

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1031
 RULE TITLE: Influenza Immunization Certification Program and Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the language to allow the coursework to be completed while completing pharmacy education.

SUBJECT AREA TO BE ADDRESSED: Influenza Immunization Certification Program.

RULEMAKING AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.189 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/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-29.001
 RULE TITLE: Definition

PURPOSE AND EFFECT: The Board proposes the rule amendment pursuant to legislative changes.

SUBJECT AREA TO BE ADDRESSED: Definition.

RULEMAKING AUTHORITY: 465.005, 828.055 FS.

LAW IMPLEMENTED: 828.055 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

Board of Pharmacy

RULE NO.: 64B16-29.004
 RULE TITLE: Records

PURPOSE AND EFFECT: The Board proposes the rule amendment pursuant to legislative changes.

SUBJECT AREA TO BE ADDRESSED: Records.

RULEMAKING AUTHORITY: 465.005, 828.055 FS.

LAW IMPLEMENTED: 828.055 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 NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: 69O-170.0155
 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose is to update and revise Form OIR-B1-1809 “Health Care Provider Certification of Eligibility” for Personal Injury Protection Benefits (PIP) due to statutory revisions as the result of H.B. 119 (Chapter 2012-197, Laws of Florida).

SUBJECT AREA TO BE ADDRESSED: Revisions to Personal Injury Protection form OIR-B1-1809 required by Section 627.736, Florida Statutes to be used by the referenced providers of PIP benefits.

RULEMAKING AUTHORITY: 624.308(1), 627.711, 627.736 FS.

LAW IMPLEMENTED: 215.5586, 624.307(1), 624.424, 627.062, 627.0629, 627.0645, 627.711, 627.736 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: Michelle Brewer, Office of Insurance Regulation, E-mail Michelle.Brewer@floiir.com

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 CORRECTIONS

RULE NO.: 33-602.2035
 RULE TITLE: Inmate Substance Abuse Testing
 PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to amend the rule to reflect the Office of Institutions will be responsible for inmate substance abuse testing and to change the form numbers.

SUMMARY: The rule is amended to reflect the Office of Institutions is responsible for inmate substance abuse testing and that form numbers are changed.

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: 944.09, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.2035 Inmate Substance Abuse Testing.

The ~~Office of Institutions~~ ~~Office of the Inspector General~~ shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) Definitions.

(a) No change.

(b) Tester – a correctional officer who has been certified as competent by the manufacturer of the onsite testing device and trained by certified training personnel, affiliated with the department, on the proper procedures for collecting urine specimens, including the completion and maintenance of Form DC6-2067, the Chain of Custody Form, the handling and disposing of urine specimens, and the administration and interpretation of the on-site testing device. All testing personnel must be approved by the Office of Institutions ~~Office of the Inspector General~~.

(c) No change.

(d) Chain of Custody Form – the form used to document the identity and integrity of an inmate's specimen from time of collection until the specimen is prepared for shipment to a designated outside laboratory for confirmation testing. This form will be provided by the laboratory conducting confirmation tests on specimens that had a positive result on the on-site testing device. Form DC6-2067, Chain of Custody Form is hereby incorporated by reference. Copies of the form are available directly from the vendor or from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 11-28-10.

(e) through (f) No change.

(g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are positive and the inmate refuses to sign Form DC6-2065 DC1-824, Affidavit for Admission of Drug Use. Form DC6-2065 DC1-824 is hereby incorporated by reference in paragraph (3)(h) of this rule. Copies of the form are available from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____.

(h) No change.

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden, the duty warden, the correctional officer chief of the facility, a designee of one of the above individuals, or the Office of Institutions ~~Office of the Inspector General~~. An inmate should only be tested for a maximum of four drugs on a for-cause basis unless extenuating circumstances exist. For-cause tests will only be conducted on inmates who meet the criteria outlined in subparagraphs 2.a. through c. below.

2. through 4. No change.

5. Upon approval of the warden, duty warden, correctional officer chief, their designees, or the Office of Institutions ~~Office of the Inspector General~~, collection and testing procedures shall be conducted immediately pursuant to this rule.

6. A copy of Form DC6-210, Incident Report, shall be attached to the facility's copy of Form DC6-2067, the Chain of Custody Form for positive specimens sent to the laboratory for confirmation testing. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(b) through (c) No change.

(3) Procedures.

(a) Chain of Custody.

1. At a minimum, Form DC6-2067, the Chain of Custody Form must include inmate and tester identification, initialed or signed by both the inmate and the tester, date and time of collection, type of test (i.e., random, for-cause, or substance abuse program participation), and identification of all individuals who had custody of the specimen from the time of collection until the specimen was prepared for shipment to the laboratory. Once the outside laboratory receives the specimen, it will become the laboratory's responsibility to maintain a chain of custody throughout the testing process.

2. Form DC6-2067, The Chain of Custody Form allows for comments by the tester regarding any unusual observations. Any failure by the inmate to cooperate with the collection process and any unusual nature (e.g., discolored urine or urine containing foreign objects) of a specimen shall be noted.

3. The tester shall ensure that all collected urine specimens being sent to a designated outside laboratory for confirmation testing are properly labeled and sealed with a security label as provided on Form DC6-2067, the Chain of Custody Form. The tester shall also ensure that Form DC6-2067, the Chain of Custody Form for all collected urine specimens is completed in accordance with department procedures.

4. If an inmate is unable or unwilling to enter his or her initials or signature on Form DC6-2067, the Chain of Custody Form, the tester will make a notation in the comment section of the form and leave the space blank. The tester will not under any circumstances sign Form DC6-2067, the Chain of Custody Form for an inmate.

(b) Specimen Collection Procedures.

1. through 7. No change.

