

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:      RULE TITLES:

5J-4.004          Registration

5J-4.005          Exemption

PURPOSE AND EFFECT: To update the reference material in Rules 5J-4.004 and 5J-4.005, F.A.C. to comply with statutory changes. The effect of this rulemaking will be to bring the Health Studio Registration Application into statutory compliance.

SUBJECT AREA TO BE ADDRESSED: Updated Health Studio Registration Application.

RULEMAKING AUTHORITY: 501.014(2) FS.

LAW IMPLEMENTED: 501.015(1), (2), (3), (4), 501.016(1), (2), 501.017 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: Amy Topol, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500. Phone (850)410-3662

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:      RULE TITLES:

5J-6.005          Licensing Requirement, Commercial

Telephone Seller, Salesperson

5J-6.013          Exemption

5J-6.014          Denials

PURPOSE AND EFFECT: To update the reference materials in Rule 5J-6.005, F.A.C., to implement statutory changes and

general cleanup; to correct the inaccurate incorporation reference in Rule 5J-6.013, F.A.C.; and to amend the criteria in Rule 6J-6.014, F.A.C. in denying an applicant licensure.

SUBJECT AREA TO BE ADDRESSED: Updated Commercial Telephone Seller Business License Application, updated Commercial Telephone Salesperson Individual License Application, updated Florida Telemarketing Act Material Change Form, and denial of licensure timeframe.

RULEMAKING AUTHORITY: 501.626 FS.

LAW IMPLEMENTED: 501.604, 501.605, 501.607, 501.608, 501.609, 501.612 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.

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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:      RULE TITLE:

5J-15.001        Registration

PURPOSE AND EFFECT: To update the reference material to implement statutory changes and general cleanup. The effect of this rulemaking will be to bring the Household Moving Services Registration Application into statutory compliance.

SUBJECT AREA TO BE ADDRESSED: Updated Household Moving Services Registration Application.

RULEMAKING AUTHORITY: 507.09(3) FS.

LAW IMPLEMENTED: 507.03 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: Amy Topol, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500. Phone (850)410-3662  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:       RULE TITLE:  
 40D-8.624       Guidance and Minimum Levels for Lakes  
 PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate minimum and guidance levels for Lake Raleigh and Lake Rogers in Hillsborough County.  
 SUBJECT AREA TO BE ADDRESSED: Guidance and minimum levels for Lake Raleigh and Lake Rogers in Hillsborough County pursuant to Section 373.042, F.S.  
 RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.  
 LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.086, 373.709 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.

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sonya White, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660), email sonya.white@swfwmd.state.fl.us (OGC #2013022)

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

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NOS.:     RULE TITLES:  
 64B20-4.001    Certification of Assistants  
 64B20-4.003    On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants  
 64B20-4.004    Supervision of Speech-Language Pathology Assistants and Audiology Assistants

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to delete unnecessary language; to incorporate by reference the reference activity and supervisory plan; and to add language requiring new assistants to notify the Department of new assistants and other changes.

SUBJECT AREA TO BE ADDRESSED: The deletion of unnecessary language; the incorporation of a form for the reference activity and supervisory plan; and the addition of language regarding notification to the Department.

RULEMAKING AUTHORITY: 468.1125(9), 468.1135(4) FS.

LAW IMPLEMENTED: 468.1125(3), (4), (9), 468.1215 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: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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 AGRICULTURE AND CONSUMER SERVICES

#### Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-54.001	Definitions
5B-54.002	Purpose
5B-54.003	Regulated Honeybee Pests
5B-54.004	Unwanted Races of Honeybees
5B-54.005	Regulated Articles
5B-54.006	Movement of Regulated Articles
5B-54.010	Registration with the Department
5B-54.011	Apiary Inspection Procedures
5B-54.0115	Special Inspection and Certification Fees
5B-54.012	Apiary Inspection Conditions
5B-54.013	Identification of Ownership of Honeybee Hives
5B-54.014	Issuance of Compliance Agreements and Certificates
5B-54.015	Special Inspection to Meet Requirements of Other States and for Export to Foreign Countries
5B-54.016	Interim Detention of Honeybees and Equipment
5B-54.017	Destruction or Treatment of Infested or Infected Hives
5B-54.0175	Irradiation of Beekeeping Equipment
5B-54.018	Compensation for Infested or Infected Colonies
5B-54.019	Procedures for Abandoned Apiaries

**PURPOSE AND EFFECT:** The purpose of the proposed changes is to develop specific requirements for the placement of managed honeybee colonies on agricultural and non-agricultural properties. These changes are necessary to implement Sections 586.055 and 586.10, Florida Statutes. The effect of these proposed changes is reasonable, clear, and consistent requirements for the placement of managed honeybees in Florida.

**SUMMARY:** This rulemaking is to implement Sections 586.055 and 586.10, Florida Statutes, by developing specific requirements to govern the placement of managed honeybee colonies on Florida lands. The proposed new language addresses managed honeybee colony placement on agricultural and other lands considered to be integral to a beekeeping operation.

#### 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:** 586.10(2) FS.

**LAW IMPLEMENTED:** 586.02, (13), 586.025, 586.03(3), 586.045, 586.10 (4), (5), (6), (7), (8), (9), (11), (12), 586.11, 586.115, 586.13, 586.14, 586.15 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:** Richard Gaskalla, Division Director, Division of Plant Industry, Florida Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

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

5B-54.001 Definitions.

(1) For the purpose of this chapter, the definitions in Section 586.02, F.S., and the following definitions shall apply:

(a)(1) Authorized Representative. Any designated employee, inspector, or collaborator of the department or the United States Department of Agriculture.

(b)(2) Certificate of Inspection. An official document stipulating compliance with the requirements of this chapter. The term certificate may include label, rubber stamp imprint, tag permit, written statement, or any form of inspection and certification document which accompanies the movement of inspected and certified honeybees, honeybee equipment or other regulated articles.

(c)(3) Certificate of Registration. An official document issued by the department to honeybee colony owners as evidence of being properly registered with the department in compliance with the requirements of this chapter.

(d)(4) Division Director. The director of the Division of Plant Industry.

(e)(5) USDA. United States Department of Agriculture, Animal and Plant Health Inspection Services, Plant Protection and Quarantine.

