

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:
 33-601.226 Youthful Offender Program Participation

33-601.236 Basic Training Program – Operation
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Forms DC6-188, Inmate Promotional Request; DC6-193, Order Modifying Sentence; and DC3-234, Order Modifying Sentence and Placing Defendant on Probation. Form DC6-188 is being amended to include a check box so the inmate can simply indicate whether they received a high school diploma or GED prior to their incarceration, to clarify that the Institutional Classification Team and Review Board of Extended Day Program will be reviewing information contained on the form, to reflect that the inmate should send the form to the Extended Day Sergeant, and to modify some of the formatting. Forms DC6-193 and DC3-234 are being amended to update language in order to be consistent with the current language used in the order of supervision conditions.

SUBJECT AREA TO BE ADDRESSED: Youthful Offender Program Participation and Basic Training Program – Operations.

RULEMAKING AUTHORITY: 20.315, 944.09, 958.04, 958.045, 958.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 958.11, 958.12, 958.045 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 IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.226 Youthful Offender Program Participation.

(1) through (4) No change.

(5) Advancement to Phase III.

(a) A Phase II inmate wishing to participate in Phase III must apply for advancement using Form DC6-188, Inmate Promotional Request, and an evaluation by the ICT will be conducted to determine whether the inmate is eligible for advancement to Phase III. Form DC6-188 is hereby incorporated by reference. Copies of this form are available

from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.
<http://www.flrules.org/Gateway/reference.asp?No=Ref-01179>.
 The effective date of this form is July 30, 2008 .

(b) No change.

(6) through (8) No change.

(9) Sentence Modification Process.

(a) through (d) No change.

(e) The community corrections intake office shall complete Form DC6-193, Order Modifying Sentence, and submit it to the court for approval or disapproval within 5 working days from receipt of the request. Form DC6-193 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.
<http://www.flrules.org/Gateway/reference.asp?No=Ref-01180>.

The effective date of this form is April, 2012 .

(f) through (j) No change.

(10) No change.

Rulemaking Authority 944.09, 958.04, 958.11 FS. Law Implemented 944.09, 958.11, 958.12 FS. History–New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03, 9-16-04, 5-28-12, _____.

33-601.236 Basic Training Program – Operation.

(1) through (4) No change.

(5) Request for Sentence Modification.

(a) through (e) No change.

(f) The sentence modification packet shall include the following:

1. No change.

2. A completed Order Modifying Sentence and Placing Defendant on Probation, Form DC3-234, hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 10-10-04 .

3. through 5. No change.

(g) through (l) No change.

(6) No change.

Rulemaking Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History–New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended 3-13-01, Formerly 33-506.206, Amended 1-17-02, 10-3-02, 10-10-04, _____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
 64B10-11.002 Examination for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the educational, training and experience requirements for eligibility for licensure as a Nursing Home Administrator.

SUBJECT AREA TO BE ADDRESSED: Eligibility for Licensure.

RULEMAKING AUTHORITY: 456.017, 468.1685(1), 468.1695(1), (2) FS.

LAW IMPLEMENTED: 456.017, 468.1695(1), (2), 468.1705 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: William Miller, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE NOS.:	RULE TITLES:
2B-1.002	Definitions
2B-1.0052	Fine Imposed; Timely Filed Reports
2B-1.007	Appeal of Fine by Members of County Canvassing Board

PURPOSE AND EFFECT: The rules are unnecessary and are being repealed.

SUMMARY: The rules are being repealed.

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 Commission 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: 106.26 106.35, 102.112(3), 120.53 FS.

LAW IMPLEMENTED: 106.04(8), 106.07(8), 106.25(3) 106.30-36, 102.112 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: Amy Toman, Executive Director, Florida Elections Commission, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2B-1.002 Definitions.

Rulemaking Specific Authority 106.26 FS. Law Implemented 106.04(8), 106.07(8), 106.25(3) FS. History–New 9-11-06, Amended 12-25-07, Repealed .

2B-1.0052 Fine Imposed; Timely Filed Reports.

Rulemaking Specific 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History–New 1-11-99, Amended 1-2-02, 4-24-05, Repealed .

2B-1.007 Appeal of Fine by Members of County Canvassing Board.

Rulemaking Specific Authority 102.112(3) FS. Law Implemented 102.112 FS. History–New 2-28-90, Formerly 1D-1.007, Amended 1-11-99, Repealed .

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Elections Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2013

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE NOS.:	RULE TITLES:
2B-1.0025	Complaints
2B-1.0027	Investigation of Complaints; Staff Recommendations; and Probable Cause Determinations

- 2B-1.005 Appeal of Fines Imposed by Filing Officers
- 2B-1.0055 Late-filed Reports; Unusual Circumstances

PURPOSE AND EFFECT: The proposed rule amendments are intended to streamline the existing rules of the Commission by deleting unnecessary language and conforming existing language where necessary.

SUMMARY: The proposed rule amendments delete language which is unnecessary and clarifies existing language with regard to the disciplinary process and various disciplinary actions.

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 Commission 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: 106.26(1), 104.271(2) FS.

LAW IMPLEMENTED: 106.04(8), 106.07(8), 105.071, 106.25, 104.271(2), 106.26 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: Amy Toman, Executive Director, Florida Elections Commission, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2B-1.0025 Complaints.

(1) Any complaint alleging violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction ~~may shall~~ be filed with the Commission. ~~A complaint form, Confidential Complaint, FEC-001, effective~~

~~4-24-05, which is hereby adopted and incorporated by reference may be obtained by calling the Commission office during normal business hours or by writing to the Commission. The complaint form may also be obtained from the commission's website www.fec.state.fl.us.~~

~~(2) Within five working days of receipt of a sworn complaint, the executive director shall send a copy of the complaint to the person against whom the complaint was made, the respondent.~~

~~(3) Upon receipt of a complaint, the executive director shall determine whether the complaint is legally sufficient; unless the executive director determines that the identity of the parties or witnesses or other factual or legal basis would prevent his or her determination due to an appearance of impropriety or a conflict as defined by Section 112.312(8), F.S. Upon the executive director's determination that he or she has a conflict or that action on the complaint would present an appearance of impropriety, the executive director shall refer the complaint to the Commission for a determination of legal sufficiency.~~

~~(4) A complaint is legally sufficient if it meets the following criteria:~~

~~(a) The complaint alleges a violation of Chapter 104 or 106 or Section 98.122 or 105.071, F.S.;~~

~~(b) The complaint was made under oath in the presence of a notary public or other person authorized by law to administer oaths;~~

~~(c) The complaint contains the original signature of the complainant;~~

~~(d) The complaint contains specific facts upon which the complainant bases the allegation of a violation of law; and~~

~~(e) The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission.~~

~~(f) The complaint is based on personal information or information other than hearsay.~~

~~(5) A complaint is not required to list every section of the Election Code that a respondent could have violated or to specify facts that support every element of the violations alleged.~~

~~(3)(6) If a person files a second complaint against the same person, the executive director shall determine that the second complaint is legally insufficient, if the second complaint alleges violations that are based upon the same facts or allegations that were raised or could have been raised in the first complaint.~~

~~(4)(7) In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint and any material Commission staff has obtained in prior Commission investigations. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider documents on file with the filing officer.~~

~~(5)(8)~~ When the executive director determines that a complaint is legally insufficient, the complainant and the respondent shall be notified. The notice shall include the reason the complaint is legally insufficient and notify the complainant that he has 14 days to correct the stated ground of insufficiency. If the complainant does not respond within 14 days, the executive director shall close the case. If the complainant responds but does not provide information that corrects the stated ground of insufficiency, the case shall be closed. A corrected complaint must also be sworn as required by subsection 106.25(2), F.S. ~~the complainant and the respondent shall be notified of complainant's right to seek the Commission's review of the executive director's finding that the complaint is legally insufficient.~~

~~(9)~~ A complainant seeking the Commission's review of the executive director's finding that the complaint is legally insufficient, shall file a written request for review with the Commission clerk stating with specificity the reasons the complainant believes that the complaint is legally sufficient within 21 days of receipt of the notice. If a written request for review is not filed with the Commission clerk within 21 days of receipt of the notice, the executive director shall close the case.

~~(10)~~ If the Commission finds the complaint legally sufficient, it shall direct the executive director to further investigate the complaint. If the Commission finds the complaint legally insufficient, it shall dismiss the complaint.

Rulemaking Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History—New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-11-99, 1-2-02, 2-15-04, 4-24-05,_____.

2B-1.0027 Investigation of Complaints; Staff Recommendations; and Probable Cause Determinations Subpoenas and Orders of Probable Cause.

~~(1)~~ If a complaint is legally sufficient, it shall be investigated by Commission staff. The staff shall investigate all violations specifically alleged in the sworn complaint.

