand drying devices and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed in the establishment clearly stating the location of the bathrooms. If the ownership (Lin USA LLC) of said business changes, an updated, signed agreement for use of the bathroom facilities is required immediately.

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

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

NOTICE IS HEREBY GIVEN that on October 23, 2012, the Board of Medicine, received a petition for waiver filed by Jose A. Lopez-Chevres, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the medical license application. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-16.007: Treatment

NOTICE IS HEREBY GIVEN that on October 25, 2012, the Department of Health, received a petition for Waiver from Florida Administrative Code Rule 64E-16.007(4)(c)1., from Cheryl Wagner, Petitioner, on behalf of Zappa-Tec, LLC. This rule prescribes that alternative biomedical waste treatment processes must provide evidence that the process provides sterilization or a satisfactory level of disinfection by demonstrating that a minimum Log 6 kill for vegetative organisms and a minimum Log 4 kill against *Bacillus stearothermophilus* or *Bacillus subtilis* spores. The Petitioner requests a waiver from the rule to require the Petitioner to demonstrate satisfactory disinfection by means of a Log 6 kill of *Giardia intestinalis* or similar.

Comments on this petition should be filed with Althea Gaines, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Penny Barwick, Bureau of Environmental Health, Facility Programs Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

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

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

The Board of Professional Surveyors and Mappers announces a public meeting to which all persons are invited.

DATE AND TIME: : November 13, 2012, 1:00 p.m., Probable Cause Panel. Although this meeting is open to the public, portions may be closed consistent with law; November 14, 2012, 8:00 a.m. – 12:00 noon, Committee Meetings and General Business Session if time allows; November 14, 2012, 1:30 p.m., Rules Committee Meeting; November 15, 2012, 8:00 a.m., General Business Session.

PLACE: Hilton Garden Inn, 4075 S.W. 33rd Place, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings and General Business Meeting.

A copy of the agenda may be obtained by contacting: John Roberts, Executive Director, Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3833.

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: John Roberts at (850)410-3833. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: John Roberts, Executive Director, Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850) 410-3833.

### DEPARTMENT OF EDUCATION

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

DATE AND TIME: December 5, 2012, 9:00 a.m. until complete or to 11:00 a.m.

PLACE: Conference Line: (888)670-3525; Code: (7923533220)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Executive Committee Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or 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 roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

### DEPARTMENT OF EDUCATION

The Division of Vocational Rehabilitation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 6, 2012, 2:30 p.m. – 3:30 p.m. – CANCELLED

PLACE: conference call – CANCELLED

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above referenced conference call is CANCELLED.

A copy of the agenda may be obtained by contacting: N/A – call is cancelled.

### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation announces hearings to which all persons are invited.

DATE AND TIME: December 11, 2012, 6:00 p.m.

PLACE: Department of Transportation, District Five Office Building, 719 South Woodland Boulevard., Cypress A & B Conference Rooms, Deland, Florida 32720

OCALA/MARION COUNTY TRANSPORTATION PLANNING ORGANIZATION – PUBLIC INFORMATION MEETING

DATE AND TIME: November 27, 2012, 4:00 p.m.

PLACE: McPherson Complex Auditorium, 601 S.E. 25th Ave., Ocala, Florida 34471

FLAGLER COUNTY – PUBLIC INFORMATION MEETING

DATE AND TIME: December 3, 2012, 9:00 a.m.

PLACE: 1769 E Moody Blvd., Bldg 2, Bunnell, Florida 32110  
LAKE – SUMTER METROPOLITAN PLANNING ORGANIZATION – PUBLIC INFORMATION MEETING

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

PLACE: 1616 South 14th Street (US 27), Leesburg, Florida 34748

METROPLAN (ORANGE, OSCEOLA, AND SEMINOLE COUNTIES) – PUBLIC INFORMATION MEETING

DATE AND TIME: December 12, 2012, 9:00 a.m.

PLACE: 315 East Robinson Street, Suite 355, Orlando, Florida 32801



SPACE COAST TRANSPORTATION PLANNING  
ORGANIZATION – PUBLIC INFORMATION MEETING

DATE AND TIME: December 13, 2012, 9:00 a.m.