(2) The purpose of this chapter is to identify and declare as nuisances those honeybee pests and unwanted races of honeybees which are known to science and considered to seriously threaten Florida's beekeeping industry. It is also the purpose of this chapter to provide guidelines for registering beekeepers and the placement of honeybee colonies, conducting inspection, control, eradication, and regulatory action to prevent the establishment of honeybee pests and

unwanted races of honeybees, to provide early detection of any new pests, and to prevent or control their distribution within the state if infestation occurs.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.02, 586.11 FS. History—New 11-22-88, Amended 6-20-00,\_\_\_\_\_.

5B-54.002 Purpose.

~~The purpose of this chapter is to identify and declare as nuisances those honeybee pests and unwanted races of honeybees which are known to science and considered to seriously threaten Florida’s beekeeping industry. It is also the purpose of this chapter to provide guidelines for registering beekeepers, conducting inspection, control, eradication, and regulatory action to prevent the establishment of honeybee pests and unwanted races of honeybees, to provide early detection of any new pests, and to prevent or control their distribution within the state if infestation occurs.~~

Rulemaking Authority 586.10(2) FS. Law Implemented 586.025, 586.045, 586.10(5), (6), 586.115 FS. History—New 11-22-88, Amended 11-4-92, Repealed.

5B-54.010 Registration with the Department.

Each beekeeper having honeybee colonies within the state must register with the department utilizing the following procedures:

(1) Submit an Application For Beekeeping Registration, (FDACS 08176, revised 01/13), which Application for registration of beekeeping operations shall be made upon a form furnished by the department. The form shall contain provisions with which the applicant must comply and must be signed by the applicant or applicant’s representative. Form DACS 08176, Application for Beekeeping Registration (FDACS 08176, revised 01/13), revised 7/03, is hereby incorporated in this rule by reference and. A copy of DACS-08176 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at <http://www.flrules.org/Gateway/reference>.

(2) Applicant’s honeybees shall have been inspected by an authorized representative of the department within a 12-month period preceding the date of application and found to be apparently free from honeybee pests listed under Rule 5B-54.003, F.A.C., and unwanted races of honeybees listed under Rule 5B-54.004, F.A.C., and to be reasonably free from common honeybee pests.

(3) By signing the application the beekeeper agrees to comply with appropriate rules of the department. Each Application for Beekeeping Registration (FDACS 08176, revised 01/13), application for registration (DACs 08176) or renewal of registration must be accompanied by the proper registration fee based on the total number of colonies operated by the registrant as follows:

Number of Colonies	Fee
1 – 5	\$10
6 – 40	\$20
41 – 200	\$40
201 – 500	\$70
501 – 2000	\$100

(4) Upon approval of an the application, the department will issue to the applicant beekeeper a Certificate of Beekeeping Registration, (FDACS 08177, revised 01/13) which, Form DACS 08177, Certificate of Beekeeping Registration, revised 4/99, is hereby incorporated in this rule by reference and. A copy of DACS 08177 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at <http://www.flrules.org/Gateway/reference>.

(5) Application for annual renewal of the certificate must be made not later than the anniversary date of the certificate and must be accompanied by the appropriate registration fee.

(6) An application received after the anniversary date shall be accompanied by a \$10 late filing fee.

(7) Failure to register is a violation of Section 586.045, F.S., and is subject to the penalties set forth in Section 586.15, F.S.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.045, 586.10(9), (12), 586.15 FS. History—New 11-22-88, Amended 11-4-92, 6-20-00, 3-11-04,\_\_\_\_\_.

5B-54.0105 Location of Managed Honeybee Colonies.

(1) Managed European honey bee colonies may be located on either:

(a) Land classified as agricultural under Section 193.461, Florida Statutes, provided they are compliant with the provisions of Chapter 586, Florida Statutes, and all rules promulgated thereunder; or

(b) Land considered to be integral to a beekeeping operation other than agriculture provided the beekeeper signs a Beekeeper Compliance Agreement – Best Management Requirements for Maintaining European Honeybee Colonies (FDACS 08492, revised 01/13).

(2) The Beekeeper Compliance Agreement – Best Management Requirements for Maintaining European Honeybee Colonies (FDACS-08492, revised 01/13) which is hereby incorporated in this rule by reference and a copy may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at <http://www.flrules.org/Gateway/reference>. The Beekeeper Compliance Agreement – Best Management Requirements for

Maintaining European Honeybee Colonies (FDACS-08492, revised 01/13) provides best management requirements for maintaining European Honeybee Colonies on non-agricultural Lands including swarm prevention techniques as explained in Swarm Control for Managed Beehives (UF-IFAS Publication ENY-60, revised November 2012) which is hereby incorporated in this rule by reference and a copy may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at <http://www.flrules.org/Gateway/reference>.

(3) Special Permits – The Director of the Division of Plant Industry shall issue a special permit for the placement of managed honeybee colonies on lands other than agricultural that do not meet the requirements of (2) above provided the property is determined to be integral to a beekeeping operation based on the following standards and conditions:

(a) The property owner must submit a written request that includes a map of the property with the proposed number and location of the managed honeybee colonies;

(b) The property owner must submit written, signed statements from all contiguous property owners indicating their approval of having managed honeybee colonies present on the proposed permitted property;

(c) The property owner must submit a written explanation of the justification for a special permit, including measures that will be taken to mitigate any best management requirements that cannot be met and any other special circumstances that are relevant; and

(d) Agreement from the Division of Plant Industry Assistant Chief of Apiary Inspection and the Chief of Plant and Apiary Inspection that a special permit is justified and the bee keeping operation will not pose a public nuisance.  
Rulemaking Authority 586.10 FS. Law Implemented 586.045, 586.10(9), (12), 586.15 FS. History–New \_\_\_\_\_.

#### 5B-54.011 Apiary Inspection Procedures.

(1) Each Florida apiary shall be inspected and a report issued an Apiary Inspection Report (FDACS 08206, Revised 01/13) by an authorized representative of the department at such intervals as the department deems best for the detection of honeybee pests listed under Rule 5B-54.003, F.A.C., and unwanted races of honeybees under Rule 5B-54.004, F.A.C. Form Apiary Inspection Report (FDACS 08206, Revised 01/13 6/99) is hereby incorporated in this rule by reference and. A copy of DACS 08206 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at <http://www.flrules.org/Gateway/reference>.

(2) Routine inspection of an apiary shall include actual visual inspection of not less than five (5) percent of the hives included in the apiary. One hundred (100) percent of the hives may be inspected if determined appropriate by the department. A minimum of ten (10) hives shall be inspected in the apiary with all hives inspected in any apiary consisting of less than ten (10) hives.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(4), (9) FS. History–New 11-22-88, Amended 11-4-92, 6-20-00, \_\_\_\_\_.