8. An inmate who has not provided an adulterated urine specimen and who claims an inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC6-2064 DC1-823, Acknowledgement of Beverage, shall be completed. Form DC6-2064 DC1-823 is hereby incorporated by reference in

~~paragraph (3)(h) of this rule.~~ Copies of the form are available from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____.

If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

9. through 11. No change.

12. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, the inmate shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC6-2064 DC1-823, Acknowledgement of Beverage, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

(c) Upon notification from an inmate that he or she is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. through 3. No change.

4. The inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of two cups during the time spent in the dry cell, and Form DC6-2064 DC1-823, Acknowledgement of Beverage Form, shall be completed.

5. through 7. No change.

(d) No change.

(e) Testing of urine specimens.

1. through 6. No change.

7. Positive test results. The tester shall inform the inmate of the positive results of the on-site testing device. The inmate will then be given the opportunity to sign Form DC6-2065 DC1-824, Affidavit for Admission of Drug Use.

a. If the inmate chooses to sign Form DC6-2065 DC1-824, the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed in administrative

confinement, and a disciplinary report shall be written. The signed Form DC6-2065 DC1-824 will be attached to the disciplinary report to be used as evidence in the disciplinary hearing.

b. No change.

c. If the inmate does not sign Form DC6-2065 DC1-824, the following steps shall be taken:

i. Once the urine specimen has been securely closed by the tester, the tester shall attach a security seal from Form DC6-2067, the Chain of Custody Form across the lid of the sample cup under the inmate's observation.

ii. The tester shall instruct the inmate to place his or her initials on Form DC6-2067, the Chain of Custody Form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.

iii. through iv. No change.

8. No change.

(f) Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate in accordance with the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign Form DC6-2065 DC1-824, Affidavit for Admission of Drug Use, a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing in accordance with the procedures outlined in paragraphs (3)(b) and (3)(e) above.

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or designee. Form DC6-2066 DC1-827, Reasonable Suspicion Testing Tracking, shall be utilized for this purpose. Form DC6-2066 DC1-827 is hereby incorporated by reference in paragraph (3)(h) of this rule. Copies of the form are available from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____.

(g) No change.

~~(h) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~1. Form DC1-823, Acknowledgement of Beverage, effective February 5, 2001.~~

~~2. Form DC1-824, Affidavit for Admission of Drug Use, effective February 5, 2001.~~

~~3. Chain of Custody Form, effective November 28, 2010, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~4. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective February 19, 2007.~~

Rulemaking Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09, 2-10-10, 11-28-10, 1-11-12, Formerly 33-108.101, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Assistant Deputy Secretary, Office of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 21, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Child and Farm Labor Program

RULE NO.: 61L-1.004 RULE TITLE: Requirements of Registration

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to clarify the procedures that need to be followed in order for applicants to apply and receive a Farm Labor Contractor Certificate of Registration.

SUMMARY: The proposed rule clarifies the procedures that need to be followed in order for applicants to apply and receive a Farm Labor Contractor Certificate of Registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 450.30(8), 450.36 FS.

LAW IMPLEMENTED: 450.30 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61L-1.004 follows. See Florida Administrative Code for present text)

61L-1.004 Procedures for Requirements of Registration.

Application for the issuance of a Farm Labor Contractor Certificate of Registration may be made by U.S. Mail or in person at 1940 North Monroe Street, Tallahassee, Florida, 32399-0783. Assistance with the application process may be obtained at selected Department of Business and Professional Regulation field offices, or any other place so designated by the Department of Business and Professional Regulation where staff are trained to administer the test and assist with the completion and submission of forms. The application can also be obtained at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html>. Prior to the issuance of a certificate of registration, an applicant seeking a certificate must comply with the following requirements:

(1) Possess a valid Federal Farm Labor Contractor or Employee Certificate of Registration, or timely submit form WH – 530, “Federal Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration” revised December 2011, herein incorporated by reference, to the U.S. Department of Labor at least thirty (30) days prior to the expiration of the current federal certificate of registration, and provide a copy to the Department of Business and Professional Regulation as proof of timely submission. Form WH-530 can be obtained by contacting the Department at 1940 North Monroe Street, Tallahassee, Florida 32399-0783 or at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html>;

(2) Complete and submit application form DBPR FCL 1004 “Addendum To Application for a Farm Labor Contractor Certificate of Registration”, effective March 2009, adopted and incorporated herein by reference, which can be obtained by contacting the Department at 1940 North Monroe Street, Tallahassee, Florida 32399-0783 or at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html>. All items on

the application form must be completed. Applications that do not contain the required information or required application fee will be considered incomplete and will not be processed until the missing information or fee is provided;

(3) Pay by certified check, cashier's check, money order, or credit card, a nonrefundable application fee of \$125.00, payable to the Department of Business and Professional Regulation;

(4) Successfully take and pass the Farm Labor Contractor Test and pay the nonrefundable examination fee of \$35.00. The test may be administered at selected Department of Business and Professional Regulation field offices, or any other place so designated by the Department of Business and Professional Regulation. When an applicant passes the test, they must comply with all other registration requirements before a certificate of registration will be issued;

(5) Applicants who are also applying for a license to transport workers, in addition to the above listed requirements, must also submit a certificate of insurance demonstrating that the applicant has complied with the applicable liability insurance coverages and produce evidence that each vehicle utilized complies with safety standards as required by these regulations and Section 450.33, F.S.