PLACE: 2725 Judge Fran Jamieson Way; Building C, 3rd  
Floor Florida Room, Melbourne, Florida 32940

VOLUSIA TRANSPORTATION PLANNING  
ORGANIZATION – PUBLIC INFORMATION MEETING

DATE AND TIME: January 22, 2013, 8:30 a.m.

PLACE: 2570 West International Speedway Blvd. Suite 100,  
Daytona Beach, Florida 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Five Tentative Five Year Work Program, announces the Public Hearing/Information Meetings for the Department's Tentative Work Program for Fiscal Year's 2013/2014 through 2017/2018. Hearing will include consideration of proposed projects for the Florida's Turnpike Enterprise.

A copy of the agenda may be obtained by contacting: Claudia Calzaretta, Florida Department of Transportation FDOT/MPO Liaison, 719 South Woodland Boulevard, Deland, Florida 32720, (386)943-5089, email: Claudia.Calzaretta@dot.state.fl.us. The Department will also provide an option for the public to attend the Districtwide Public Hearing Meeting on December 11, 2012 through access of a webinar. A webinar link will be provided on the Department's Work Program Website: [www.D5WPPH.com/2012](http://www.D5WPPH.com/2012).

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: Claudia Calzaretta. If Translation Services (free of charge) are required, contact Claudia Calzaretta at least seven days prior to Hearing. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Written comments from all interested parties will be accepted by the Department at the Public Hearing and for a period of (10) days after the Public Hearing. Comments should be addressed to: Noranne Downs, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, Deland, Florida 32720. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. The presentation of the Department's Tentative Five Year Work Program will be available through various local TV stations. Please check the website [www.D5WPPH.com/2012](http://www.D5WPPH.com/2012) for the availability in your area.

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Children and Youth Cabinet Human Trafficking Workgroup announces a public meeting to which all persons are invited.

DATE AND TIME: November 14, 2012, 2:00 p.m. – 4:00 p.m.

PLACE: Department of Juvenile Justice, 2737 Centerview Drive, Secretary's Conference Room, Tallahassee, Florida 32399-3100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workgroup will discuss ongoing human trafficking issues, hear updates on the Intake Identification Project, Safe Harbor Act Implementation and other projects.

A copy of the agenda may be obtained by contacting: Frenchie Yon, Governor's Office of Adoption and Child Protection, (850)717-9261 or [frenchie.yon@eog.myflorida.com](mailto:frenchie.yon@eog.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Frenchie Yon, Governor's Office of Adoption and Child Protection, (850)717-9261 or [frenchie.yon@eog.myflorida.com](mailto:frenchie.yon@eog.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Frenchie Yon, Governor's Office of Adoption and Child Protection, (850) 717-9261 or [frenchie.yon@eog.myflorida.com](mailto:frenchie.yon@eog.myflorida.com)

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

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

DATE AND TIME: Thursday, November 15, 2012 at 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly board meeting of the Southwest Florida Regional Planning Council.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: SWFRPC at (239)338-2550. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Visit the SWFRPC's website at [www.swfrpc.org](http://www.swfrpc.org).

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

The Charlotte Harbor National Estuary Program announces a public meeting to which all persons are invited.

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

PLACE: Bradenton Area Convention Center, One Haben Blvd., Palmetto, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The joint meeting of the Charlotte Harbor National Estuary Program's Management Committee, the Sarasota Bay Estuary Program's Management Board and the Tampa Bay Estuary Program's Management Board will consider projects for inclusion in the Southwest Florida Regional Ecosystem Restoration Plan.

A copy of the agenda may be obtained by contacting: Ms. Liz Donley at (866)835-5785 or [ldonley@swfrpc.org](mailto:ldonley@swfrpc.org) or [www.chnep.org](http://www.chnep.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: Ms. Liz Donley at (866)835-5785 or [ldonley@swfrpc.org](mailto:ldonley@swfrpc.org) or [www.chnep.org](http://www.chnep.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The CHNEP website at [www.chnep.org](http://www.chnep.org).