#### 5B-54.014 Issuance of ~~Compliance Agreements and Certificates.~~

~~(1) Compliance Agreements. The department may issue a compliance agreement for the movement of regulated articles, as listed under Rule 5B-54.005, F.A.C., from another state for entrance into Florida under any of the following conditions:~~

~~(a) When movement of non-certified regulated articles to specified destinations for limited handling, utilization, or processing is requested.~~

~~(b) Each compliance agreement will prescribe the conditions under which the regulated articles are allowed to move. Form Compliance Agreement, DACS 08031, Revised 5/99, is hereby incorporated in this rule by reference. A copy of DACS 08031 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.~~

#### ~~(1)(2) Certificates of Inspection.~~

~~(a) A Department issued certificate is required on each sale or movement of honeybees and other regulated articles within the state unless such regulated articles are identified as specified in Rule 5B-54.013, F.A.C. A registered beekeeper shall contact the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 to request the issuance of a Certificate of Apiary Inspection for Out of State and Re-Entry Shipments Into Florida (FDACS-08061, revised 01/13) or Queen Certificate (FDACS 08057, revised 01/13). A sample of the Certificate of Apiary Inspection for Out of State and Re-Entry Shipments Into Florida (FDACS 08061, revised 01/13) may be viewed online at <http://www.flrules.org/Gateway/reference>. A sample of the Queen Certificate (FDACS 08057, revised 01/13) may be viewed online at <http://www.flrules.org/Gateway/reference>. Forms DACS 08061, revised 8/99 Certificate of Inspection for Out of State Shipments and Re-entry Into Florida, and incorporated herein by reference, or a Queen Certificate, DACS 08057, revised 10/99, and incorporated herein by reference, may be used for this purpose. A copy of forms DACS 08061 and DACS 08057 may be obtained from the Division of Plant~~

~~Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.~~

(b) A Department issued Certificate of Apiary Inspection for Out of State and Re-Entry Shipments Into Florida (FDACS 08061, revised 01/13) or Queen Certificate (FDACS 08057, revised 01/13) ~~certificate, DACS 08061 or DACS 08057,~~ is required on shipments of honeybees or other regulated articles going from the state showing that certification requirements have been met.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(7), 586.11 FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, 6-20-00, 8-24-05,\_\_\_\_\_.

5B-54.015 Special Inspection to Meet Requirements of Other States and for Export to Foreign Countries.

Any person may request the department to provide inspection, sampling, and laboratory examination of honeybees and beekeeping equipment for the purpose of determining eligibility to meet special requirements for shipment to other states and for export, under the following procedures:

(1) File a request for inspection by submitting a completed Request for Special Inspection (FDACS 08179, revised 01/13) which on a form provided by the department. ~~Form DACS 08179, Request for Special Inspection, revised 10/99, is hereby incorporated in this rule by reference and. A copy of form DACS 08179 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at <http://www.flrules.org/Gateway/reference>\_\_\_\_\_.~~

(2) Provide authorized representatives with directions to the apiary, and, if requested, assistance in handling the colonies and equipment for examination.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.02(13), 586.03(3) FS. History—New 11-22-88, Amended 11-4-92, 6-20-00,\_\_\_\_\_.

5B-54.016 Interim Detention of Honeybees and Equipment.

Any honeybees and used beekeeping equipment, whether certified or not, may be detained for inspection by the department. If such bees or used beekeeping equipment are found to have been moved or transported into the state or within the state in violation of the rules of the department, or if found infested or infected with any regulated honeybee pests or unwanted races of honeybees, such honeybees or used beekeeping equipment shall be deported, destroyed or treated by the department within 48 hours upon the order of the department. A Daily Apiary Movement Reporting Form, (FDACS 08201, rRevised 01/13) 10/99, to be used for this purpose is incorporated into this rule by reference and will be used for this purpose and. ~~A copy of FDACS 08201 may be obtained from the Division of Plant Industry, Bureau of Plant~~

and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at <http://www.flrules.org/Gateway/reference>\_\_\_\_\_.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(4), 586.13 FS. History—New 11-22-88, Amended 6-20-00,\_\_\_\_\_.

5B-54.017 Destruction or Treatment of Infested or Infected Hives.

(1) American foulbrood. All hives found infected or infested with American foulbrood shall be destroyed by burning or shall be decontaminated by other methods prescribed or approved by the department. This action must be accomplished within 30 days of diagnosis and honeybee colonies and related equipment must be stored or maintained in such a manner that exposure to other honeybees is prevented. All colonies found in the same apiary where American foulbrood is detected shall be quarantined for a minimum of 30 days by issuing a Notice of Quarantine for American Foulbrood to determine apparent freedom from American foulbrood disease. A Notice of Quarantine, Stop-Sale and Hold Order For Honeybees, Hives, and Beekeeping Equipment, for American Foulbrood, (FDACS 08063, Revised 01/13) 12/99, is hereby incorporated in this rule by reference and. ~~A copy of DACS 08063 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at at <http://www.flrules.org/Gateway/reference>\_\_\_\_\_.~~

(2) Other honeybee pests and unwanted races of honeybees. Discovery of other honeybee pests or unwanted races of honeybees in the state shall initiate the quarantine of all colonies located within a distance prescribed by the department of the infested apiary. All honeybees within the quarantine area shall be inspected. A recommended eradication or control method shall be determined and prescribed by the department.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(4), 586.13 FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, 6-20-00, 8-24-05,\_\_\_\_\_.

5B-54.0175 Irradiation of Beekeeping Equipment. Equipment from colonies found infected with American foulbrood may be irradiated as an alternative to destruction under the conditions below: approved by the department including the following:

(1) All honeybees, honey, and all visible signs of American foulbrood must be removed and destroyed under the direct supervision of the department and must be done in such a manner that exposure to other bees is minimized prevented.

(2) Under the direct supervision of the department, each piece of equipment including frames, supers, tops, bottoms, etc., shall be irradiated at a minimum dose rate of 20KGy

~~treated in a manner approved by the department and marked verifying treatment at an irradiation facility.~~

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(8), 586.115, 586.13 FS. History—New 11-4-92, Amended \_\_\_\_\_.

5B-54.018 Compensation for Infested or Infected Colonies.