Rulemaking Authority 450.30 450.36 FS. Law Implemented 450.30 450.31(1)(c), 450.33 FS. History—New 1-19-73, Revised 1-29-74, Amended 10-30-78, Formerly 8B-4.04, Amended 11-28-85, Formerly 38B-4.04, 38B-4.004, Amended 5-23-88, Formerly 38H-4.004, 38H-11.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850) 717-1244

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Child and Farm Labor Program

RULE NOS.:	RULE TITLES:
61L-1.005	Renewal of Registration Certificate
61L-1.006	Reexamination

PURPOSE AND EFFECT: The purpose and effect of the proposed rule creation is to clarify the procedures that need to be followed in order for applicants to renew a Farm Labor Contractor Certificate of Registration and to retake the Florida Farm Labor Contractor Test.

SUMMARY: The proposed rule clarifies the procedures that need to be followed in order for applicants to renew a Farm Labor Contractor Certificate of Registration and to retake the Florida Farm Labor Contractor Test.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an analysis of the proposed rules' potential economic impact and determined that they do not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 450.30(8), 450.36 FS.

LAW IMPLEMENTED: 450.30, 450.31 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61L-1.005 Renewal of Registration Certification.

(1) Application for the renewal of a Florida Farm Labor Contractor Certificate of Registration may be made at least 30 days prior to expiration, by U.S. Mail or in person at 1940 North Monroe Street, Tallahassee, Florida 32399-0783. Assistance may be obtained at selected Department of Business and Professional Regulation field offices, or any other place so designated by the Department of Business and Professional Regulation. Prior to the renewal of a certificate previously issued, a person seeking a certificate must comply with the following requirements:

(a) Possess a valid Federal Farm Labor Contractor or Employee Certificate of Registration, or timely submit form WH-530, "Federal Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration," herein incorporated by reference, to the U.S. Department of

Labor at least thirty (30) days prior to the expiration of their current Federal Farm Labor Contractor Certificate of Registration, and provide a copy to the Department of Business and Professional Regulation as proof of timely submission. Form WH-530 can be obtained by contacting the Department at 1940 North Monroe Street, Tallahassee, Florida 32399-0783 or _____ at _____ <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html>.

(b) Complete and submit renewal form DBPR FCL 1004 "Addendum To Application for a Farm Labor Contractor Certificate of Registration," effective March 2009, adopted and incorporated herein by reference, which can be obtained by contacting the Department at 1940 North Monroe Street, Tallahassee, Florida 32399-0783 or at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html>. All items on the application form must be completed;

(c) Pay by certified check, cashier's check, money order, or credit card, a nonrefundable renewal fee of \$125.00.

(2) Applications that do not contain the required information or required application and examination fees will be considered to be incomplete and will not be processed until the missing information or fee is provided.

Rulemaking Authority 450.36 FS. Law Implemented 450.30, 450.31(1)(c), 450.33 FS. History—New _____.

61L-1.006 Reexamination.

(1) A farm labor contractor seeking to retake the Florida Farm Labor Contractor Test must comply with the following:

(a) Schedule to take the exam with the Department of Business and Professional Regulation;

(b) Present a state or federal issued photo identification to the test administrator prior to retaking the examination;

(c) Pay by certified check, cashier's check, money order, or credit card, a nonrefundable reexamination fee of \$35.00.

(2) Reexamination may be administered at selected Department of Business and Professional Regulation field offices, or any other place so designated by the Department of Business and Professional Regulation.

Rulemaking Authority 450.36 FS. Law Implemented 450.30, 450.31(1)(c) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Child and Farm Labor Program

RULE NO.: 61L-1.012 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to modify the language to lower the costs on licensees who are found in violation of applicable statutes, to provide the Department with more discretion when determining aggravating and mitigating circumstances, and to remove statutory references that are not applicable.

SUMMARY: The proposed rule modifies the language to lower the costs on licensees who are found in violation of applicable statutes, provides the Department with more discretion when determining aggravating and mitigating circumstances, and removes statutory references that are not applicable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 450.36, 450.38(3), 455.2273 FS.

LAW IMPLEMENTED: 450.30, 450.31, 450.33, 450.34, 450.35, 450.39, 455.2273 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61L-1.012 Disciplinary Guidelines.

(1) Purpose. Pursuant to Sections 450.031, 450.036, and 450.038, F.S., the Department provides within this rule, disciplinary guidelines, which shall be imposed upon any person, firm, association, or corporation that commits a violation of Chapter 450, Part III, F.S., or any rules promulgated pursuant thereto. The purpose of this rule is to notify any person, firm, business entity, association, or corporation of the range of penalties which would routinely be imposed for the most common violations unless the Department finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The lowest range of penalties provided below is based upon a single count violation of each provision listed; multiple counts of the violated provision or a combination of violations may result in a higher penalty than that for a single, isolated violation. ~~Each worker affected constitutes a separate violation and will add another count, increasing the penalty.~~ This list is not intended to be all inclusive of the potential violations that could be found.

(2) Major Violations and Range of Penalties. In imposing discipline upon applicants and registrants, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Department shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. ~~The Department may shall~~ consider any prior violation when determining the severity of a penalty. Any agreed settlement stipulation or consent order, as provided for in subsection (4) of this rule, is an offense notwithstanding the failure to admit or deny guilt in the prior case. For any fourth or subsequent violation, the penalty is revocation.

RANGE OF PENALTIES			
VIOLATION	FIRST OFF.	SECOND OFF.	THIRD OFF.
(a) Acting as a Farm Labor Contractor Without Certificate of Registration (Section 450.30(1), F.S.)			
1. Threat of economic or physical harm	\$500.00	\$1500.00	\$2500.00
2. Actual economic or physical harm	\$1000.00	\$1750.00	\$2500.00
(b) Misrepresentation or False Statement in Application for Certificate of Registration (Sections 450.31(2)(b), 450.34(1), F.S.)			