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.103: Licensure, Administration and Fiscal Management

59A-4.106: Facility Policies

59A-4.107: Physician Services

59A-4.1075: Medical Director

59A-4.108: Nursing Services

59A-4.109: Resident Assessment and Care Plan

59A-4.110: Dietary Services

59A-4.112: Pharmacy Services

59A-4.118: Medical Records

59A-4.122: Physical Environment

59A-4.123: Risk Management and Quality Assurance

59A-4.1235: Liability Claims

59A-4.126: Disaster Preparedness

59A-4.128: Evaluation of Nursing Homes and Licensure Status

59A-4.1288: Exception

59A-4.130: Fire Prevention, Fire Protection, and Life Safety

59A-4.133: Plans Submission and Review and Construction Standards

59A-4.134: Plans Submission and Fee Requirements

59A-4.150: Geriatric Outpatient Nurse Clinic

59A-4.165: Nursing Home Guide

59A-4.202: Quality of Care

59A-4.206: Termination and Frequency of Review

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

DATE AND TIME: November 13, 2012, 2:00 p.m. -3:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency proposes to amend Rule 59A-4.103, F.A.C., to include provisions for initial and change of ownership applications or suspension of a current license when licensure fees are returned to the Agency due to insufficient funds. This section also includes specifications regarding the issuance of partial inactive licenses for alternative uses pursuant to Section 400.0712, Florida Statutes (F.S.). Other changes to this section include the incorporation of modifications to the licensure application, technical changes clarifying the submission process for required reports to the Agency and defining days as "calendar" days. Eliminates the requirement to report monthly vacant beds and quarterly nursing home staffing reports to the Agency. Proposed amendments to Rule 59A-4.106, F.A.C., include providing a web address for obtaining transfer and discharge forms, deleting a reference to services provided by the Department of Children and Families, presenting criteria for a Do Not Resuscitate Order (DNRO), incorporating references to federal guidelines and providing a specific address to obtain copies of "Health Care Advance Directives." Rule 59A-4.108, F.A.C., updates statutory references for facility staffing in accordance with state law, and establishes requirements for requesting the use of licensed nurses to perform licensed nursing and certified nursing assistant duties. Proposed amendments to Rule 59A-4.110, F.A.C., include a technical change to the position title of director of food service and replace the outdated references to the Dietary Managers training and certification process. Amendments to Rule 59A-4.112, F.A.C., include technical changes for the terminology of the Emergency Drug Kit. Amendments to Rule 59A-4.118, F.A.C., includes the removal of the requirement for nursing homes to contract with a medical records consultant

and credentializing organizations. A proposed amendment to Rule 59A-4.122, F.A.C., includes details for the placement of a resident's bed and further defines the requirement for a closet and comfortable room temperatures. Changes to Rule 59A-4.123, F.A.C., eliminates the 1-day Adverse Incident Reporting and Form, provide for electronic submission of the 15-day Adverse Incident form and clarify when events reported to law enforcement are considered adverse incidents.

A proposed amendment to Rule 59A-4.126, F.A.C., provides language regarding the submission of the emergency management plan, testing of this plan, and procedures and notifications for evacuation, overcapacity and re-occupancy of the nursing home structure during a disaster. An amendment to Rule 59A-4.128, F.A.C., removes the measurement of deficiencies in terms of scope and severity for state licensure. The establishment of Rule 59A-4.1285, F.A.C., provides requirements for developing and implementing a respite care program for nursing home licensees that choose to provide such a service. A proposed change to Rule 59A-4.1288, F.A.C., incorporates reference to federal regulations established since 1991. Proposed amendments to Rule 59A-4.130, F.A.C., provide revised language to conform to code edition changes and retain language not included in the Florida Building Code. A proposed amendment to Rule 59A-4.133, F.A.C., provides language to reference the Florida Building Code to conform to statutory changes, and deletes all other requirements. Proposed new Rule 59A-4.134, F.A.C., revises the requirements for construction plans submission to conform to codes and statutory changes. Amendments to Rule 59A-4.150, F.A.C., delete or correct several recurring or obsolete definitions and references throughout the section and adds to the list of professionals authorized to staff a geriatric outpatient clinic. Proposed changes to Rule 59A-4.165, F.A.C., replace the reference to a 45-month reporting period in the Nursing Home Guide with language that cites the time period defined in Section 400.191, F.S. Proposed change in Rule 59A-4.202, F.A.C., removes the Nursing Home Guide ranking as a quality of care criteria for Gold Seal award. Amendments to Rule 59A-4.206, F.A.C., provides language to terminate Gold Seal award applicants upon the occurrence of a disqualifying event, filing of a petition of bankruptcy and fails to maintain a qualifying Quality of Care rank criteria. Other revisions are made throughout the Chapter to correct technical errors and update references.