(1) Florida resident owners of colonies and regulated articles destroyed due to infection or infestation with American foulbrood will be compensated at the rate of 1/2 the estimated value of the honeybees and equipment, provided funding is available for this purpose; however, compensation shall not exceed \$30.00 per colony. Also, compensation will be paid in full for the first 10 diseased colonies, after which payment will be discounted as follows: If the disease rate exceeds 50 percent of the total colony inventory, then the payment will be discounted 50 percent. The condition of the equipment to be destroyed shall be rated by the inspector and the beekeeper as good, fair, or poor. Any disagreement over the condition or value of equipment to be destroyed shall be arbitrated by the Chief of Apiary Inspection, the Cooperative Extension Service Apiary Specialist, and the Chairman of the Honeybee Technical Council. A Compensation Agreement, including the owner's Social Security number, must be signed by the owner. The Compensation Agreement form, (FDACS 08062, ~~revised 01/13~~ ~~7/99~~, is hereby incorporated in this rule by reference ~~and~~ ~~A~~ ~~and~~ ~~a~~ ~~copy~~ ~~of~~ ~~DACS~~ ~~08062~~ may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at <http://www.flrules.org/Gateway/reference> \_\_\_\_\_.

(2) Other Honeybee Pests and Unwanted Races of Honeybees. Owners shall not be awarded compensation for depopulation of colonies due to the presence of honeybee pests or unwanted races of honeybees in the colonies or their possible subjection to infestation by these organisms, except by special provisions for compensation that may be established by state or federal legislation for damages incurred as a result of control or eradication procedures by the department.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.13, 586.14 FS. History—New 11-22-88, Amended 11-4-92, 6-20-00, 3-11-04, \_\_\_\_\_.

5B-54.019 Procedures for Abandoned Apiaries.

Any apiary found without proper identification or registration information is considered abandoned after which the following will apply:

(1) An inventory of the apiary will be conducted and each hive and piece of equipment tagged with an official department tag indicating the department's label of abandonment. A Notice of Abandonment, Form (FDACS-08180, revised 01/13) 03/09, to be used for this purpose, is hereby incorporated in this rule by reference and may be used for this purpose. A local law enforcement agency and the landowner will be informed by written notice of the geographic location of such apiary. A copy of Notice of Abandonment (FDACS 08180, revised 01/13) Notice of Abandonment, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100 or online at <http://www.flrules.org/Gateway/reference> \_\_\_\_\_.

(2) A reasonable effort will be made by the department during the immediately succeeding ninety (90) days to locate the owner or operator of the apiary.

(3) At the end of the ninety days, or upon the demand of the owner of the land where the apiary is located, the department will move the colonies to a holding location for an additional period not to exceed six months. The department will keep records of steps taken and management administered to maintain the colonies during this period.

(4) If the department has not located the owner at the end of six months it shall destroy, auction, or make such use of the equipment as it deems appropriate.

(5) Monies collected from the auction of equipment shall be deposited in the Plant Industry Trust Fund.

(6) If, during the period in which the department has colonies or equipment in a holding location, the owner comes forward with proper proof of ownership and desires to reclaim the colonies and equipment, the department shall be reimbursed for all movement and maintenance costs of the colonies or equipment. The reimbursement monies shall be deposited by the department in the Plant Industry Trust Fund.

(7) The department may contract with any person, company, or cooperative to move or maintain the abandoned colonies.

(8) The department, upon finding an abandoned apiary with colonies or equipment infested with a regulated honeybee pest and so exposing infestation to other apiaries or colonies, shall eliminate the infestation, with such action being witnessed by a local law enforcement officer.

Rulemaking Authority 586.10(2) FS. Law Implemented 586.10(11), (12) FS. History—New 11-22-88, Amended 11-4-92, 6-20-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Gaskalla, Division Director  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Adam H. Putnam,  
Commissioner of Agriculture  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 26, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: March 22, 2013

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Health Facility and Agency Licensing

RULE NO.:       RULE TITLE:

59A-35.090       Background Screening; Prohibited Offenses.  
PURPOSE AND EFFECT: Rule 59A-35.090, Florida  
Administrative Code, is undergoing a proposed rule that will  
amend language on how fingerprint background screenings are  
processed and submitted to the Florida Department of Law  
Enforcement due to recently passed legislation. The amended  
rule language will also repeal all Level I background screening  
language as it is no longer required.

SUMMARY: Make changes to the way background  
screenings are processed and submitted to FDLE and the  
repeal of all Level I background screening language. AHCA  
Form #3100-0008, October 2009 and AHCA Form #3110-  
0019, October 2009 are updated to reflect current legislation.

#### 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: A checklist was prepared by the Agency to determine  
the need for a SERC. Based on this information at the time of  
the analysis and pursuant to Section 120.541, F.S., the rule  
will not require legislative ratification.

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

RULEMAKING AUTHORITY: 408.809(8) FS.

LAW IMPLEMENTED: 408.809 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF  
THIS NOTICE, A HEARING WILL BE HELD AT THE

DATE, TIME AND PLACE SHOWN BELOW (IF NOT  
REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: July 24, 2013, 9:00 a.m., EST

PLACE: Agency for Healthcare Administration, 2727 Mahan  
Drive, Building #3, Conference Room B, Tallahassee, FL  
32308

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: Bob Reifinger, Bureau of Central Services, 2727  
Mahan Drive, MS#40, Tallahassee, Florida, (850)412-4527. If  
you are hearing or speech impaired, please contact the agency  
using the Florida Relay Service, 1(800)955-8771 (TDD) or  
1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Bob Reifinger, Bureau of Central  
Services, 2727 Mahan Drive, MS#40, Tallahassee, Florida,  
(850)412-4527; Florida email: Robert.reifinger@ahca.  
myflorida.com

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

59A-35.090 Background Screening.

(1) Definitions:

(a) "Arrest Report" means the detailed narrative written  
by the arresting law enforcement officer explaining the  
circumstances of the arrest.

(b) "Disposition" means the sentencing or other final  
settlement of a criminal case which shall include, regardless of  
adjudication, a plea of nolo contendere or guilty, or a  
conviction by a judge or jury.

(c) "Disqualifying Offense" means any criminal offense  
prohibited in Section 435.03, 435.04, or 408.809(5), F.S.