~~(1)(2)~~ A subpoena necessary to gather evidence during the investigation of a legally sufficient complaint shall be executed and issued by the executive director. The subpoena shall contain a notice that the person to whom the subpoena is directed may file a motion to quash or limit the subpoena with the Commission clerk and state the ground relied upon. At the request of any party, the Commission clerk shall schedule a motion hearing before a Commissioner designated by the Chairman to hear such non-dispositive matters. The filing of such a motion shall toll the time for responding to the subpoena. If the motion to quash is denied, the subpoena shall be complied with within five days of an oral or written ruling on the motion, whichever occurs first.

~~(3)~~ The individual conducting the investigation shall prepare a report of the results of the investigation, including relevant documents or other evidence gathered during the investigation.

~~(4)~~ The staff of the Commission shall make a recommendation of whether there is probable cause or no probable cause in each case.

~~(5)~~ All staff recommendations shall be reviewed by the executive director.

~~(6)~~ The executive director shall ensure that legally sufficient complaints alleging a violation of Section 104.271(2), F.S., shall be given priority in the allocation of investigative and legal resources. Any request for hearing before the Commission shall be scheduled for its first available meeting.

~~(7)~~ The respondent, the complainant, and their respective counsels shall be permitted to attend the hearing at which the Commission determines probable cause. Notice of the hearing shall be sent to the respondent and the complainant at least 14 days before the date of the hearing. The respondent and his or her counsel shall be permitted to make a brief oral statement in the nature of oral argument to the Commission before the Commission determines probable cause.

~~(8)~~ The Commission's determination of probable cause shall be based upon the complaint, report of investigation, staff recommendations, any written statements submitted by the respondent, and any oral statements made at the probable cause hearing. After the hearing, the Commission shall:

~~(a)~~ Issue an order finding probable cause to believe that specific sections of the law have been violated;

~~(b)~~ Issue an order finding no probable cause to believe a violation has occurred; or

~~(c)~~ Return the matter to Commission staff for additional investigation.

~~(9)~~ The Commission clerk shall send a copy of the Commissioner's order determining probable cause or no probable cause to the complainant and the respondent.

~~(10)~~ An order of no probable cause shall constitute final agency action.

~~(2)(11)~~ Any order of probable cause entered by the Commission shall advise the respondent of the right to a hearing pursuant to Chapter 120, F.S., and the provisions of Rule 2B-1.004, F.A.C., which allow the Commission to designate a Commissioner or Commissioners to hold hearings involving disputed issues of material fact ~~and hearings not involving disputed issues of material fact.~~ Any order of probable cause shall further advise the respondent of the right to stipulate to the facts and proceed to a hearing before the full Commission to determine wilfulness only.

Rulemaking Authority 104.271(2), 106.26(1) FS. Law Implemented 104.271(2), 106.25, 106.26 FS. History—New 1-11-99, Amended 4-24-05,_____.

2B-1.005 Appeal of Fines Imposed by Filing Officers.

(1) To appeal a fine imposed pursuant to Section 106.04(8) or 106.07(8), F.S., the ~~candidate, chairman of a political committee, or treasurer of a committee of continuous existence party against whom the fine is levied~~ shall file a notice of appeal. ~~The notice of appeal shall be filed with the Commission clerk, and a copy filed with the filing officer, within 20 days of the appealing party's receipt of notice that a fine is being imposed. The notice of appeal shall contain:~~

(a) The name, address and telephone number of the appealing party;

(b) A copy of the notice of imposition of fine issued by the filing officer; and

(c) A request for hearing if a personal appearance before the Commission is desired. If no hearing request is made, the appeal shall be decided solely on the documents submitted by the appealing party and Commission staff.

~~(2) Failure to timely file a notice of appeal shall result in waiver of the right to appeal the fine and a final order upholding the fine shall be entered by the Chairman of the Commission without further notice.~~

~~(2)(3)~~ Upon receipt of a timely notice of appeal, the Commission staff shall notify the appealing party that the appeal has been accepted. The appealing party shall have 20 days from acceptance of the appeal to submit any documents supporting the appeal. Any subsequent supplemental documents shall be filed no later than five business days before the hearing.

~~(3)(4)~~ The Commission shall uphold the fine imposed by the filing officer unless the appealing party demonstrates ~~presents credible evidence~~ that the report was timely filed or ~~credible evidence~~ that there were unusual or other circumstances beyond the control of the candidate or committee caused the report to be filed late. ~~Credible evidence is evidence that is from a credible source and is so natural, reasonable and probable as to make it easy to believe. The Commission shall give greater weight to a written statement that is certified to have been made under oath in the presence of a notary or other person authorized by law to administer oaths.~~

~~(5) If a hearing has been requested, the Commission clerk shall notify the appealing party of the date and location of the hearing. Convenience of location of the hearing shall not be a basis for continuing the hearing. The Commission is not required to provide notice of its consideration of the appeal if the appealing party did not request a hearing.~~

~~(6) Unless good cause is shown, the Commission will not consider at the hearing any written document unless the party offering the document has filed it with the Commission clerk at least ten days before the hearing.~~

Rulemaking Authority ~~106.26(1) FS, Ch. 97-13, Sec. 52, Laws of Florida.~~ Law Implemented 106.04(8), 106.07(8) FS. History—New 9-14-86, Amended 10-19-86, Formerly 1D-1.005, Amended 1-11-99, 4-24-05, _____.

2B-1.0055 Late-filed Reports; Unusual Circumstances.

(1) Unusual circumstances mean uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act according to the filing requirements. Unusual circumstances must occur within a time period that would clearly prevent the person legally responsible for filing the report from doing so in a timely manner. Unusual circumstances shall include, but are not limited to, the following circumstances:

~~(a) Unusual circumstances shall not include the failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail.~~

~~(b) Unusual circumstances shall not include the failure of the sender to affix sufficient postage to a report that is being mailed.~~

~~(2) The following events shall constitute unusual circumstances so long as the events clearly interfered with filing the report:~~

(a) Natural disaster or other emergency that prevented timely filing. Evidence submitted shall include copies of newspaper reports or other documents from an independent and reliable source that documents the nature, date, and location of the natural disaster or emergency.

(b) Death of the candidate or campaign treasurer or an immediate family member of the candidate or campaign treasurer. Evidence submitted shall include a copy of the death certificate, newspaper obituary, or funeral program or notice.

(c) Serious illness, disability or non-elective surgery of the candidate or campaign treasurer. Evidence submitted shall include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; and a statement that surgery, if any, was not elective. The period of incapacitation may also be shown by copies of hospital records reflecting the dates of hospitalization.

(d) Serious illness, disability or non-elective surgery of the candidate's or campaign treasurer's immediate family member. Evidence submitted shall include evidence of the candidate or treasurer's relationship to the family member, the location of the family member, and the reason the candidate or campaign treasurer's presence was required. Evidence submitted shall also include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability or surgery; a statement regarding the period of time that the patient was incapacitated; a statement that surgery, if any, was not elective; and a statement that the patient required the care of a family member.

(e) Computer or equipment failure caused by events that could not have been anticipated and that made timely filing of the report impossible. ~~Power outages or program failure does not constitute unusual circumstances unless it is established that reasonable precautions to assure the safety of the equipment or the ability of the program to perform as anticipated were taken before the events causing failure of the equipment or program.~~

(f) The abrupt and unexpected loss of the campaign treasurer, over which the appealing party had no control. The loss of the campaign treasurer shall not constitute unusual circumstances if the appealing party failed to monitor the campaign treasurer’s performance before his or her departure or if the appealing party failed to assure prompt preparation of the report after the treasurer’s departure.

(g) Failure of the filing officer to e-mail, telephone, or mail a letter to the candidate, chairman of a political committee, or treasurer of a committee of continuous existence that a report is late no later than seven days after the report was due shall constitute unusual circumstances if the appealing party establishes that lack of notice clearly interfered with the timely filing of the report. The fine imposed by the filing officer shall be reduced to the amount that would have been imposed had the report been filed 13 days late.

(2) Unusual circumstances shall not include:

(a) Failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail.

(b) Failure of the sender to affix sufficient postage to a report that is being mailed.

Rulemaking Authority 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History—New 1-11-99, Amended 4-24-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Elections Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2013

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

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NO.:RULE TITLE:

27P-2.002 State Comprehensive Emergency Management Plan Adopted

PURPOSE AND EFFECT: The purpose of this amendment is to adopt the 2012 State Comprehensive Emergency Management Plan.

SUMMARY: The proposed change to Rule 27P-2.002 replaces the current version of the State Comprehensive Emergency Plan (which is from 2010), with the 2012 version of the Plan. Since the last adopted edition of the State CEMP, several revisions have been made to the plan. These revisions will allow the State of Florida to be better prepared to serve its citizens and visitors during emergencies and disasters.

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: 252.35(2)(x) FS.