1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1750.00
2. Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
(c) Misrepresentation Concerning Terms, Conditions or Existence of Employment (Sections 450.31(2)(c), 450.34(2), F.S.)			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1750.00
2. Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
(d) Failure to Pay Wages When Due (Section 450.33(2), F.S.)			
Actual economic or physical harm	\$1000.00	\$1500.00	\$2500.00
(e) Failure to Honor Agreement (Section 450.33(3), F.S.)			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1500.00
2. Actual economic or physical harm	\$1000.00	\$1500.00	\$2500.00
(f) Failure to Take Out Policy of Insurance or Obtain Sufficient Amount of Insurance (Section 450.33(5), F.S.)			
1. Threat of economic or physical harm	\$1000.00	\$1250.00	\$1500.00
2. Actual economic or physical harm	\$1000.00	\$1500.00	\$2500.00
(g) Failure to Provide Wage Statements (Section 450.33(7), F.S.)			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1500.00
2. Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
(h) Failure to Ensure Vehicle Safety No Vehicle Inspection (Section 450.33(8), F.S.)			
1. Threat of economic or physical harm	\$1000.00	\$2000.00	\$2500.00
2. Actual economic or physical harm	\$1500.00	\$2500.00	\$2500.00
(i) Failure to Deduct Proper Amounts From Pay (Sections 450.33(7), 450.31(2)(c), 450.31(2)(e), F.S.)			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1500.00
2. Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
(j) No Valid Driver's License, Not Proper Class (Section 450.33(9), F.S.; 29 CFR 500.100(a); 29 CFR 500.105(b)(1)(iii)(E))			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1500.00
2. Actual economic or physical harm	\$1000.00	\$1500.00	\$2500.00
(k) Transporting Workers in Unsafe Vehicles (Section 450.33(9), F.S.; 29 CFR 500.101(a) & (b); 29 CFR 500.102(a) & (b))			
1. Threat of economic or physical harm	\$1000.00	\$2000.00	\$2500.00
2. Actual economic or physical harm	\$1500.00	\$2500.00	\$2500.00
(l) Unsafe Transportation of Fuel (Section 450.33(9), F.S.; 29 CFR 500.105(b)(2)(xiii))			
1. Threat of economic or physical harm	\$750.00	\$1500.00	\$1750.00
2. Actual economic or physical harm	\$1000.00	\$1750.00	\$2500.00
(m) Transporting Workers in Overloaded Vehicle (Section 450.33(9), F.S.; 29 CFR 500.105(b)(2)(vii)(E) & 29 CFR 500.105(b)(3)(vi)(d))			
1. Threat of economic or physical harm	\$1000.00	\$1500.00	\$1750.00
2. Actual economic or physical harm	\$1500.00	\$2000.00	\$2500.00
(n) Unsafe Operation of Transportation Vehicle (Section 450.33(9), F.S.; 29 CFR 500.105(b)(2)(i))			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1750.00
2. Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
(o) Sexual Harassment (Sections 450.33(9); 760.10 F.S.)			
1. Threat of economic or physical harm	\$1000.00	\$1500.00	\$2500.00
2. Actual economic or physical harm	\$1500.00	\$2000.00	\$2500.00
(p) Transportation Unauthorized (Section 450.33(9) F.S.; 29 CFR 500.71)			
1. Threat of economic or physical harm	\$1000.00	\$2000.00	\$2500.00
2. Actual economic or physical harm	\$1500.00	\$2500.00	\$2500.00
(q) Driver Unauthorized (Section 450.33(9), F.S.; 29 CFR 500.105(b)(2)(xiv))			
1. Threat of economic or physical harm	\$1000.00	\$2000.00	\$2500.00
2. Actual economic or physical harm	\$1500.00	\$2500.00	\$2500.00

(r) Compliance with Housing Requirements (Section 450.33(9), F.S.; 29 CFR 500.132)			
1. Threat of economic or physical harm	\$500.00	\$1500.00	\$1750.00
2. Actual economic or physical harm	\$1000.00	\$1750.00	\$2500.00
(s) No Field Toilet Facilities (Section 450.33(9), F.S.; subsection 64E-14.016(1), F.A.C.; 29 CFR 1928.110(c))			
(2))			
Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
(t) No Drinking Water (Section 450.33(9), F.S.; subsection 64E-14.016(4), F.A.C.; 29 CFR 1928.110(c)(1))			
Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
(u) Failure to Maintain Daily Field Records (Section 450.33(10), F.S.)			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1500.00
2. Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
(v) Unlawful Wage Deductions (Section 450.34(3), F.S.)			
Actual economic or physical harm	\$1000.00	\$1750.00	\$2500.00
(w) Retaliation (Section 450.34(4), F.S.)			
1. Threat of economic or physical harm	\$1000.00	\$1500.00	\$1750.00
2. Actual economic or physical harm	\$1500.00	\$1750.00	\$2500.00
(x) Utilization of Unregistered Farm Labor Contractor (Sections 450.34(5), 450.35, F.S.)			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1750.00
2. Actual economic or physical harm	\$1000.00	\$1750.00	\$2500.00
(y) Required Purchase or Unreasonable Cost (Sections 450.39(1), (2), F.S.)			
1. Threat of economic or physical harm	\$1000.00	\$1500.00	\$1750.00
2. Actual economic or physical harm	\$1500.00	\$1750.00	\$2500.00
(z) Failure to Maintain a Charged Fire Extinguisher (Section 450.33(9), F.S.; 29 CFR 500.105(b)(2)(vi))			
1. Threat of economic or physical harm	\$1000.00	\$1250.00	\$1500.00
2. Actual economic or physical harm	\$1500.00	\$2000.00	\$2500.00
(aa) Failure to Maintain Payroll Records (Section 450.33(9), F.S.; 29 CFR 500.80)			
1. Threat of economic or physical harm	\$500.00	\$1000.00	\$1750.00
2. Actual economic or physical harm	\$1000.00	\$1750.00	\$2500.00