(d) "Exemption from Disqualification" means an  
exemption granted by the Agency following a review of the  
Application for Exemption, AHCA Form 3110 3010-0019,  
August 2012 October 2009, hereby incorporated by reference,  
and an informal hearing, if appropriate, during which the  
individual must present clear and convincing evidence to  
support a reasonable belief that he or she has been  
rehabilitated and does not present a danger to the health,  
safety, and welfare of the patient or individual as described in  
Section 435.07, F.S.

(e) "FBI" means the Federal Bureau of Investigation.

(f) "FDLE" means the Florida Department of Law  
Enforcement.

~~(g) "Level 1 Screening" means an assessment of the  
criminal history record obtained from the FDLE to determine  
whether screened individuals have any disqualifying offenses  
pursuant to Section 435.03 or 408.809(5), F.S. An analysis~~



~~and review of court dispositions and arrest reports may be required to make a final determination.~~

~~(g)(h)~~ “Level 2 Screening” means an assessment of the criminal history record obtained through a fingerprint search through the FDLE and FBI to determine whether screened individuals have any disqualifying offenses pursuant to Section 435.04 or 408.809(5), F.S. An analysis and review of court dispositions and arrest reports may be required to make a final determination.

~~(h)~~ “Livescan Service Provider” means an entity that scans fingerprints electronically and submits them to FDLE.

~~(2) Processing Screening Requests, Required Documents and Fees.~~

~~(a) A provider may conduct Level 1 background screening for employees either directly through the FDLE or through the Agency. Requests through the Agency must be submitted using the Agency’s background screening website at: [ahca.myflorida.com/MCHQ/Long\\_Term\\_Care/Background\\_Screening/Logon.shtml](http://ahca.myflorida.com/MCHQ/Long_Term_Care/Background_Screening/Logon.shtml). A user code and password is required for use of this site. A request for a Level 1 screening through the Agency must be accompanied by the cost required by the FDLE to pay for the cost of processing the request.~~

~~(a) Providers subject to the screening standards outlined in Section 408.809, F.S. must follow the requirements specified in Section 435.12, F.S. Care Provider Background Screening Clearinghouse and must register and initiate all criminal history checks through the Care Provider Background Screening Clearinghouse before referring an employee or potential employee for electronic fingerprint submission to the Department of Law Enforcement.~~

~~(b) Persons required to undergo Level 2 background screening must submit fingerprints electronically through a Livescan Service Provider(s) contracted through the Agency or approved through the Florida Department of Law Enforcement. an Applicant Fingerprint Card, incorporated herein by reference, and available from the appropriate Agency licensure unit or by submitting a request to: [bgscreen@ahca.myflorida.com](mailto:bgscreen@ahca.myflorida.com). A health care provider licensed pursuant to this chapter may submit a Level 2 request and make payment electronically or by mail. A request for a Level 2 screening through the Agency must be accompanied by the cost required by the FDLE and the FBI to pay for the cost of processing the request. Payment for screening services must be made to the Livescan Service Provider at the time of services or through a payment arrangement with the Livescan Service Provider.~~

~~1. Electronic submissions must be made through the Agency’s background screening web site. The completed fingerprint card must be mailed to the Background Screening Unit at 2727 Mahan Drive, MS 40, Tallahassee, Florida 32308.~~

~~2. Mailed requests must be submitted to the Background Screening Unit at 2727 Mahan Drive, MS 40, Tallahassee, Florida 32308.~~

~~(c)3. If the individual’s a fingerprints are eard is rejected by the FBI due to illegible prints, the requesting provider will be notified through the Agency’s secure web site. The individual must return to the same Livescan Service Provider and submit a second set of fingerprints eard in accordance with the guidelines established by the FBI. If the fingerprints are not resubmitted within 14 days, the individual will be notified by letter from the Agency. The second set of prints eard must be submitted to the Agency within 21 days of the Agency’s request or the screening request will be considered withdrawn. If withdrawn, the individual must submit a new set of electronic fingerprints through a Livescan Service Provider eard accompanied by the required fee.~~

~~(3) Screening of Administrators, Owners, Chief Financial Officers and Controlling Interests.~~

~~(a) Persons required to undergo Level 2 background screening in accordance with a licensure application, must submit the completed and signed fingerprint card and screening fee with an application for licensure to the appropriate Agency licensing unit.~~

~~(b) As an alternative to a new background screen persons required to undergo Level 2 background screening in accordance with Section 408.809, F.S., that have been screened within the previous 5 years by the Agency, Department of Health, Department of Children and Family Services, Agency for Persons with Disabilities or Department of Financial Services, or if the applicant has a certificate of authority to operate a continuing care retirement community, may submit to the appropriate Agency licensing unit:~~

~~1. A copy of the background screening result, and~~

~~(d)2- An Affidavit of Compliance with Background Screening Requirements, AHCA Form 3100-0008, August 2010 October 2009, herein incorporated by reference, and available from the Agency for Health Care Administration at: [ahca.myflorida.com/Publications/Forms/HQA.shtml](http://ahca.myflorida.com/Publications/Forms/HQA.shtml), must be submitted.~~

~~1. As part of the licensure application with a copy of screening results for administrators and chief financial officers that have been screened through the Care Provider Background Screening Clearinghouse, or screened within the previous 5 years by the Agency, Department of Health, Department of Children and Family Services, Agency for Persons with Disabilities, Department of Elder Affairs or Department of Financial Services, or if the applicant has a certificate of authority to operate a continuing care retirement community in accordance with the standards in Section 408.809(2), F.S.;~~

2. Upon hiring for an employee to attest that they meet the requirements for qualifying for employment, they have not been unemployed for more than 90 days from a position that requires Level 2 screening, and they agree to inform the employer immediately if arrested for any disqualifying offense.

(e) An administrator or chief financial officer must be screened and qualified prior to appointment to the position.

~~(3)~~(4) Results of Screening and Notification.