LAW IMPLEMENTED: 252.35(2)(a) 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: Jennifer Baker, Division of Emergency Management, 2555 Shumard Oak Boulevard, Rm 355D, Tallahassee, Florida 32399, Jennifer.baker@em.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

27P-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Division hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2012 ~~February 1, 2010~~ Edition).

(2) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.35(2)(a) FS. History—New 1-4-01, Amended 7-8-02, 8-4-04, 6-2-10, Formerly 9G-2.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brian Richardson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bryan W. Koon, Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 31, 2012

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.:	RULE TITLES:
27P-6.002	Definitions
27P-6.0023	County Comprehensive Emergency Management Plans
27P-6.0025	The County Radiological Emergency Plan for Nuclear Power Plants
27P-6.006	County Comprehensive Emergency Management Plans - Review by Division

PURPOSE AND EFFECT: The purpose of these amendments is to increase the time in which counties have to raise their County Comprehensive Emergency Management Plans and provide counties the opportunity to request an extension to submit their plan.

SUMMARY: Since the last adoption of this rule in 2001, numerous revisions and updates have been made to account for changes in emergency management. These revisions will allow the State of Florida and its counties to be better prepared to serve its citizens and visitors during emergencies and disasters.

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: 252.35(2)(b), (x), 120.57 FS.
LAW IMPLEMENTED: 120.57, 252.35(1), (2)(a), (b), (c), (d) 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: Jennifer Baker, Division of Emergency Management, 2555 Shumard Oak Boulevard, Rm 355D, Tallahassee, Florida 32399, email: Jennifer.baker@em.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

27P-6.002 Definitions.

(1) through (6) No change.

(7) “Local Emergency Management Plans” refer to the County Comprehensive Emergency Management Plans and the Municipal Comprehensive Emergency Management Plans.

~~(8)(7)~~ “County Radiological Emergency Plan for Nuclear Power Plants” means the plan to be prepared by the Division and county governments within 50 miles of a commercial nuclear power plant.

~~(9)(8)~~ “County Emergency Management Program” means the emergency management program authorized and mandated by Chapter 252, F.S., to be created by each legally constituted county in the state.

Rulemaking Authority 252.35(2)(x), ~~(2)(a)~~ FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), 252.38(1) FS. History—New 1-18-81, Amended 2-24-85, Formerly 9G-6.02, Amended 2-5-91, 5-11-95, 2-11-01, Formerly 9G-6.002, Amended _____.

27P-6.0023 County Comprehensive Emergency Management Plans.

(1) Each county emergency management agency established pursuant to the authority contained in Section 252.38(2), F.S., shall develop and submit to the governing body of the jurisdiction ~~Board of County Commissioners~~ for adoption a County Comprehensive Emergency Management Plan in compliance with the requirements, format and standards contained in this rule chapter.

(2) through (6) No change.

(7) The Division hereby adopts and incorporates by reference “Local Comprehensive Emergency Management Plan Compliance Criteria” and the “Emergency Management Capabilities Assessment Checklist” (Form Numbers CEMP-001 and CEMP-002, 2012 ~~2000~~ Edition) as part of this chapter. County Comprehensive Emergency Management Plans and County Emergency Management Programs shall comply with these criteria. These criteria are available from the Division and may be obtained by writing the Division at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 or online at www.floridadisaster.org. These criteria shall be used in the development and review of County Comprehensive Emergency Management Plans and Programs. Counties shall complete the compliance criteria prior to the Division’s review of their Comprehensive Emergency Management Plan and have them available to the Division 60 ~~thirty~~ days after receiving notification of the Division’s intent to review. Counties shall demonstrate satisfaction of the required plan criteria by noting the page and section in their plan, or supporting documents, where each criterion is satisfied. Counties shall provide the documentation needed to satisfy the requirements of the Capabilities Assessment.

(8) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.35(1), (2)(a), (b), (c), (d), 252.38(1) FS. History—New 2-11-01, Formerly 9G-6.0023, Amended _____.

27P-6.006 County Comprehensive Emergency Management Plans – Review by Division.

(1) No change.

(2) The Division shall review each county comprehensive emergency management plan at a minimum of every four years and shall offer the affected regional planning council an opportunity to participate in the review. The Division shall review the county plan in accordance with the criteria CEMP-001 and CEMP-002. The Division shall provide notice of its intent to review a County Comprehensive Emergency Management Plan via certified mail ~~at least 60 days prior to initiation of the review.~~ Within ~~60~~ 30 days of receipt of this notification the county shall provide to the Division ~~a copy~~ three copies of the plan to be reviewed with ~~a copy~~ three copies of the completed compliance criteria. ~~The county may waive the 60 day review notification.~~ Upon receiving notification of the intent to review, the county and the Division shall coordinate to finalize the Capabilities Assessment prior to the date of adoption of the plan by the governing body of the jurisdiction ~~the plan review.~~ The Division will provide the county with the results of its review and its finding as to the compliance of the plan within 60 days of its initial review. If the Division finds the county plan meets the requirements of this chapter, it shall issue a notice of compliance.

(3) If the Division finds that a county plan does not meet all of the criteria established in this chapter the Division shall withhold a notice of compliance and issue ~~a~~ an official notification by ~~the Division~~ certified mail specifically stating the reasons the plan does not meet the criteria. Upon receipt of the ~~official~~ notification by the Division, the county shall either:

(a) ~~Within 60 days,~~ Revise its plan by the date agreed upon by the Division and the county, notify the Division of the changes and make the changes available to the Division for review by the date agreed upon by the Division and the county; or

(b) ~~Within 60 days~~ Develop a workplan to be approved by the Division which addresses all changes necessary for compliance and a timetable for completion by the date agreed upon by the Division and the county; or

(c) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's withholding of a notice of non-compliance ~~non-compliance determination~~ within 21 days of receipt of the determination.

(4) If the county does not submit a revised plan, or a workplan by the agreed upon date ~~60 days~~ after the receipt of the ~~official~~ notification by the Division or request an administrative hearing the Division shall issue a notice of non-compliance via certified mail specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance the county shall either:

(a) Within ~~60~~ 30 days revise the plan, ~~notify the Division of the changes~~ and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's notice of non-compliance ~~determination~~ within 21 days of receipt of same ~~the determination~~.

(5) If upon the submittal of the revised plan, either after the dated agreed upon by the Division and the county ~~60 days~~ ~~allotted~~ or upon completion of the workplan, the Division finds that the revised plan is not in compliance, the Division shall withhold a notice of compliance and issue notification ~~issue a notice of non-compliance~~, specifically stating the reasons the plan does not meet the criteria for non-compliance. Upon receipt of the notification ~~notice of non-compliance~~ the county shall either:

(a) ~~Within thirty days~~ Revise the plan by the date agreed upon by the Division and the county, notify the Division of the changes and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's notice of non-compliance ~~determination~~ within 21 days of receipt of the determination.

(6) If the tasks laid out in the workplan ~~are~~ ~~is~~ not completed in the time frame established in the workplan, the Division shall issue a notice of non-compliance via certified mail specifically stating the reasons for non-compliance. Upon receipt of the notice of non-compliance, the county shall either:

(a) Within ~~90~~ 30 days revise the plan, ~~notify the Division of the changes~~ and make the changes available to the Division for review; or

(b) In accordance with Section 120.57, F.S., request an administrative proceeding regarding the Division's notice of non-compliance ~~determination~~ within 21 days of receipt of the determination.

(7) All requests for an administrative proceeding shall be filed in accordance with Section 120.57, F.S., and Rule Section 28-106.201, F.A.C. Failure to request an administrative proceeding within the time frames noted above and failure to request an administrative proceeding in accordance with this chapter shall constitute a waiver of the opportunity to contest the notice of non-compliance ~~determination~~.

(8) If the Division is unable, for any reason, to provide notice to the county regarding the results of its review within 60 days, it will forward a notice to the county stating its intent to extend the review period a length of time up to 90 days ~~for the specifically identified time period necessary to provide notice.~~

(9) If the county is unable, for any reason, to provide a copy of their plan within 60 days of receipt of the intent to review notification, it will request an extension to the Division to extend the deadline for turning in their plan stating just cause. Upon approval by the Division, the extension will allow 90 days for the county to submit a copy of their plan. If after

the extension the county is still unable to submit their plan, the county must develop a workplan which is approved by the Division.

(10)(9) In order to ensure that County and Municipal Comprehensive Emergency Management Plans can be implemented in the event of a disaster or emergency, each agency assigned responsibility in the plan must coordinate the development of implementation procedures. The jurisdiction promulgating the plan shall document this coordination.