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in each individual case, the Department may deviate from the penalties recommended above. The Department shall consider as aggravating or mitigating factors the following:

- (a) Exposure of worker(s) to injury, physical or economic: ~~none, minor, major, or death;~~
- (b) Legal status of the certificate of registration at the time of the offense; ~~no restraints, or legal constraints;~~
- (c) The number of counts or separate offenses;
- (d) The number of times the same or substantially similar offense or offenses have previously been committed by the registrant or applicant, regardless of the jurisdiction in which the offense was committed;
- (e) The disciplinary history of the applicant or registrant in any jurisdiction, including federal, and the length of registration;
- (f) Pecuniary benefit or self-gain inuring to the registrant;
- (g) Whether the violation was corrected as soon as possible;
- (h) Whether the penalty would cause significant financial hardship to the registrant ~~due to a natural disaster;~~

(i) Whether the registrant and/or the registrant's employees have completed a continuing education course or instituted a training program relevant to the violations charged; and

(j) Any other relevant mitigating factors.

(4) Stipulations or Settlements. The provisions of this rule are not intended to and shall not be construed to limit the ability of the Department to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(5) Minor Violations and Range of Penalties.

(a) A warning shall be issued for the first minor violation.

(b) Each successive minor violation will be assessed in increments of \$250.00 up to \$2500.00. A violation committed after the maximum monetary amount of \$2500 has been reached shall result in a denial of an application for, or the revocation of, a certificate of registration. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. This list is not intended to be all inclusive of the potential violations that could be found.

1. Failure to carry Certificate of Registration (Section 450.33(1), F.S.),

2. Failure to Display Poster Disclosing the Terms and Conditions of Employment (Section 450.33(4), F.S.),

3. Failure to Carry a Doctor’s Certificate for Every Driver (Section 450.33(9), F.S.; 29 CFR 500.105(b)(1)(ii)(H)),
4. Failure to Display Railroad Crossing Sign on Vehicle (Section 450.33(9), F.S.; 29 CFR 500.105(b)(2)(xvii)),
5. Failure to Notify of Change of Address (Section 450.33(9), F.S.; 29 CFR 500.54),
6. Failure to Provide Field Hand Washing Units (Section 450.33(9), F.S.; subsections 64E-14.016(1) & (3), F.A.C., 29 CFR 1928.110(c)(2)(iii); 29 CFR 1928.110(c)(3)(iii)),
7. Failure to provide Single Use Drinking Cups (Section 450.33(9), F.S.; subsection 64E-14.016(4), F.A.C.; 29 CFR 1928.110(c)(1)(iii)),
8. Failure to Label Drinking Water (Section 450.33(9), F.S.; subsection 64E-14.016(4), F.A.C.),
9. Failure to Provide Toilet Facilities Within One Quarter (0.25) Mile (Section 450.33(9), F.S.; subsections 64E-14.016(1) & (3), F.A.C.; 29 CFR 1928.110(c)(2)(iii)),
10. Failure to Provide Toilet Paper (Section 450.33(9), F.S.; 29 CFR 1928.110(c)(2)),
11. Failure to Keep Toilet Facilities Clean (Section 450.33(9), F.S.; subsection 64E-14.016(2), F.A.C.; 29 CFR 1928.110(c)(3)(ii)),
12. Failure to Provide Hand Washing Soap (Section 450.33(9), F.S.; subsection 64E-14.016(3), F.A.C.; 29 CFR 1928.110(c)(2)),
13. Failure to Provide Single Use Towels (Section 450.33(9), F.S.; subsection 64E-14.016(3), F.A.C.; 29 CFR 1928.110(c)(2)),
14. Failure to Ensure Operational External Vehicle Lights and Bulbs (Section 450.33(9), F.S.; 29 CFR 500.104(a), 500.105(b)(2)(vi), 500.105(b)(3)(ii)),
15. Ineffective Windshield Wiper Blades (Section 450.33(9), F.S.; 29 CFR 500.104(g), 500.105(b)(3)(vi), 500.105(b)(2), 500.105(b)(5)),
16. Failure to Replace or Repair Cracked Side Window (Section 450.33(9), F.S.; 29 CFR 500.104(g), 500.105(b)(3), 500.105(b)(5)),
17. Removable Materials Blocking Vehicle Exit (Section 450.33(9), F.S.; 29 CFR 500.105(b)(3)(vi)(F)),
18. Materials Blocking Vehicle Taillights (Section 450.33(9), F.S.; 29 CFR 500.105(b)(2)(xi)),
19. Vehicle with a Bald Tire (Section 450.33(9), F.S.; 29 CFR 500.104(c), 500.105(b)(3)(v)),
20. Having an In-operable Vehicle Horn (Section 450.33(9), F.S.; 29 CFR 500.104(c), 500.105(b)(2)(vi)),
21. Failure to Properly Maintain Interior and Exterior Vehicle Mirrors (Section 450.33(9), F.S.; 29 CFR 500.104(f), 500.105(b)(2)(vi)),
22. Failure to Properly Maintain Windows and Window Handles (Section 450.33(9), F.S.; 29 CFR 500.105(b)(5)).

(6) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the Department to recommend or pursue criminal actions when appropriate.

Rulemaking Authority 450.36, 450.38(3), 455.2273 FS. Law Implemented 450.30, 450.31, 450.33, 450.34, 450.35, 450.39, 455.2273 FS. History—New 11-28-85, Formerly 38B-4.12, 38H-4.012, 38H-11.012, Amended 11-22-10_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 29, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-9.009	Standard of Care for Office Surgery
64B8-9.0091	Requirement for Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The proposed rule amendments are intended to implement the statutory mandate set forth in subsection 458.309(3), F.S., with regard to the requirement for registration in facilities in which more than 1000 cc’s of supernatant fat is removed in liposuction procedures.