~~(a) Final results of background screening requests will be provided to the requesting provider through the Agency's secure web site that may be accessed by all health care providers applying for or actively licensed through the Agency that are registered with the Care Provider Background Screening Clearinghouse. The secure website is located at: apps.ahca.myflorida.com/SingleSignOnPortal/Login.aspx?ReturnUrl=%2fSingleSignOnPortal%2f.~~

~~(b) When the dispositional information of a potentially disqualifying offense is unclear or not present in a criminal history from a Level 1 request, a notice will be sent to the requesting licensee or entity to obtain the arrest report and dispositional information from the individual being screened. The information must then be forwarded to the Agency for a final determination or show such information cannot be obtained. If a Level 2 criminal history is incomplete, a certified letter will be sent to the individual being screened requesting the arrest report and court dispositional information. If the letter is returned unclaimed, a copy of the letter will be sent by regular mail. For Level 1 and Level 2, the missing information must be filed with the Agency within 30 days of the Agency's request, or the individual is subject to automatic disqualification in accordance with Sections 435.05(1)(d), and 435.06(3), F.S.~~

~~(c) The eligibility results of employee screening and the signed Affidavit referenced in subsection 59A-35.090(2), F.A.C., must be in the employee's personnel file, maintained by the provider. When the Agency or the provider obtains information indicating an individual has a disqualifying offense pursuant to Chapter 435, F.S., the individual is prohibited from working in a position that requires background screening until such time as the individual has applied for and been determined to be exempt from such disqualification.~~

~~(d) An alleged offense is not disqualifying until such time as there has been a disposition.~~

~~(4)~~(5) Exemption from Disqualification.

(a) Requests for an exemption from disqualification shall be submitted in writing to the Agency using the "Application for Exemption from Disqualification" AHCA Form 3110 3010-0019, ~~August 2012~~ ~~October 2009~~. This form may be obtained from the Agency for Health Care Administration, Background Screening Unit, 2727 Mahan Drive, MS #40, Tallahassee, Florida 32308 or through the Agency's website at: [ahca.myflorida.com/background\\_screening](http://ahca.myflorida.com/background_screening) ~~ahca.myflorida.com/MCHQ/Long\_Term\_Care/Background\_Screening/exemption.html~~.

(b) Individuals that are licensed or certified in a profession under the jurisdiction of the Department of Health must apply for an exemption to the appropriate licensing or certifying board at the Department of Health unless the individual will be working in a position other than for which they are licensed or certified.

(c) The individual shall bear the burden of setting forth clear and convincing evidence of rehabilitation which includes any information indicating the individual presents no danger to the safety or well being of others. The individual must present such evidence as arrest reports, court dispositions, parole/probation information, and reference letters from employers and/or personal references. Other documents that may be included are records of successful participation in a rehabilitation program, further education or training, community or church involvement, special awards or recognition or testimony by self or others.

(d) An "Application for Exemption" will not be reviewed until all required documents are obtained. If the application is deemed incomplete after 30 days of receipt by the Agency, the application will be closed ~~withdrawn~~.

(e) In deciding whether to grant or deny an exemption request, the Agency shall consider factors such as the facts and circumstances surrounding the disqualifying offense(s), the nature of the harm to the victim, whether the individual is on probation or parole, whether restitution has been made, other offenses on the criminal history record and the length of time since the last offense, the history of the person since the disqualifying offense(s), work experience, personal references, performance evaluations, probation or parole violations, education, other evidence of rehabilitation, and the honesty and candor of the disqualified individual.

(f) Any exemption granted by the Agency is limited to the information provided at the time of application and the disqualifying offense or offenses committed prior to the date of the request for exemption.

(g) The Agency shall void any exemption granted to an individual when there is evidence that information which would adversely affect the decision was not made available at the time of the determination or there is an arrest or disposition of a new disqualifying offense since the date the exemption was granted.

~~(5)(6)~~ Unless otherwise specified, information requested pursuant to this section must be filed with the Agency within 21 days of the Agency’s request.

Rulemaking Authority 408.819 FS. Law Implemented 408.809, 408.810 FS. History–New 7-14-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bob Reifinger  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 18, 2013, Vol/Issue: 39/13

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.045  
RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) effective July 1, 2012. The changes include an update to the Plan to reflect changes authorized in Senate Bill 5001, 2012-13 General Appropriations Act, Specific Appropriation 223, which authorizes a buy back for ICF facilities and a recurring methodology for reimbursement rates to be calculated effective October 1, 2012.

SUMMARY: Rule Number 59G-6.045, F.A.C., incorporates by reference the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) effective July 1, 2012. The changes include an update to the Plan to reflect changes authorized in Senate Bill 5001, 2012-13 General Appropriations Act, Specific Appropriation 223, which authorizes a buy back for ICF facilities and a recurring methodology for reimbursement rates to be calculated effective October 1, 2012.

**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: Based on this information and the requirements found in Section 120.541, F.S., the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.908, 409.9083 FS.

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

DATE AND TIME: July 30, 2013, 9:00 a.m. – 10:00 a.m.  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

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: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities).

Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities), Version VIII, Effective Date July 1, 2012, incorporated herein by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-01249>. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid, Agency for Health Care Administration, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908, 409.9083 FS. History—New 3-14-99, Amended 10-12-04, 2-22-06, 4-12-09, 3-3-10, 2-23-11, 7-16-12.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2013

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:

68A-23.002 General Methods of Taking Freshwater Fish  
PURPOSE AND EFFECT: The proposed amendment to subsection 68A-23.002(3), F.A.C., will allow use of crossbows to take non-game freshwater fish at night with a light throughout the state unless otherwise specified. Presently, bow and arrow and gigs are allowed for taking of non-game freshwater fish at night with a light, and crossbows are allowed for taking of non-game fish during daylight hours. The proposed rule change would increase recreational opportunities and should not have any impacts on freshwater fisheries, fish populations or ecology of freshwater resources.

SUMMARY: The rule amendment allowing the use of a crossbow to take non-game freshwater fish at night will provide additional recreational opportunities for anglers without impacting freshwater fisheries, fish populations or ecology of freshwater resources.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATES AND TIME: During the Commission's regular meeting September 4-6, 2013, 8:30 a.m. – 5:00 p.m. each day

PLACE: Crowne Plaza Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Champeau, Director, Division of Freshwater Fisheries Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.002 General Methods of Taking Freshwater Fish.

(1) through (2) No change.

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in subsection 68A-23.003(2), F.A.C. Nongame fish may be taken during non-daylight hours with a light and by bow and arrow, crossbow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets of any mesh size in the South and Northeast regions, in Citrus County, and in the Southwest Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited.

(4) through (10) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01, 7-1-04, 7-1-05, 7-1-06, 7-1-08, 7-1-11, \_\_\_\_\_.

**BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.**

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tom Champeau, Director, Division of Freshwater Fisheries Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2013

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to allow harvest of abundant smaller black bass, while at the same time protecting larger female bass and therefore continuing to manage Lake Jackson as a historic trophy largemouth bass fishery. Harvesting of the abundant smaller bass will increase bass growth by reducing competition for forage, and also providing greater protection for the larger female bass that more frequently reach trophy size.