(11)(10) After a determination that a County Comprehensive Emergency Management Plan is in compliance with the terms of this chapter the approved plan must be adopted by resolution of the governing body of the jurisdiction within 90 ~~60~~ days of receiving notification of compliance from the Division before it becomes the Comprehensive Emergency Management Plan for such local government. If the county is unable to adopt the plan within 90 ~~60~~ days the county may request in writing to the Division, stating just cause, an extension of no more than an additional 90 days to adopt the plan. Adoption must occur, at a minimum, every four years. Notification of the date of adoption shall be sent to the Division. Failure to adopt, to notify the Division of an adoption date or make available for review a revised plan and resolution will constitute non-compliance. Upon adoption of the plan, the county shall submit a copy of the adopted plan and resolution to the Division.

Rulemaking Authority 120.57, 252.35(2)(b), (x) FS. Law Implemented 120.57, 252.35(1), (2)(a), (b), (c), (d) FS. History—New 1-18-81, Amended 2-24-85, Formerly 9G-6.06, Amended 2-5-91, 5-11-95, 2-11-01, Formerly 9G-6.0063, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brian Richardson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bryan W. Koon, Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 31, 2012

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.:	RULE TITLES:
27P-11.004	Prerequisites
27P-11.0061	Funding

PURPOSE AND EFFECT: The purpose of these amendments is to align the prerequisites with the statutory language and to delete the reference to SLA funding.

SUMMARY: The proposed changes modify the requirements for counties that have a “full-time emergency management director” or “emergency management coordinator” pursuant to

the statutory language. The change outlined in the proposed rule also deletes the obsolete reference to State and Local Assistance (SLA).

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: 252.35(2)(x), 252.373(2) FS.

LAW IMPLEMENTED: 252.373 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: Jennifer Baker, Division of Emergency Management, 2555 Shumard Oak Boulevard, Rm 355D, Tallahassee, Florida 32399, email: Jennifer.baker@em.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

27P-11.004 Prerequisites.

No application for matching funding will be considered unless an applying county complies with each of the following requirements:

(1) ~~The county~~ Counties with populations of 75,000 or more must have a full time emergency management ~~an~~ director, who works at least 40 hours a week in that capacity devotes no less than one half of his/her time (20 hours per week) to the duties of the director. Counties with populations of less than 75,000 or party to an interjurisdictional emergency management agreement entered into pursuant to Section 252.38(3)(b), F.A.C., that is recognized by the Governor by executive order or rule, are encouraged to have a full time director, but, must, as a minimum, have an emergency management coordinator who works at least 20 hours a week in that capacity ~~50,000 or more must have a full-time director.~~ “Full-time Emergency Management Director” means a single professional emergency management program Administrator working full-time as identified in the position description established by the governing body of the jurisdiction ~~Board of County Commissioners.~~

(2) The county must have an emergency management program which has been approved by the Division of Emergency Management. Program approval will require: compliance with appropriate federal and state laws, rules and

regulations; satisfactory completion of work elements of the previous year; and, a current proposal containing work elements commensurate with the needs (~~vulnerability~~) of that county, ~~the county's self assessment, the county's emergency management strategic plan and the a proposed budget.~~

Rulemaking Authority 252.35(2)(x), 252.373(2) FS. Law Implemented 252.373 FS. History—New 2-15-82, Amended 10-5-82, 10-1-84, Formerly 9G-11.04, Amended 9-18-96, 10-2-97, Formerly 9G-11.004, Amended _____.

27P-11.0061 Funding.

Eligible County Emergency Management Agencies in the state shall be allocated annual Federal Emergency Management Agency (FEMA) Emergency Management Performance Grant (EMPG) State and Local Assistance (SLA) funding based on the following factors: Each county shall be allocated the an amount initially allocated to the county under its Fiscal Year 1994-95 Emergency Management Assistance agreement with the Division of Emergency Management (Division), a base amount distributed equally to each county and an amount commensurate with each county's proportionate share of the the state's total population based on the most recent official population estimates. ~~These~~ This amounts shall be increased or decreased to reflect additions or reductions in the availability of FEMA EMPG SLA funds to the Division and the Division's distribution of funds to local governments. After providing for the intial allocation and the base amount allocation as described above, ~~e~~Each county's increase or decrease shall be commensurate with its proportionate share of the state's total population based on the most recent official population estimates.

Federal ~~SLA~~ funds shall be used by the county for personnel, travel and administrative operational expenses. Each county must be able to provide a non-federal match for federal funds on a dollar for dollar basis.

Rulemaking Authority 252.35(2)(x), 252.373(2) FS. Law Implemented 252.373 FS. History—New 10-1-84, Formerly 9G-11.061, Amended 9-18-96, Formerly 9G-11.0061, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cherie Milligan

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bryan W. Koon, Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 31, 2012

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.:	RULE TITLES:
27P-19.002	Definitions
27P-19.004	Base Grant Eligibility
27P-19.006	Reallocation of Base Grant Funds
27P-19.010	Disbursement.

PURPOSE AND EFFECT: The purpose of these amendments is to align the base grant eligibility requirement with the statutory language and increase the amount of time counties have to submit requests for a match.

SUMMARY: The changes outlined in the proposed Rule is necessary to align with statutory language and remove language that counties would not be eligible for additional awards if not in compliance with the prior awards. The change from "Board of County Commissioners" to "governing body of the jurisdiction" allows for different authority structures within Florida county governments and removes language regarding the carry forward of 25% of the award to the next fiscal year. The change to submit the request for match reduction will ensure that counties have an approved budget prior to making the request.

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: 252.35(2)(x), 252.373 FS.

LAW IMPLEMENTED: 216.052, 252.35, 252.373, 252.38 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: Jennifer Baker, Division of Emergency Management, 2555 Shumard Oak Boulevard, Rm 355D, Tallahassee, Florida 32399, email: Jennifer.baker@em.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

- 27P-19.002 Definitions.
- (1) through (4) No change.

(5) "Full-time Director" means a single professional emergency management program Administrator working full-time as identified in the position description established by the governing body of the jurisdiction Board of County Commissioners.

(6) through (28) No change.

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-11-98, 10-11-00, 10-22-02, 1-3-06, Formerly 9G-19.002, Amended.

27P-19.004 Base Grant Eligibility.

(1) No change.

(2) Counties with population of in excess of 75,000 or more shall have a Full-time Director in order to qualify for an allocation.

(3) Counties with a population less than 75,000, or which are parties to an inter-jurisdictional emergency management agreement entered into pursuant to Section 252.38(3)(b), Florida Statutes, shall have an emergency management coordinator who works at least 20 hours a week in that capacity or a Full-time Director in order to qualify for an allocation.

~~(4) County Emergency Management Agencies not in compliance with the terms of a prior award shall not be eligible for additional awards.~~

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-00, Formerly 9G-19.004, Amended.

27P-19.006 Reallocation of Base Grant Funds.

(1) Those funds available in subsection 27P-19.005(2), F.A.C., not allocated under subsections 27P-19.005(4) and (5), F.A.C., shall be identified by the Division prior to October January 1 of each year for reallocation to County Emergency Management Agencies.

(2) 25 percent of those funds identified in subsection 27P-19.006(1), F.A.C., shall be divided equally among counties participating in the Statewide Mutual Aid Agreement as of January 1 of each year. Such Mutual Aid Agreements shall be submitted to and approved by the Division.

(3) 75 percent of those funds identified in subsection 27P-19.006(1), F.A.C., shall be divided proportionally among participating County Emergency Management Agencies based upon county population.

(4) Should any Base Grant funds which were originally allocated under subsections 27P-19.005(4) and (5), F.A.C., remain unspent after the annual closeout of each Base Grant award, they may be redistributed to the counties which spent all of that year's award plus carried forward amounts, if any, from the previous year's award. For purposes of this rule, any county which reverts \$250.00 or less will be considered to have spent all of its award. Also, for purposes of this rule, amounts approved by the Division for carry forward from the

award year being redistributed, into the next award year, will be considered to have been spent. The funds identified for this redistribution will be reallocated by the Division in accordance with subsections (2) and (3) of this rule; 25% based on mutual aid participation and 75% based on population. Redistributed funds will be made available to eligible counties as soon as possible after Division closeout activities have been completed. The minimum total reversion amount set as a threshold to initiate this redistribution process is an amount equal to one (1) percent of the total initial allocation for the year being redistributed.

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 11-13-96, 11-10-97, Formerly 9G-19.006, Amended.

27P-19.010 Disbursement.

(1) through (5) No change.

(6) Upon written request and accompanying documentation detailing exceptional circumstances justifying the need, not later than March July 31 of each year, Base Grant Recipients receiving trust funds may carry forward up to twenty-five (25) percent of a single year grant award to the next fiscal year. For purposes of this rule, amounts approved by the Division for carry forward from the award year into the next award year, will be considered to have been spent. Base Grant Recipients shall establish a separate account code in an interest bearing account for approved carry forward funds and must annually report the use of the funds and fund balances to the Division with the recipients annual Base Grant close out report until the funds are fully expended.