A copy of the agenda may be obtained by contacting: Terrosa Buie, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308; Terrosa.Buie@ahca.myflorida.com, (850) 412-4303

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: Terrosa Buie, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308, (850) 412-4303. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Terrosa Buie, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308; (850)412-4303.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Cosmetology

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

DATE AND TIME: December 12, 2012, 3:30 p.m.

PLACE: Conference Call: 1(888)670-3525, Participant Code: 8492079683#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Professional Engineers

The Florida Engineers Management Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: December 5, 2012 at 9:00 a.m. (EST) or soon thereafter.

PLACE: Monroe Street Conference Center, 2714 Graves Road, Tallahassee, FL 32303. Telephone Conference number: 888-392-4560; Passcode: 1188973

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the corporation. This meeting may be accessed by conference call. Telephone Conference number: 888-392-4560; passcode: 1188973.

A copy of the agenda may be obtained by contacting: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

- 64E-6.001: General
- 64E-6.002: Definitions
- 64E-6.003: Permits
- 64E-6.004: Application for System Construction Permit
- 64E-6.005: Location and Installation
- 64E-6.006: Site Evaluation Criteria
- 64E-6.008: System Size Determinations
- 64E-6.009: Alternative Systems
- 64E-6.010: Septage and Food Establishment Sludge
- 64E-6.0101: Portable Restrooms and Portable or Stationary Holding Tanks
- 64E-6.011: Abandonment of Systems
- 64E-6.012: Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units
- 64E-6.013: Construction Materials and Standards for Treatment Receptacles
- 64E-6.014: Construction Standards for Drainfield Systems
- 64E-6.015: Permitting and Construction of Repairs
- 64E-6.0151: Additive Use
- 64E-6.016: U.S. Department of Agriculture Soil Textural Classification System
- 64E-6.017: Definitions
- 64E-6.018: System Location, Design and Maintenance Criteria
- 64E-6.0181: Cesspit and Undocumented System Replacement and Interim System Use
- 64E-6.0182: Coordinated Permitting
- 64E-6.019: Requirements for Registration
- 64E-6.020: Master Septic Tank Contractors
- 64E-6.021: Issuance of Registration Certificates and Renewal
- 64E-6.022: Standards of Practice and Disciplinary Guidelines
- 64E-6.023: Certification of Partnerships and Corporations

- 64E-6.025: Definitions
- 64E-6.026: Applications for Innovative System Permits and System Construction Permits
- 64E-6.027: Permits
- 64E-6.028: Location and Installation
- 64E-6.029: Monitoring
- 64E-6.0295: Innovative System Reclassification
- 64E-6.030: Fees

The Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 16, 2012, 10:00 a.m.

PLACE: Conference call meeting. Teleconference Phone Number: 888-670-3525. At the prompt, enter the Participant Code: 2980214500. For those who wish to attend the meeting in person, the conference call will originate from: Capital Circle Office Complex, Conference Room 240P, 4042 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel, as established in 381.0068, Florida Statutes, will discuss numerous issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code. The panel will address the annual election of a chairman and vice-chairman. The panel may also discuss research proposals as requested by the Research Review and Advisory Committee. NOTE: This is a telephone conference call meeting. Panel members choosing to travel to participate in person do so without reimbursement for per diem and travel expenses.