SUMMARY: Lake Jackson is a 4,000 acre lake located in northwest Leon County that has been historically known as a trophy bass lake. The proposed rule amendment will provide an opportunity for harvest of abundant smaller largemouth bass to facilitate increased bass growth rates while protecting female bass that typically grow to a larger size. A 2011 angler attitude survey of 419 Lake Jackson bass anglers indicated that ninety-six (96) percent preferred changing the regulation to some form of a maximum size limit ranging from 15-17 inches. The new regulation would consist of a five (5) fish daily bag limit for black bass only one of which may be over 16 inches in total length.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATES AND TIME: During the Commission’s regular meeting September 4-6, 2013, 8:30 a.m. – 5:00 p.m. each day  
 PLACE: Crowne Plaza Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Champeau, Director, Division of Freshwater Fisheries Management, 620 South Meridian Street, Tallahassee, Florida, 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish.

(1) through (6) No change.

(7)(a) through (d) No change.

(e) Lake Jackson proper, including Little Lake Jackson west of Highway 27, Megginis Arm of Lake Jackson north of Interstate 10, and Fords Arm of Lake Jackson west of Meridian Road: No person shall take, kill or possess in any day more than five (5) black bass only one of which may be greater than sixteen (16) inches in total length. No person shall kill or possess any black bass less than 18 inches in total length.

(8) through (10) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01, 7-1-04, 7-1-05, 7-1-06, 7-1-08, 7-1-11,\_\_\_\_\_.

**BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.**

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Champeau, Director, Division of Freshwater Fisheries Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2013

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-47.011      RULE TITLE: Adoption of the Florida Elevator Safety Code

PURPOSE AND EFFECT: The proposed rule clarifies Florida fire safety standards for elevators through the adoption of Rule 61C-3.012, F.A.C., “Standards of the National Fire Protection Association and Other Standards Adopted,” and Rule 61C-5.001, F.A.C., “Safety Standards.”

SUMMARY: The proposed rule clarifies Florida fire safety standards for elevators through the adoption and incorporation by reference of Rule 69A-3.012, F.A.C., “Standards of the National Fire Protection Association and Other Standards,” and Rule 61C-5.001, F.A.C., “Safety Standards.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 633.01 FS.

LAW IMPLEMENTED: 633.01, 633.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, July 18, 2013, 10:30 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida

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: Casia Sinco, (850)413-3620 or Casia.Sinco@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Casia Sinco, Chief of Fire Prevention, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32300-0342, (850)413-3620 or Casia.Sinco@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-47.011 ~~Standards Adopted Adoption of the Florida Elevator Safety Code.~~

(1) The following shall be in compliance with the Florida Fire Prevention Code, 2010 Edition, as adopted and incorporated by reference in Rule 69A-3.012, F.A.C., Standards Adopted, and herein, and those standards adopted in Rule 61C-5.001, F.A.C., Safety Standards, Chapter 61C-5, F.A.C., Florida Elevator Safety Code, which is also hereby adopted and incorporated by reference herein:

(a) Enclosures of elevator hoistways, machine rooms, and machine spaces;

(b) Automatic smoke detectors and heat detectors; and

(c) Automatic sprinklers in hydraulic and non-hydraulic elevators.

(2) Rule 61C-5.001, F.A.C., "Safety Standards," Chapter 61C-5, F.A.C., Florida Elevator Safety Code may be obtained by writing to the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

Rulemaking Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New 8-16-01, Formerly 4A-47.011, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Casia Sinco, Chief of Fire Prevention, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 15, 2013

#### DEPARTMENT OF FINANCIAL SERVICES

##### Division of Worker's Compensation

RULE NO.: RULE TITLE:

69L-6.009 Forms and Instructions

PURPOSE AND EFFECT: Rule 69L-6.012, F.A.C., amended to incorporate by reference all forms contained in Rule 69L-6.009, F.A.C., has rendered Rule 69L-6.009, F.A.C., duplicative and unnecessary. Rule 69L-6.009, F.A.C., is thereby repealed.

SUMMARY: The amendment of Rule 69L-6.012, F.A.C., renders Rule 69L-6.009, F.A.C., duplicative and unnecessary. Rule 69L-6.009, F.A.C., is 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: There are no significant costs associated with the repeal of Rules 69L-6.009 and Rule 69L-6.012, F.A.C., amended to adopt all forms referenced by Rule 69L-6.009, F.A.C., also implements an electronic process for the

submittal of these forms that will result in certain cost savings for affected employers and the Department.

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: 440.05(9) FS.

LAW IMPLEMENTED: 440.05 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, July 23, 2013, 10:00 a.m.

PLACE: 102 Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

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: Robin Delaney, (850)413-1775 or Robin.Delaney@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Delaney, Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1775 or Robin.Delaney@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.009 Forms and Instructions.

Rulemaking Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.05 FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended 2-19-07, 1-7-08, 12-31-08, 07-01-12, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Delaney, Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2013

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: 69O-137.001  
 RULE TITLE: Annual and Quarterly Reporting Requirements

PURPOSE AND EFFECT: This rule is being amended to adopt the 2012 NAIC Annual Statement Instructions Manuals.

SUMMARY: Section 624.424, Florida Statutes, requires insurers to file quarterly and annual financial reports with the Office of Insurance Regulation and allows the Office to enact rules setting the standards for those reports. By adopting the current versions of these NAIC instructions and manuals, the Office is establishing up-to-date, uniform standards for annual and quarterly reports which will provide the information necessary for the Office to evaluate insurers' financial conditions. In addition, by adopting the most current versions of the manuals, the Office is preventing any potential challenges from insurers who may protest the Office using manuals which have not been formally adopted.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308(1), 624.424(1) FS.

LAW IMPLEMENTED: 624.424(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):



DATE AND TIME: July 30, 2013, 9:30 a.m.  
 PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-137.001 Annual and Quarterly Reporting Requirements.

- (1) through (3) No change.
- (4) Manuals Adopted.

(a) Annual statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

- 1. The NAIC’s Annual Statement Instructions, Property and Casualty, 2012 ~~2011~~;
- 2. The NAIC’s Annual Statement Instructions, Life, Accident and Health, 2012 ~~2011~~;
- 3. The NAIC’s Annual Statement Instructions, Health, 2012 ~~2011~~;
- 4. The NAIC’s Annual Statement Instructions, Title, 2012 ~~2011~~; and
- 5. The NAIC’s Accounting Practices and Procedures Manual, as of March 2012 ~~2011~~.