Rulemaking Authority 252.35(2)(x), 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-27-03, 1-3-06, Formerly 9G-19.010, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cherie Milligan

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bryan W. Koon, Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 31, 2012

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.:	RULE TITLES:
27P-22.002	Definitions
27P-22.004	LMS Working Groups
27P-22.007	Application

PURPOSE AND EFFECT: The purpose of these amendments is to change the method of allocating excess funds and to update the Hazard Mitigation Flood Program Application.

SUMMARY: The proposed changes to the Rule update a revision date, align the Rule with federal standards, remove ambiguous text and clarify the due date for applications.

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: 252.35(2)(x) FS.

LAW IMPLEMENTED: 252.311, 252.32, 252.35 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: Jennifer Baker, Division of Emergency Management, 2555 Shumard Oak Boulevard, Rm 355D, Tallahassee, Florida 32399, email: Jennifer.baker@em.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

27P-22.002 Definitions.

(1) No change.

(2) “Application” means the request for hazard mitigation funding as submitted to the Division of Emergency Management by an Applicant.

(3) through (4) No change.

(5) “Florida Hazard Mitigation Strategy” means Florida’s most current version of the Hazard Mitigation Plan referred to in 44 C.F.R., Part 206, Subpart M, and as updated by the State and approved by FEMA. The Florida Hazard Mitigation Strategy (~~Rev. September 11, 1997~~) is hereby incorporated into this rule by reference. A copy may be obtained by contacting the Division of Emergency Management.

(6) through (8) No change.

(9) “Local Mitigation Strategy” or “LMS” means a plan to reduce ~~the~~ identified hazards within a county.

(10) through (12) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History–New 2-24-02, Formerly 9G-22.002, Amended.

27P-22.004 LMS Working Groups.

Each county electing to participate in the HMGP must have a formal LMS Working Group and a current FEMA approved LMS.

(1) Not later than the last working weekday of January of each year the Chairperson of the Board of County Commissioners shall submit to the Division a list of the members of the Working Group and its designated Chairperson and Vice-Chairperson.

(2) The Working Group shall include, at a minimum:

(a) Representation from various agencies of county government which may include, but not be limited to, planning and zoning, roads, public works and emergency management;

(b) Representation from all interested municipalities within the county; and

(c) Representation from interested private organizations, civic organizations, trade and commercial support groups, property owners associations, Native American Tribes or authorized tribal organizations, water management districts, regional planning councils, independent special districts and non-profit organizations.

(3) The county shall submit documentation to show that within the preceding year it has issued a written invitation to each municipality, private organization, civic organization, Native American Tribe or authorized tribal organization, water management district, independent special district and non-profit organization, as applicable, to participate in the LMS working group. This documentation shall accompany the membership list submitted to the Division.

(4) The Working Group shall have the following responsibilities:

(a) To designate a Chairperson and Vice-Chairperson;

(b) To develop and revise an LMS as necessary;

(c) To coordinate all mitigation activities within the County;

(d) To set an order of priority for local mitigation projects; and

(e) To submit annual LMS updates to the Division by the last working weekday of each January. Updates shall address, at a minimum:

1. Changes to the hazard assessment;

2. Changes to the project priority list;

3. Changes to the critical facilities list;

4. Changes to the repetitive loss list; and

5. Revisions to any maps.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History–New 2-24-02, Formerly 9G-22.004, Amended.

27P-22.007 Application.

(1) through (2) No change.

(3) Applicants will have not less than ninety (90) days from the date of notification to submit project applications. The opening and closing dates will be specified in the Notice of Funding Availability.; Applications mailed to the Division must be postmarked on or before the final due date.

Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. Eastern Time on the final due date. ~~and applications must be postmarked or stamped in at the Division no later than 5:00 p.m. on the final due date.~~

(4) No change.

(5) Applications must be submitted using Form No. HMGP/FMA-001, State of Florida ~~Joint~~ Hazard Mitigation Grant Program ~~& Flood Mitigation Assistance~~ Application (Effective Date ~~June, 2012~~ or as amended by the Division ~~September 30, 2004~~), which is incorporated into this rule by reference, a copy of which may be obtained by contacting the Division or visiting www.floridadisaster.org.

(6) through (7) No change.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathleen Marshall and Joy Duperault
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bryan W. Koon, Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 31, 2012

Section III Notices of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-7.669	Definitions
40E-7.670	Competitive Solicitation Preferences
40E-7.671	District Implementation
40E-7.672	Compliance
40E-7.674	Certification Review Procedures
40E-7.675	Recertification Review Procedures
40E-7.677	Reciprocity

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 63, April 1, 2013 issue of the Florida Administrative Register.

The correction is as follows:

Date Notice of Proposed Rule Development Published in FAR: February 4, 2013.

Chapter 40E-7, F.A.C., Small Business Enterprise Contracting Program

40E-7.669 Definitions.

(1) through (3) No change.

~~(4)~~ "Government Agency" means any state, county, regional or local government in Florida.

~~(5)~~(4) "Gross Receipts" means the total sales for the Applicant as specified in its Federal tax return or if a new company which has not filed a Federal tax returns, in its audited financial statement before deductions for returned items, allowances, and discounts.

~~(6)~~(5) "Industry Categories" means construction, commodities and services.

~~(7)~~(6) "Non SBE Prime" means a business not currently certified by the District as a small business enterprise which submits a bid or proposal for the purpose of being awarded a legally binding agreement as a Prime Contractor for the performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions with the District.

~~(8)~~(7) "Prime Contractor" means any individual or contracting entity with whom the District has entered into a legally binding agreement for performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions.

~~(9)~~(8) "Responsible" means a business that is capable in all respects of fully performing the contract requirements and which has the integrity and reliability that will assure good faith performance.

~~(10)~~(9) "Responsive" means a business's bid or proposal conforms in all material respects to the invitation to bid or request for proposal.

~~(11)~~(10) "District Small Business Enterprise (SBE)" means a business certified by the District, whose three (3) year average gross receipts, including affiliates, shall not exceed \$13 million if the business provides construction, \$5 million if the business provides commodities, and \$6 million if the business provides services. Additionally, a District Small Business Enterprise is licensed to do business in the State of Florida if the business requires a license.

~~(12)~~(11) "SBE Prime" means a business certified by the District as a small business that submits a bid or proposal for the purpose of being awarded a legally binding agreement as a SBE Prime Contractor for the performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions with the District.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06. Amended 8-29-07, _____.

40E-7.670 Competitive Solicitation Preferences.

The Small Business Enterprise Contracting Rule in this part provides for three types of Competitive Solicitation Preferences designed to assist small businesses. The Bid Equalization, Sheltered Market and Subcontracting Requirements are outlined below.

(1) No change.

(2) Sheltered Market Program. The District ~~may shall~~ provide for sheltered markets ~~to allow for~~ only SBE's to bid on designated solicitations. ~~The District shall be guided in designating a sheltered market by selecting industries in which small businesses have usually not had an opportunity to compete for awards against larger businesses.~~ In order to designate a sheltered market the District must identify at least 3 SBEs available to perform work within the industry identified in the solicitation.

(3) Subcontracting Requirements.

(a) Bids – The District shall set subcontracting goals for all bids based on availability ~~of vendors registered with the District, including SBE firms able to perform work within specific commodity codes.~~ ~~The goals shall be applied as a percentage of the total contract value to be assigned to SBE firms.~~ ~~Availability refers to vendors registered with the District, including SBE firms able to perform work within specific commodity codes.~~ The formula for setting a goal is expressed as the total number of SBE firms within specific commodity codes in a scope of work divided by the total number of vendors registered with the District's Procurement Department within the same commodity codes at the time of the preparation of the solicitation. Numerically, this is expressed as: Total Number of SBE's/Total Number of District Registered Vendors = Subcontracting Goal Percentage

The maximum goal that will be applied to any solicitation will be 25%. When an SBE goal is set bidders shall provide work to one or more SBEs in order to meet the goal. At the time of submittal of its bid, the bidder shall identify all SBE firms which will be utilized as subcontractors, by using Form No. 0956, "Small Business Enterprise SBE Subcontractor Participation Schedule" effective ~~(August 3, 2006 _____)~~ ~~(add hyperlink)~~, which can be obtained from the District upon request. All bids submitted where SBE participation is required, shall include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise SBE Subcontractor" effective ~~(August 3, 2006 _____)~~ ~~(add hyperlink)~~. This form shall be signed by both the SBE subcontractor, ~~and the bidder and the form~~ Form Nos. 0956 and 0957, together called the SBE Subcontractor Utilization Plan, ~~must shall~~ reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. Failure to submit any of the information as required herein shall lead to the bid being deemed non-responsive. ~~Form Nos. 0956 and 0957 are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District Clerk's Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436, or (561)682-6436.~~

Any bidder failing to meet the established goal shall be deemed non-responsive. If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime

must submit the aforementioned forms at the time of submitting its bid or be deemed non-responsive. If the SBE Prime intends to perform 100% of the work, the SBE Prime does not have to submit the aforementioned forms.