A copy of the agenda may be obtained by contacting: Gerald Briggs, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Gerald Briggs, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Gerald Briggs, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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

DATE AND TIME: Thursday, November 15, 2012, 9:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn Orlando International Airport; 5750 T.G. Lee Boulevard, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee to the Florida Department of Children and Families for the Deaf and Hard-of-Hearing will meet to commence its responsibilities as outlined in the Settlement Agreement between the Florida Department of Children and Families and the U.S. Department of Health and Human Services. The meeting will be held in Orlando, FL on Thursday, November 15, 2012, and is open to the public from 9:00 a.m. – 5:00 p.m.

This meeting is accessible by Communication Access Realtime (CART) via the internet at: <http://www.streamtext.net/text.aspx?event=DCFHHS>

Conference call: 1(888)670-3525; Conference code: 9688330209

Sign Language Interpreters will be provided free of charge.

A copy of the agenda may be obtained by contacting: Lira M. Latimer, (850)922-6829, [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@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 7 days before the workshop/meeting by contacting: Lira M. Latimer, (850)922-6829, [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lira M. Latimer, (850)922-6829, [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us).

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Refugee Services

The Department Of Children and Family Services, Refugee Services Program announces a public meeting to which all persons are invited.

DATE AND TIME: November 15, 2012, 10:00 a.m.

PLACE: Florida Department of Children and Families, Refugee Services Program, 1317 Winewood Blvd., Building 5, Room 202, Tallahassee, Florida 32399-0700 or Conference Call: (882)670-3525, Participant Code: 3082681153

GENERAL SUBJECT MATTER TO BE CONSIDERED: The solicitation conference for the Request for Proposal for Customer Survey and Evaluation of Comprehensive Refugee Services in Orange, Osceola, and Seminole Counties (RFP # 10K12BS1), as provided for in Section 2.5 of the RFP published on the Vendor Bid System (VBS) on or shortly after October 31, 2012. The VBS can be accessed at: <http://vbs.dms.state.fl.us/>

A copy of the agenda may be obtained by contacting: Tammie Kuhn at [Tammie\\_Kuhn@dcf.state.fl.us](mailto:Tammie_Kuhn@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](mailto: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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tammie Kuhn at [Tammie\\_Kuhn@dcf.state.fl.us](mailto:Tammie_Kuhn@dcf.state.fl.us).

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#### SOUTHWEST FLORIDA CRIMINAL JUSTICE ACADEMY The Regional 10 Criminal Justice Training School announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2012 at 9:30 a.m.

PLACE: Southwest Florida Public Service Academy, 4312 Michigan Ave, Fort Myers, FL 33905

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda: Call meeting to order, Pledge of Allegiance, Approval of Minutes of 05/22/12 meeting – Introductions of guests – FDLE report – Academy Report from Sarasota Technical Institute, Academy Report from Southwest Florida Public Service Academy, Old Business, New Business, Schedule of next meeting, Adjournment.

A copy of the agenda may be obtained by contacting: Angela Esteves at (239)334-3897.

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#### FLORIDA SPORTS FOUNDATION

The Florida Sports Foundation announces a telephone conference call to which all persons are invited.

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

PLACE: Conference call numbers: phone number, (888)670-3525; participant code: 656 578 0871 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and recommend funding for grant applications received by the October 10, 2012 deadline.

A copy of the agenda may be obtained by contacting: John Webb at [jwebb@flsports.com](mailto:jwebb@flsports.com).

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#### FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOC., INC.

The FWCIGA Workgroup announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2012, 9:30 a.m.

PLACE: Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workgroup will meet to discuss issues and concerns resulting from recent insolvencies, including large deductible policies, collateral and employee leasing policies.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

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: Cathy Irvin at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

NONE

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**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

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

NONE

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**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

NONE

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

NONE

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**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

NONE

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BDC18-12/13 Florida Keys Overseas Heritage Trail (MM29) –  
South Pine Channel Bridge Temporary Fencing Project  
NOTICE OF INVITATION TO BID  
BID NO. BDC 18-12/13

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered Building or General Contractors licensed to work in the jurisdiction for the project listed below. Contractor must also be FDOT certified fencing contractor.