SUMMARY: The proposed rule amendments require logs to be maintained which document the removal of more than 1000 cc’s of supernatant fat is removed and requires those facilities to register with the Department.

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: 458.309(1), (3), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.309(3), 458.331(1)(v), 458.351 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: Allison M. Dudley, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

(1) No change.

(2) General Requirements for Office Surgery.

(a) through (b) No change.

(c) The surgeon must maintain a log of all liposuction procedures where more than 1,000 cubic centimeters of supernatant fat is removed, and Level II and Level III surgical procedures performed, which must include a confidential patient identifier, time of arrival in the operating suite, the name of the physician who provided medical clearances, the surgeon's name, diagnosis, CPT Codes, patient ASA classification, the type of procedure, the level of surgery, the anesthesia provider, the type of anesthesia used, the duration of the procedure, the type of post-operative care, duration of recovery, disposition of the patient upon discharge, list of medications used during surgery and recovery, and any adverse incidents, as identified in Section 458.351, F.S. The log and all surgical records shall be provided to investigators of the Department of Health upon request and must be maintained for six (6) years from the last patient contact.

(d) through (m) No change.

(3) through (6) No change.

Rulemaking Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(v), 458.351 FS. History—New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06, 4-18-07, 9-3-07, 3-25-10, 8-6-12, _____.

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every licensed physician who holds an active Florida license and performs liposuction procedures where more than 1,000 cubic centimeters of supernatant fat is removed, Level II surgical procedures in Florida with a maximum planned duration of more than five (5) minutes or any Level III office surgery, as fully defined in Rule 64B8-9.009, F.A.C., shall register the office with the Department of Health. It is the physician's responsibility to ensure that every office in which he or she performs liposuction procedures where more than 1,000 cubic centimeters of supernatant fat is removed, Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned. Physicians participating in post-graduate training programs, and registered pursuant to Section 458.345, F.S., may provide services under the direct supervision of a Florida physician, licensed pursuant to Section 458.311 or 458.313, F.S., in an office surgery facility and under the auspices of their training program for a period of time not to exceed three months without registering pursuant to this rule.

(b) through (d) No change.

(2) through (3) No change.

Rulemaking Authority 458.309(1), (3) FS. Law Implemented 456.069, 458.309(3) FS. History—New 5-15-00, Amended 9-18-01, 8-5-03, 9-1-03, 2-9-05, 8-22-06, 10-30-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Surgical Care Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NO.:
33-204.003

RULE TITLE:
Food Services – Standards of
Operation

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. 38, September 21, 2012 issue of the Florida Administrative Register.

The corrections are in response to comments by the Joint Administrative Procedures Committee in a letter dated October 12, 2012. The corrections are as follows:

Rule 33-204.003(3)(g) shall read as:

(g) Leftover foods must be labeled with the contents, date, and time of production and handled in accordance with the provisions of Rules 64E-11.004(3) and 64E-11.004(14), F.A.C. Food Hygiene. Rules 64E-11.004(3) and 64E-11.004(14), F.A.C., are hereby incorporated by reference. Copies of these rules are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of these rules is 7-14-2003.

Form DC4-668 shall be changed to add the words "Department of Corrections Diet Attendance Roster" at the top of the instructions page.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-5.001
 RULE TITLE: Disciplinary Guidelines

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Register.

The correction is to correct the Notice of Change published in Vol. 38, No. 67, of the November 7, 2012, Florida Administrative Register. The correction is as follows:

The changes to 64B33-5.001 (5)(m) and (n) are in response to letters from the Joint Administrative Procedures Committee date October 4, 2011 and July 23, 2012.

The changes to 64B33-5.001(5)(l) were voted on by the Board at its meeting on October 30, 2012.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-59.060
 RULE TITLE: Partial Payment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 33, August 17, 2012 issue of the Florida Administrative Register has been withdrawn.

Section IV
 Emergency Rules

NONE

Section V
 Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on November 7, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Paragraph 6-501.115(A), 2001 FDA Food Code and subsection 61C-4.010(6), Florida Administrative Code from MASA Restaurant located in Naples. The above referenced F.A.C. addresses the requirement that live animals are not allowed on the premise of a public food service establishment except as specifically provided in rule. They are requesting to have a bird on the premise.

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-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on November 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Holiday Surf and Racquet Club. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.4.7.1, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators top of car clearances which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-358)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on November 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ca'd Zan Mansion. Petitioner seeks a variance of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-360).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On November 13, 2012 the Division issued an order. The Final Order was in response to a Petition for a Variance from Sun Towers Retirement Community, filed October 18, 2012, and advertised on October 25, 2012 in Vol. 38, No. 58, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 3.10.4(t), 2.7.4, 3.11.1(a)(2), ASME A17.3, 1996 edition, as adopted by subsection 61C-5.001(1) Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations, restricted door openings, keyed stop switch, two-way communication and platform guards until December 31, 2013 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-344)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on November 9, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Mayo Hospital-Main Hospital Building. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators sump pump operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-361).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on November 8, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for University of Central Florida, Academic Village II. Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.18.5.1, 2.20.4, and 2.24.2.1, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-359).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

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

On October 30, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code from The Kitchen located in Largo. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent establishment under the same ownership for use by customers only.