(b) Standard Proposals – For solicitations where a contract is awarded based on an evaluation criteria, and where the scope of work is clearly defined the District shall determine subcontracting goals for each solicitation based on availability of SBE firms as stated above in paragraph (3)(a) award points as reflected in Table 7.6-2. The maximum points will be awarded to the proposer if 25% or more of the total project work is performed by SBE firms. The maximum goal that will be applied to any solicitation will be 25%. The goals shall be applied as a percentage of the total contract value to be assigned to SBE firms. Percentages reflect the amount of the total contract value proposed to be assigned to SBE firms.

TABLE 7.6-2
EVALUATION POINT TABLE

10 POINTS FOR SBE PARTICIPATION	
= 25% =	10 Points
= 23% =	9 Points
= 21% =	8 Points
= 19% =	7 Points
= 17% =	6 Points
= 15% =	5 Points
= 13% =	4 Points
= 11% =	3 Points
= 9% =	2 Points
= 7% =	1 Point

(c) At the time the proposal is submitted the proposer shall identify all SBE firms (if any) which will be utilized as subcontractors, by using Form No. 0956, "Small Business Enterprise SBE Subcontractor Participation Schedule," incorporated by reference in paragraph (3)(a) herein. ~~from the District upon request.~~ All proposals with SBE subcontractor participation shall include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise SBE Subcontractor," also incorporated by reference in paragraph (3)(a) herein. ~~from the District upon request.~~ This form shall be signed by the SBE subcontractor and the proposer and the form shall reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. Form Nos. 0956 and 0957 together called the SBE Subcontractor Utilization Plan must reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its proposal. ~~Non SBE Primes will not receive points if they choose not to use SBE subcontractors. The District will not provide SBE points to a proposer if the District~~

~~cannot establish the proposer's intent. Any non SBE Prime contractor who fails to meet the established goal shall be deemed non-responsive.~~

(c) Work Order Proposals – For solicitations where a contract is awarded based on evaluation criteria and where the scope of work is not clearly defined resulting in work order contracts, will not contain a goal, but shall require proposers to commit to goals assigned to individual work orders issued throughout the term of the contract. The goal for individual work orders will be based on availability of SBE firms as stated above in paragraph 3(a). The maximum goal that will be applied to any work order will be 25%. At the time the proposal is submitted, the proposer shall identify all proposed SBE firms that will be utilized as subcontractors.

At the time a work order with an SBE goal is assigned, the Prime Contractor shall submit a cost proposal, and identify all SBE subcontractors and the percentage of work that the SBE subcontractor(s) will perform by using Form No. 0956, "Small Business Enterprise Subcontractor Participation Schedule," incorporated by reference in paragraph (3)(a) herein. All cost proposals shall also include Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise Subcontractor," also incorporated by reference in paragraph (3)(a) herein. This form shall be signed by the SBE subcontractor. A work order will not be executed with a Prime Contractor whose cost proposal does not meet the established goal for that work order. In addition, failure to meet the goal set by the District for an executed work order will result in a breach of contract by the Prime Contractor.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06, Amended 8-29-07,
_____.

40E-7.671 District Implementation.

The District shall ensure all small businesses have the maximum opportunity to participate in the District's contracting and procurement processes. The following are examples of efforts to be taken by the District:

- (1) Establish a Small Business Enterprise ~~office~~ program to implement the rules established under this Part.
- (2) through (5) No change.
- (6) ~~Evaluate~~ Monitor the District's efforts to achieve SBE objectives.
- (7) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06, Amended
_____.

40E-7.672 Compliance.

The District shall monitor and evaluate Program performance and compliance as follows:

- (1) through (3) No change.

~~(4) The Prime Contractor shall advise the District of any situation in which regularly scheduled progress payments are not made to SBE subcontractors.~~

~~(4)(5) Prime eContractors must notify the District when the need to add or replace an SBE subcontractor arises. When a SBE substitution is requested, the Contract Specialist will request a letter from the contractor explaining why substitution is needed. The prime contractor and shall provide attach a completed Form No. 1373, "Small Business Enterprise Subcontractor Revised Participation Schedule" effective _____(add hyperlink), which contains an explanation of the need for the substitution. Form 1373 is incorporated by reference herein and a copy can be obtained at no cost by contacting the South Florida Water Management District Clerk's Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436, or (561)682-6436. In addition, a completed Form No. 0957, "Statement of Intent to Perform as a Small Business Enterprise Subcontractor", incorporated by reference in paragraph (3)(a) herein, must be submitted if applicable ~~plan to the letter.~~~~

~~(5)(a) Failure of the Prime Contractor to honor the SBE requirements of an awarded contract shall be a material breach of the contract which may result in the Prime Contractor being deemed non-responsive in subsequent bids or proposals and/or suspension or debarment of the firms pursuant to Chapter 40E-7, Part H F.A.C.~~

(6) Each District contract awarded with SBE participation shall contain a provision incorporating the rules under this Part by reference and a statement that failure to comply with the requirements of the bid or proposal submitted to the District by a contractor shall be considered a material breach of contract which may result in suspension or debarment of the firms or individuals involved pursuant to Chapter 40E-7, Part H F.A.C.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06, Amended
_____.

40E-7.674 Certification Review Procedures.

- (1) No change.
- (2) Within ~~sixty (60) thirty (30)~~ days following receipt of the application, the District will request that the applicant business to furnish omitted items or additional information, if any. All requested information must be received by the District within ~~sixty (60) thirty (30)~~ days from the date of the request, or the applicant District will be deemed ineligible for certification. Applicants may re-apply. return the unprocessed application to the applicant business.

(3) through (4) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06, Amended 8-29-07,
_____.

40E-7.675 Recertification Review Procedures.

(1) through (2) No change.

(3) Upon receipt, all recertification requests shall be given an initial screening to ensure appropriate signature and completeness. Within ~~sixty (60) thirty (30)~~ days following initial receipt of the applicant's recertification request, the District will request the applicant to furnish omitted or additional information. If the requested information or items are not received by the District within ~~sixty (60) thirty (30)~~ days from the date of the request, the District will deny the application for recertification.

(4) through (7) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06, Amended.

40E-7.677 Reciprocity.

Reciprocal certification application shall be granted to applicant businesses which are have been certified by other jurisdictions that meet the District certification standards as outlined in this rule. Florida Government Agencies provided that the agency has a small business program and that the applicant business is certified as a small business by that agency. Applicant shall provide the District with documentation that provides the date of certification and expiration date. The District reserves the right to request any additional documentation deemed necessary to certify with the District.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New 8-3-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-2.023 Animal Welfare

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 18, January 28, 2013 issue of the Florida Administrative Register.

61D-2.023 Animal Welfare.

(1) A permitholder shall ensure that:

(a) through (e) No change.

(f) All occupied stables, barns, and kennels are free from treated at least monthly for the prevention of insects and rodents by establishing a maintenance program for the prevention of insects and rodents;

(g) through (i) No change.

(2) A greyhound racing permitholder shall ensure that:

(a) A shaded area is provided for parking at the facility for greyhound transport trucks that are used to bring racing greyhounds to and from the track for racing;

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

(3) A greyhound racing trainer shall ensure that:

(a) through (i) No change.

(j) A roster log is maintained to identify each racing greyhound housed in the kennel entering and exiting the kennel compound. The roster log shall contain the following information:

1. Initial date of arrival ~~Date and time of entry or exit;~~

2. Name and tattoo number of the racing greyhound;

3. Owner's name;

4. Trainer's name;

5. Kennel name; ~~and~~

6. Date of departure from the kennel; and

7.6- Name and license number of person transporting the racing greyhound.

(k) through (7)(c)8. No change.

(8) No part of a horse's leg may be desensitized on the day the horse is scheduled to race. "Desensitized" means a condition in which a horse's body does not respond appropriately to pre-race tests for feeling administered by the track veterinarian. A horse that has been desensitized in violation of this rule is ineligible to race. ~~This rule does not prohibit the routine use of ice packs prior to pre-race veterinarian inspection.~~

(9) The track veterinarian shall report to the stewards the date, time, condition, rider, and name of any ~~outrider~~ horse which the track veterinarian reasonably suspects has been overworked or abused.

(10) No change.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251(11), 550.105(2)(a)3., 550.2415(6), (9) FS. History-New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

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. 96, December 21, 2012 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (1) shall read as follows:

(1) All applications for vaccine certification programs shall be made on board approved form DH-MQA 1234, "Vaccine Immunization Certification Program Application", effective 01/13, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254 or (850)488-0595, or download the application from the web at <http://www.doh.state.fl.us/mqa/pharmacy>.