PROJECT NAME: Florida Keys Overseas Heritage Trail (MM29) – South Pine Channel Bridge Temporary Fencing Project

SCOPE OF WORK: Construct temporary fencing to be installed at both approaches to the South Pine Channel Bridge, install temporary barrier walls at both approaches and install special safety signage on both the Ocean and Gulf sides of the bridge. Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$25,000.00

LOCATION: Mile Marker 29, Florida Keys Overseas Heritage Trail.

PROJECT MANAGER: Don Page, Florida Department of Environmental Protection, Bureau of Design & Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850)488-5372.

INSTRUCTIONS: Documents for this bid will be available for down load on Thursday, November 1, 2012. Any firm desiring a Project Manual for this project may obtain a copy by emailing [susan.maynard@dep.state.fl.us](mailto:susan.maynard@dep.state.fl.us) & [mike.renard@dep.state.fl.us](mailto:mike.renard@dep.state.fl.us). If preferred, a Compact Disk (CD) containing the plans and specifications can be obtained by calling the Contracts Section at (850)488-5372 or emailing the addresses above.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633, Florida Statutes,

for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

BID SUBMITTAL DUE DATE: No later than 2:30 p.m. (ET), Tuesday, December 4, 2012 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 4:00 p.m., Tuesday, December 18, 2012 unless extended by the Department for good cause.

NOTICE OF RIGHTS; Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, FAX (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as

prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

## Section XII Miscellaneous

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Pro-Fit Solutions, LLC, d/b/a Ecco Motors for the line-make HDKP

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that HDK Plastics Factory, Ltd. Inc. USA, d/b/a HDK Electric Vehicles intends to allow the establishment of Pro-Fit Solutions, LLC, d/b/a Ecco Motors as a dealership for the sale of low-speed vehicles manufactured by HDK Plastic Factory, Ltd. Inc. USA, (line-make HDKP) at 147 Professional Place, Miramar Beach, (Walton County), Florida 32550, on or after December 1, 2012.

The name and address of the dealer operator(s) and principal investor(s) of Pro-Fit Solutions, LLC, d/b/a Ecco Motors are dealer operator(s): Scott Lightsey, 147 Professional Place, Miramar Beach, Florida 32550, principal investor(s): Scott Lightsey, 147 Professional Place, Miramar Beach, Florida 32550.

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

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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

A copy of such petition or complaint must also be sent by US Mail to: Scott Holte, HDK Plastic Factory, Ltd. Inc. USA, 731 Silverado Trails, Rosenberg, Texas 77471.

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.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

MJM Bachrodt, LLC, d/b/a MJ Truck Nation for the line-make HINO

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hino Motors Sales USA, Inc., intends to allow the establishment of MJM Bachrodt, LLC, d/b/a MJ Truck Nation as a dealership for the sale of Hino trucks manufactured by Hino (line-make HINO) at 3775 Interstate Park Road West, Riviera Beach, (Palm Beach County), Florida 33404, on or after December 1, 2012.

The name and address of the dealer operator(s) and principal investor(s) of MJM Bachrodt, LLC, d/b/a MJ Truck Nation are dealer operator(s): Michael J. Martin, Jr., 3775 Interstate Park Road West, Riviera Beach, Florida 33404 and Michael J. Martin, Sr., 3775 Interstate Park Road West, Riviera Beach, Florida 33404; principal investor(s): MJM Holdings LLC, 3775 Interstate Park Road, Riviera Beach, Florida 33404 and BCSS Ltd., 1801 West Atlantic Boulevard, Pompano Beach, Florida 33069.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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

A copy of such petition or complaint must also be sent by US Mail to: Debra M. Morello, Hino Motors Sales USA, Inc., 41180 Bridge Street, Novi, Michigan 48375.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
State Revolving Fund

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

City of Cape Coral

The Florida Department of Environmental Protection has determined that the City of Cape Coral's project involving the extension of drinking water and wastewater infrastructure to a previously unserved portion of the City identified as "Southwest Areas 6 & 7" will not adversely affect the environment. The total cost of the project is estimated at \$91,483,039. The project may qualify for a State Revolving Fund loan composed of federal funds and state funds. A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Brian Moody, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-7546.



Section XIII  
Index to Rules Filed During Preceding Week

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

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