The Petition for this variance was published in Vol. 38/64 on November 2, 2012. The Order for this Petition was signed on November 8, 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 the Barber Shop are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of the Barber Shop changes, a 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:

61G6-6.017: Duration of Examination Scores

NOTICE IS HEREBY GIVEN that on November 2, 2012, the Electrical Contractors' Licensing Board, received a petition for John B. Derrick, seeking a variance or waiver of Rule 61G6-6.017, Florida Administrative Code, which requires for the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board at the above address, within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-16.003: Apprenticeship Requirements and Training Program

NOTICE IS HEREBY GIVEN that on October 11, 2012, the Board of Opticianry, received a petition for waiver or variance filed by Yamila Diez, from Rule 64B12-16.008, F.A.C. However, it appears the Petitioner is requesting a waiver or variance of subsection 64B12-16.003(4), F.A.C., with regard to an apprentice completing 6,240 hours of training within a five year limit after first registering with the Department, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.010: Terms and Conditions of SAIL Loans

NOTICE IS HEREBY GIVEN that on August 27, 2012, the Florida Housing Finance Corporation, received a petition for waiver from Avon Park Housing Authority, Rule 67-48.010(21), which requires APHA to provide Florida Housing an annual budget of income and expenses for Lakeside Park I Apartments.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at flidahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces a public meeting to which all persons are invited.

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

PLACE: Media Center at Quiet Waters Elementary School, 4150 West Hillsboro Boulevard, Deerfield Beach, Florida 33342

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Committee of the Education Practices Commission will meet for discussion and review of the annual evaluation of the Executive Director.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850) 245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Diane Whitney or Kathleen M. Richards at (850) 245-0455.

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: November 26, 2012, 4:30 p.m. – 6:00 p.m.

PLACE: Baldwin Senior Center, 850 N. Center Street, Baldwin, FL 32234

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held to afford interested persons the opportunity to express their views concerning Financial Project ID Number 428865-1, otherwise known as the US 301 (SR 200) / I-10 Interchange in Duval County, Florida.

The proposed interchange improvements will include:

- The construction of a new US 301 northbound to I-10 eastbound on-ramp in the southeast quadrant of the interchange.
- The reconstruction of the loop ramp in the southwest quadrant of the interchange.
- The construction of a new two-lane I-10 westbound to US 301 off-ramp in the northeast quadrant of the interchange.

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

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874, (386) 961-7873 or 1-(800)749-2967, extension 7873. 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).

DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: December 5, 2012, 9:00 a.m. (EST)-Until Conclusion of Business

PLACE: Florida Department of Transportation, State Materials Office/Lab, 5007 N.E. 39th Avenue, Gainesville, FL 32609.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of FDOT State Materials Lab and Florida Transportation Commission Meeting.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850) 414-4316.

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: Lisa O. Stone at (850)414-4316. 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: Florida Transportation Commission, 605 Suwannee Street, MS #9, Tallahassee, FL 32399 or phone (850) 414-4105.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

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

DATE AND TIME: January 28, 2013, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL33782

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

A copy of the agenda may be obtained by contacting: Avera Wynne at avera@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, (727)570-5151 ext. 22. 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).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

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

DATE AND TIME: November 27, 2012, 9:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District, District Headquarters, Governing Board Room, 4049 Reid St., Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Johns River Water Management District will hold a meeting of the Clay-Putnam Minimum Flows and Levels Prevention/Recovery Strategy Implementation Work Group to discuss the Minimum Flows and Levels Prevention/Recovery Strategy for Lakes Brooklyn, Cowpen, Geneva, and Grandin. All interested parties are invited to attend. An agenda will be available at least seven days before the meeting.

A copy of the agenda may be obtained by contacting: Julie Green, 4049 Reid Street, Palatka, FL 32178, (386) 329-4240 or jgreen@sjrwmd.com. One or more members of the North Florida Regional Water Supply Partnership Stakeholder Advisory Committee may attend this meeting. More information about the Partnership Stakeholder Advisory Committee, including a membership list, is available at northfloridawater.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386) 329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1-800-955-8770 (Voice). If 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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

The Department of Business and Professional Regulation, Board of Employee Leasing Companies announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 19, 2012, 10:00 a.m. EST or soon thereafter

PLACE: Via Telephone Conference Call. To Connect, dial 1(888)670-3525, Conference Pass code: 7489217568 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (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 48 hours before the workshop/meeting by contacting: the board office at (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: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

The Department of Business and Professional Regulation, Board of Employee Leasing Companies announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, January 16, 2013, 10:00 a.m. EST or soon thereafter

PLACE: Via Telephone Conference Call. To Connect, dial 1(888)670-3525, Conference Pass code: 7489217568 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (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 48 hours before the workshop/meeting by contacting: the board office at (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: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

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

DATE AND TIME: January 4, 2013, 10:00 a.m.

PLACE: 888.670.3525, participant code 8492079683#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N Monroe St., Tallahassee, FL 32399-0773.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 20, 2012, 9:30 a.m.

PLACE: Homewood Suites, 2061 Griffin Road, Dania Beach, Florida 33312

GENERAL SUBJECT MATTER TO BE CONSIDERED: General subject matter to be discussed: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Compton at (888) 862-7010.

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: Janet Compton at (888) 862-7010. 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: Janet Compton, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315, (888)862-7010.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Substance Abuse Program

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

DATE AND TIME: December 3, 5 & 6, 2012, 9:00 a.m. – 4:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 2, Room 103, Tallahassee, Florida 32399

Call-in Number: 1-888-670-3525

Participant Code: 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: Behavioral Health Invitation to Negotiate (ITN) #10H12G2C to procure training which focuses on Leadership and Advocacy; Train-the-Trainer Training; training and inclusion of Peers in the Department's CQI activities including Incident Reviews and Evidenced-Based Practices; and development and implementation of a statewide access to care hotline directed towards Consumers and family members.