2. Subsection (2)(m) shall now read as follows:

(m) The current influenza, pneumococcal and shingles vaccine guidelines and recommendations of the United States Department of Health Centers for Disease Control and Prevention, which are hereby incorporated by reference and published at www.cdc.gov/vaccines/pubs/ACIP.list.htm;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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-1.004: General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice that on March 13, 2013 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code and Paragraph 61C-4.010(5), Florida Administrative Code from Café New Orleans 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, facilities for manually washing, rinsing and sanitizing equipment and utensils, and areas for food preparation and storage. They are requesting to install holding tanks at a portable handwash sink and share warewashing, food preparation and food storage areas with another licensed food service establishment under different ownership on the same premises.

The Petition for this variance was published in Vol. 39/52 on March 15, 2013. The Order for this Petition was signed and approved on March 25, 2013. 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 wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure the handwash sink is provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure the three-compartment sink, food preparation and storage areas within Centerplate @ PHSDR V Kitchen (SEA5811092) are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and are available during all hours of operation. If the ownership of Centerplate @ PHSDR V Kitchen (SEA5811092) changes (Centerplate Hospitality Venture), an updated signed agreement for use of the shared 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

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements

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

On March 11, 2013 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, 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from Marriott Boca Raton at Boca Center located in Orlando. The above referenced F.A.C. addresses the requirements that the following are provided: at least one service sink for the cleaning of mops or similar cleaning tools and the disposal of mop water; facilities for manually washing, rinsing and sanitizing equipment and utensils; and areas for food preparation and storage. They are requesting to share mop sink, warewashing, food preparation and food storage areas within another licensed food service establishment on the same premises and under the same ownership.

The Petition for this variance was published in Vol. 39/52 on March 15, 2013. The Order for this Petition was signed and approved on March 25, 2013. 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 mop sink, three-compartment sink, food preparation and storage areas within Absinthe (SEA6007453) are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and are available during all hours of operation. If the ownership of Absinthe (SEA6007453) changes, a signed agreement for use of the shared 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

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements

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

On March 13, 2013 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from Taste of Asia #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, facilities for manually washing, rinsing and sanitizing equipment and utensils, and areas for food preparation and storage. They are requesting to install holding tanks at a portable handwash sink, and share warewashing, food preparation and food storage areas within another licensed food service establishment under different ownership on the same premises.

The Petition for this variance was published in Vol. 39/52 on March 15, 2013. The Order for this Petition was signed and approved on March 25, 2013. 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 wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; potable

water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure the handwash sink is provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure the three-compartment sink, food preparation and storage areas within Centerplate @ PHS DR V Kitchen (SEA5811092) are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and are available during all hours of operation. If the ownership of Centerplate @ PHS DR V Kitchen (SEA5811092) changes (Centerplate Hospitality Venture), an updated signed agreement for use of the shared 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

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements

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The Petition for this variance was published in Vol. 39/52 on March 15, 2013. The Order for this Petition was signed and approved on March 25, 2013. 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 wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; potable water provided must come from an approved source and be

protected from contamination during handling. The Petitioner shall also ensure the handwash sink is provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure the three-compartment sink, food preparation and storage areas within Centerplate @ PHSDR V Kitchen (SEA5811092) are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and are available during all hours of operation. If the ownership of Centerplate @ PHSDR V Kitchen (SEA5811092) changes (Centerplate Hospitality Venture), an updated signed agreement for use of the shared 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

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RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice that on March 13, 2013 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code from Pinkberry 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, facilities for manually washing, rinsing and sanitizing equipment and utensils, and areas for food preparation and storage. They are requesting to install holding tanks at a portable handwash sink and share warewashing, food preparation and food storage areas within another licensed food service establishment under different ownership on the same premises.

The Petition for this variance was published in Vol. 39/52 on March 15, 2013. The Order for this Petition was signed and approved on March 25, 2013. 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 wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner

shall also ensure the handwash sink is provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure the three-compartment sink, food preparation and storage areas within Centerplate @ PHSDR V Kitchen (SEA5811092) are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and are available during all hours of operation. If the ownership of Centerplate @ PHSDR V Kitchen (SEA5811092) changes (Centerplate Hospitality Venture), an updated signed agreement for use of the shared 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

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements

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cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The Petitioner shall also ensure the three-compartment sink, food preparation and storage areas within Centerplate @ PHSDR V Kitchen (SEA5811092) are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and are available during all hours of operation. If the ownership of Centerplate @ PHSDR V Kitchen (SEA5811092) changes (Centerplate Hospitality Venture), an updated signed agreement for use of the shared 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 ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on March 15, 2013, the Department of Environmental Protection received a petition for the City of Sunrise Springtree Water Treatment Plant seeking a variance from rule 62-521.400, F.A.C., to allow construction of a Class I deep injection well within 500 feet of a potable water supply well. The petition has been assigned OGC File No. 13-0890.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cathleen McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8654. Written comments must be received by Cathleen McCarty at the above address no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

NOTICE IS HEREBY GIVEN that on April 01, 2013, the Board of Medicine received a petition for variance filed on behalf of Keila Tosado, M.D., from Rules 64B8-1.007 and 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA profile for the medical licensure 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: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

Section VI
Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Division of Cultural Affairs and Citizens for Florida Arts, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: April 15, 2013, 10:00 a.m.

PLACE: This meeting will take place via teleconference. For details on how to participate visit www.florida-arts.org.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held to discuss plans for an upcoming Cultural Conference in 2014.

A copy of the agenda may be obtained by contacting: Morgan Lewis, Division of Cultural Affairs, (850)245-6470 or Morgan.Lewis@dos.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 48 hours before the workshop/meeting by contacting:

Maureen McKloski,

Maureen.McKloski@dos.myflorida.com or (850)245-6470. 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: Morgan Lewis, Division of Cultural Affairs, 850.245.6470 or Morgan.Lewis@dos.myflorida.com.

The Florida State College at Jacksonville District Board of Trustees announces the following meeting to which the public is invited.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: April 9, 2013, 2:00 p.m. – 3:00 p.m.

PLACE: Kent Campus, 3939 Roosevelt Blvd., Jacksonville, FL 32205, Room D-120

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting

†’s attention and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise Human Resources 24 hours in advance of the meeting.

FLORIDA STATE COLLEGE AT JACKSONVILLE

Dr. Willis N. Holcombe
Interim College President

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

The Early Learning Advisory Council Policy Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 10, 2013, 10:30 a.m.

PLACE: Office of Early Learning. Call in number: 1(888)670-3525; participant code: 836-086-9955

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

A copy of the agenda may be obtained by contacting: Harriet Moore, (850)717-8555 or Harriet.Moore@oel.myflorida.com

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: April 9, 2013, 4:30 - 6:30 p.m.

PLACE: Courtyard by Marriott, 14402 Old St. Augustine Road, Jacksonville, FL 32258

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 431418-2, otherwise known as State Road 9B Extension in Duval and St. Johns Counties, Florida. The project is to extend State Road 9B from I-95 in Duval County to CR-2209 (St. Johns Parkway) in St. Johns County. The additional access and alternate route will reduce congestion at the CR-210 and Old St. Augustine Road interchanges with I-95. Public participation is solicited without regard to race, color, sex, age, religion, national origin, 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, FL 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 & 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).

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: April 11, 2013, 1:00 p.m. (EST)

PLACE: District Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business. An amendment to the Fiscal Year 2012-2013 Adopted Budget will be considered. The amendment proposes the acceptance of unanticipated revenue in the amount of \$17,078 and an increase of \$8,390 in budget authority to provide additional water level and quality monitoring pursuant to contract with the City of Tallahassee.

Other Meetings to be held on Thursday, April 11, 2013, 12:00 noon, Regulations Committee of the Whole and 1:05 p.m. Public Hearing on Consideration of Regulatory Matters

A copy of the agenda may be obtained by contacting: Savannah White, NWFWM, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet: www.nwfwmd.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 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten. 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.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: April 10, 2013, 9:00 a.m.

Governing Board Audit & Finance Committee Meeting

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: April 10, 2013, 10:00 a.m.

Governing Board Meeting

West Palm Beach, Florida 33406

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: April 11, 2013, 9:00 a.m.

Governing Board Meeting

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of the meeting may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meetings on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087 or at <https://www.sfwmd.gov>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Jacki McGorty at (561)682-2087 or jmcgorty@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

DATE AND TIME: Monday, April 15, 2013, 3:00 p.m. or soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772, (407)481-5662. Only public portions of the agenda are available upon request.

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

agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. 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

Florida Real Estate Commission

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

DATE AND TIME: Tuesday, April 16, 2013, 8:30 a.m.; meeting will reconvene on Wednesday, April 17, 2013, 8:30 a.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Commission - agenda topics include: general business, proposed legislation affecting Chapter 475, Part I, F.S., budget discussions, escrow disbursement requests, education issues, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at lori.crawford@myfloridalicense.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: Division of Real Estate, (407)481-5662. 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 HEALTH

Board of Chiropractic

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

DATE AND TIME: Tuesday, April 16, 2013, 3:30 p.m., at meet me number (888)670-3525, participation code 9238150597

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sherra W. Causey. 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.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 9, 2013, 2:30 p.m.

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Committee scheduled for Thursday, April 4, 2013 at 2 pm has been cancelled. The new committee meeting will be held on Tuesday, April 9, 2013 at 2:30 p.m. This meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors regarding the responses submitted for Request for Proposals No. 2013-02 for training and technical assistance for foreclosure counseling agencies funded through the National Mortgage Settlement Agreement.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.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 5 days before the workshop/meeting by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.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.

MOFFITT CANCER CENTER & RESEARCH INSTITUTE

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

DATE AND TIME: April 2, 2013, 4:00 p.m.

PLACE: Dial: 1(800)206-6032; Passcode: 7451520

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Executive Committee

A copy of the agenda may be obtained by contacting: Luke Ihnen, MS, Moffitt Cancer Center, (478)232-9623; luke.ihnen@gmail.com.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

NOTICE IS HEREBY GIVEN that The Department of Elder Affairs has declined to rule on the petition for declaratory statement filed by Douglas D. Adkins, Executive Director, Dayspring Village, Inc. on January 3, 2013. The following is a summary of the agency's declination of the petition:

The Department of Elder Affairs has denied Petitioner's request for Declaratory Statement, as Petitioner has failed to articulate particularized sets of circumstances unique to Petitioner or which directly relate to a statute, rule, or order of the Department identified by Petitioner. In so doing, Petitioner has substantially failed to follow the appropriate guidelines for petitioning a state agency for a declaratory statement as prescribed by Section 120.565, Florida Statutes, and has further failed to demonstrate a bona fide, actual, present, and practical need for the Department's declaration.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Carl J. Forrest, In Re: Briny Breezes, Inc., Docket No. 2013013568, filed on March 27, 2013. The petition seeks the agency's opinion as to the applicability of section 719.106(1)(j)(3), Florida Statutes, as it applies to the petitioner. Whether the board of Briny Breezes, Inc., a cooperative, may use its reserve funds to repair a seawall to prevent flooding, under section

719.106(1)(j)(3), Florida Statutes, where its bylaws require a majority unit owner vote to approve expenditures over \$30,000.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Robin McDaniel, Division Clerk, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1424; robin.mcdaniel@myfloridalicense.com.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:

61G4-15.033: Certification of Marine Specialty Contractors
NOTICE IS HEREBY GIVEN that on March 22, 2013, the Construction Industry Licensing Board has received the petition for declaratory statement from Jeremy Earl. The petition seeks the agency's opinion as to the applicability of Rule 61G4-15.033, F.A.C., as it applies to the petitioner.

Whether his license as a marine contractor is sufficient to apply for the permit and be the primary contractor on a Florida Department of Environmental Protection project involving pile driving, framing and concrete construction.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

FLORIDA HOUSING FINANCE CORPORATION

RFQ 2013-06 Environmental Engineers/Consulting Services
The Florida Housing Finance Corporation invites all qualified Offerors to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2013-06 for environmental engineering/consulting services. Proposals shall be accepted until 2:00 p.m., Eastern Time, on Monday, May 13, 2013, to the attention of Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFQs.aspx. Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the

deadline. It is the responsibility of anyone who downloads the RFQ from the Florida Housing website to check for any modifications made to the RFQ.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Warren Henry Infiniti, LLC, for the relocation of INFI line

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to section 320.642, Florida Statutes, notice is given that Nissan North America, Inc. Infiniti Division, intends to allow the relocation of Warren Henry Infiniti, LLC, d/b/a Warren Henry Infiniti as a dealership for the sale of Infiniti vehicles (line-make INFI) from its present location at 20850 Northwest 2nd Avenue, Miami, (Miami-Dade County), Florida 33169, to a proposed location at 14995 Biscayne Boulevard, Miami, (Miami-Dade County), Florida 33181, on or after May 3, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Warren Henry Infiniti, LLC, d/b/a Warren Henry Infiniti are dealer operator(s): Warren H. Zinn, 20895 Northeast 31st Place, Aventura, Florida 33180, principal investor(s): Warren Henry Dealerships, LLC, 20800 Northwest 2nd Avenue, Miami, Florida 33181.

The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, 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: Sarah Kirkbride, Nissan North America, Inc. Infiniti Division, One Nissan Way, Franklin, Tennessee 37067.

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

Imagnetour, Inc., for the establishment of BASH line

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 Peace Power Sports, Inc., intends to allow the establishment of Imagnetour, Inc., d/b/a Imagine Cars as a dealership for the sale of motorcycles manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co. Ltd. (line-make BASH) at 7324 E Colonial Drive, Orlando, (Orange County), Florida 32807, on or after May 3, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Imagnetour, Inc., d/b/a Imagine Cars are dealer operator(s): Kaan Orer, 5801 Lake Champlain Drive, Orlando, Florida 32829 and Yigit Orer, 10549 Leader Lane, Orlando, Florida 32825; principal investor(s): Kaan Orer, 5801 Lake Champlain Drive, Orlando, Florida 32829 and Yigit Orer, 10549 Leader Lane, Orlando, Florida 32825.

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: Fang Liu, Peace Power Sports, Inc., 2533 Royal Lane, Suite 505, Dallas, Texas 75229.

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

Creative Bus Sales, Inc. for the VHPG line

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 The Vehicle Production Group, LLC, intends to allow the establishment of Creative Bus Sales, Inc., d/b/a Transit Plus as a dealership for the sale of MV-1vehicles by The Vehicle Production Group (line-make VHPG) at 8600 Atlantic Boulevard, Jacksonville, (Duval County), Florida 32211, on or after May 2, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Creative Bus Sales, Inc., d/b/a Transit Plus are dealer operator(s): Anthony Matijevich, 8600 Atlantic Boulevard, Jacksonville, Florida 32211; principal investor(s): Anthony Matijevich, 8600 Atlantic Boulevard, Jacksonville, Florida 32211.

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: Seth Weinberg, The Vehicle Production Group, 101 Northeast Third, Suite 1500, Fort Lauderdale, Florida, 33301.

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.

EXPRESSWAY AUTHORITIES

Orlando-Orange County Expressway Authority

NOTICE

Under the provisions of Section 121.055, Florida Statutes, the Orlando-Orange County Expressway Authority intends to designate the position of Director of Toll Operations and the position of Director of Engineering in the Senior Management Service Class.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-13-025

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-13-025 on March 29, 2013, in response to an application submitted by the Bay Lakes Estates Homeowners Association for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department determined that the application did not meet the statutory requirements for covenant revitalization because the proposed revived covenants contained more restrictive provisions than the previous version, in violation of Section 720.404(3), Florida Statutes. Accordingly, the Department's Final Order denied the application for covenant revitalization. A copy of the final order may be obtained by writing to Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or miriam.snipes@deo.myflorida.com.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN March 25, 2013
 and March 29, 2013**

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
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**DEPARTMENT OF AGRICULTURE AND CONSUMER
 SERVICES**

Division of Agricultural Environmental Services

5E-2.041	3/29/13	4/18/13	38/93	
5E-3.020	3/29/13	4/18/13	38/93	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Board of Pilot Commissioners

61G14-19.001	3/27/13	4/16/13	39/36	
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Child and Farm Labor Program

61L-1.004	3/27/13	4/16/13	38/72	
61L-1.005	3/27/13	4/16/13	38/72	
61L-1.006	3/27/13	4/16/13	38/72	

DEPARTMENT OF HEALTH

Board of Optometry

64B13-3.006	3/28/13	4/17/13	39/04	
64B13-3.019	3/28/13	4/17/13	39/04	
64B13-15.009	3/28/13	4/17/13	39/04	
64B13-16.001	3/28/13	4/17/13	39/04	
64B13-16.005	3/28/13	4/17/13	39/04	

Rule No.	File Date Date	Effective Vol./No.	Proposed Vol./No.	Amended
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**LIST OF RULES AWAITING LEGISLATIVE APPROVAL
 PURSUANT TO (CHAPTER 2010-279, LAWS OF
 FLORIDA)**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.300	3/2/12	*****	38/3	
62-304.330(10),(11)	2/7/13	*****	38/81	
62-304.520(15)-(20)	3/20/13	*****	39/32	
62-304.610	8/20/12	*****	35/31	38/23
62-304.645	3/8/13	*****	39/22	
62-304.900	11/21/12	*****	38/39	

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020	10/24/11	*****	37/24	37/3
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