THIS NOTICE SUPERSEDES THE PREVIOUS NOTIFICATION FOR DECEMBER 3, 2012.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, 1317 Winewood Boulevard Blvd, Building 6, Room 280, Tallahassee, Florida 32399, adrian_williams@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Substance Abuse Program

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

DATE AND TIME: December 4, 2012, 9:00 a.m. to 4:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 6, Room 350, Tallahassee, Florida 32399

Call-in Number: 1-888-670-3525

Participation Code: 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: Behavioral Health Invitation to Negotiate (ITN) #10H12G2C to procure training which focuses on Leadership and Advocacy; Train-the-Trainer Training; training and inclusion of Peers in the Department's CQI activities including Incident

Reviews and Evidenced-Based Practices; and development and implementation of a statewide access to care hotline directed towards Consumers and family members.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, 1317 Winewood Boulevard Blvd, Building 6, Room 280, Tallahassee, Florida 32311, adrian_williams@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Substance Abuse Program

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

DATE AND TIME: December 7, 2012, 1:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 2, Room 103, Tallahassee, Florida 32399

Call-in Number: 1-888-670-3525

Participant Code: 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: Behavioral Health Invitation to Negotiate (ITN) #10H12G2C to procure training which focuses on Leadership and Advocacy; Train-the-Trainer Training; training and inclusion of Peers in the Department's CQI activities including Incident Reviews and Evidenced-Based Practices; and development and implementation of a statewide access to care hotline directed towards Consumers and family members.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, 1317 Winewood Boulevard Blvd, Building 6, Room 280, Tallahassee, Florida 32311, adrian_williams@dcf.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

The Florida Department of Financial Services, Division of Treasury, announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 26, 2011, 2:00 p.m.

PLACE: J. Edwin Larson Building, Room B33, 200 East Gaines Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting will be held for the Negotiation Team members to discuss and provide their recommendation regarding the above mentioned Invitation to Negotiate.

A copy of the agenda may be obtained by contacting: Michelle McBride, Purchasing Specialist, Florida Department of Financial Services, Division of Purchasing, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-2070 or Michelle.McBride@myfloridacfo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michelle McBride at (850)413-2070 or Michelle.McBride@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).

FLORIDA WORKERS' COMPENSATION INSURANCE
GUARANTY ASSOC., INC.

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

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

PLACE: Hyatt Regency Orlando Airport Hotel, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to regarding the general business of the Association. The agenda will include but not limited to: Minutes, Receiver's Report, Legal Report, Claims Report, Operations Report, Financial Reports and Committee Reports.

A copy of the agenda may be obtained by contacting: Cathy Irvin (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 (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).

FLORIDA WORKERS' COMPENSATION JOINT
UNDERWRITING ASSOCIATION, INC

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

DATE AND TIME: December 12, 2012, beginning at 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at 941-378-7408.

GENERAL SUBJECT MATTER TO BE CONSIDERED: GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics include minutes approval; legislative update; sunshine matters, market conduct exam, 2013 Board meeting schedule, operations and financial reports; and committee reports on meeting schedules, Audit Committee Charter procedures checklist, executive compensation, investment marketplace overview, investment portfolio review, Investment Policy & investing guidelines, Subplan D, 2013

rate filing, Operations Manual form revision, 2013 reinsurance program options, commutation matters, banking matters, disaster recovery matters, Telecommuting Policy, and 2013 Business Plan & Forecast.

A copy of the agenda may be obtained by contacting: Kathy Coyne at 941-378-7408 or from the FWCJUA's website www.fwcjua.com.

FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

The Florida Birth-Related Neurological Injury Compensation Association Board of Directors announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 3, 2012, 12:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Directors of the Florida Birth-Related Neurological Injury Compensation Association will be held by telephone conference call on December 3, 2012 at 12:00 p.m.

A copy of the agenda may be obtained by contacting: Minnie Patrick at (850) 488-8191.

For more information, you may contact: Minnie Patrick at (850) 488-8191.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Respiratory Care

NOTICE IS HEREBY GIVEN that the Board of Respiratory Care has received the petition for declaratory statement from Thomas Goldman, Esq., filed on October 9, 2012. The petition seeks the agency's opinion as to the applicability of Chapters 468.355, .358, .365, and .366, Florida Statutes as it applies to the petitioner.

The petition seeks the Board's interpretation of Chapters 468.355, .358, .365, and .366, Florida Statutes, and whether a respiratory therapist license is required to provide mild hyperbaric oxygen therapy treatment.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Please refer all comments to: Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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

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

NONE

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

NONE

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

NONE

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

NONE

This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. (2011) The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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

NONE

HILLSBOROUGH COUNTY AVIATION AUTHORITY
HCAA RFQ 12-411-050 Project Number 5985 13 Commercial
Real Estate Development Preliminary Planning and Design
HILLSBOROUGH COUNTY AVIATION AUTHORITY
(AUTHORITY)

Request for Qualifications
Solicitation Number 12-411-050
Project Number 5985 13

**Section XII
Miscellaneous**

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850) 245-2161. This public notice fulfills the requirements of 15 CFR 930.

Sealed qualifications for Commercial Real Estate Development – Preliminary Planning and Design will be received from firms by the Authority at Tampa International Airport Offices located at 4160 George J. Bean Parkway, Suite 2400, Administrative Building, Second Level, Red Side, Tampa, Florida 33607.

Solicitation documents and detailed requirements will be available on the Tampa International Airport website at www.tampaairport.com, Quick Links, Airport Business, Notice of Solicitations on Wednesday, November 21, 2012.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On November 14, 2012, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Beverly Ann Reyes, R.N., License # RN 9198234.

Section XIII
Index to Rules Filed During Preceding Week

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