(b) Quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

- 1. The NAIC’s Quarterly Statement Instructions, Property and Casualty, 2013 ~~2012~~;
- 2. The NAIC’s Quarterly Statement Instructions, Life, Accident and Health, 2013 ~~2012~~;
- 3. The NAIC’s Quarterly Statement Instructions, Health, 2013 ~~2012~~;
- 4. The NAIC’s Quarterly Statement Instructions, Title, 2013 ~~2012~~; and
- 5. The NAIC’s Accounting Practices and Procedures Manual, as of March 2013 ~~2012~~.

- (c) No change.
- (5) ~~Adoption of revised Actuarial Guideline 38.~~

(a) ~~Revised NAIC Accounting Practices and Procedures Manual Actuarial Guideline 38 which is Attachment Three in~~

~~the agenda for the September 12, 2012 Executive (Ex) Committee and Plenary conference call at [http://www.naic.org/documents/jt\\_ex\\_plenary\\_120912\\_agenda\\_materials.pdf](http://www.naic.org/documents/jt_ex_plenary_120912_agenda_materials.pdf) is hereby adopted and incorporated by reference and replaces the Guideline published in the Manual for annual and quarterly statements submitted to the Office on and after December 31, 2012.~~

~~(b) Sections of the draft version of the Valuation Manual, adopted by NAIC Life Insurance and Annuities (A) Committee on August 17, 2012, referenced in Revised Actuarial Guideline 38 which is Attachment One in the agenda for the September 12, 2012 Executive (Ex) Committee and Plenary conference call at [http://www.naic.org/documents/jt\\_ex\\_plenary\\_120912\\_agenda\\_materials.pdf](http://www.naic.org/documents/jt_ex_plenary_120912_agenda_materials.pdf) are hereby adopted and incorporated by reference.~~

~~(c) Reserves reported in the 2012 annual and subsequent quarterly and annual statements to which Accounting Practices and Procedures Manual Actuarial revised Guideline 38 applies will not be based upon future versions of a draft Valuation Manual unless adopted by statute or amendment to this rule.~~

~~(d) A printed copy of the NAIC Executive (Ex) Committee and Plenary conference call agenda including attachments is available for inspection at the Office at its headquarters in Tallahassee, Florida, during regular business hours.~~

Rulemaking Authority 624.308(1), 624.424(1) FS. Law Implemented 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 9-28-11, 1-28-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 5, 2013

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 690-138.001  
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: This rule is being amended to adopt the 2013 NAIC Financial Condition Examiners Handbook. The current rule adopted the 2011 version.

SUMMARY: Section 624.316, Florida Statutes, requires the Office to examine insurer’s financial condition using generally accepted accounting procedures. This statute also allows the

Office to adopt the NAIC Financial Condition Examiners Handbook to facilitate these exams. By adopting the newest version of the handbook, this rule ensures that the procedures used by the Office to examine insurers are the current generally accepted accounting practices.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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:** 624.308(1), 624.316(1)(c) FS.

**LAW IMPLEMENTED:** 624.316(1)(c) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** July 30, 2013, 9:30 a.m.

**PLACE:** 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

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

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2013 ~~2014~~ is hereby adopted and incorporated by reference.

(b) No change.

(2) through (3) No change.

Rulemaking Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 11-2-11, 1-28-13,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** The Financial Services Commission

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** June 25, 2013

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** February 5, 2013

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

**RULE NO.:** RULE TITLE:

690-149.022 Forms Adopted

**PURPOSE AND EFFECT:** The purpose is to adopt the “Notice of Estimated Premium Impacts from the Federal Patient Protection and Affordable Care Act” required by CS/SB 1842 (Chapter 2013-101, Laws of Florida), which amended Section 627.410, Florida Statutes. This notice will be required to be sent to all individual and small group non-grandfathered health plans or health maintenance organizations.

**SUMMARY:** The amendment to Rule 690-149.022, F.A.C., adopts by reference the “Notice of Estimated Premium Impacts from the Federal Patient Protection and Affordable Care Act” and the related instructions to insurers.

**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: Agency personnel familiar with the subject matter of

the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes. Furthermore Section 3 of Chapter 2013-174, Laws of Florida, specifically provides this rule is not subject to Section 120.541(3), Florida Statutes.

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: 624.308, 627.410(9) FS.

LAW IMPLEMENTED: 624.424(1)(c), 627.410, 636.216, 627.410(9) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: July 22, 2013, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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: Karen Kees, Office of Insurance Regulation, E-mail Karen.Kees@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Kees, Office of Insurance Regulation, E-mail Karen.Kees@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.022 Forms Adopted.

(1) The forms adopted in subsection (2), below, shall be used, as applicable, by insurers making form filings for life and accident insurance, annuities, and health insurance. All the forms in subsections (2) and (3), below, are hereby adopted and incorporated by reference. All forms are available and may be printed from the Office’s website: www.flor.com.

(2) No change.

(3) Form OIR-B2-2112 “Consumer Notice The Impact of Federal Health Care Reform on Your Health Plan Costs\* (New 9/13)

Rulemaking Authority 624.308, 627.410(9) FS. Law Implemented 624.424(1)(c), 627.410, 636.216, 627.410(9) FS. History—New 10-29-91, Amended 5-15-96, 4-4-02, 5-2-02, 6-19-03, Formerly 4-149.022, Amended 4-7-05, 1-12-06, 1-28-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Kees, Office of Insurance Regulation, E-mail Karen.Kees@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 4, 2013

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

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:                      RULE TITLES:

33-602.210                      Use of Force

33-602.212                      Escort Chair

**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. 93, May 13, 2013 issue of the Florida Administrative Register.

The corrections are in response to comments by the Joint Administrative Procedures Committee in a letter dated June 6, 2013. The corrections are as follows:

Form DC6-281 is being amended and the fourth sentence of Subparagraph 33-602.210(9)(l)4. shall read as:

The effective date of the form is           12-12          .

Rule 33-602.210 at subsection (15)(c)9.a. subsections labeled i., ii., and iii. shall be changed to (I), (II), and (III).

Sub-subparagraph 33-602.210(15)(c)9.a.(I) shall read as:

(I) Hand-launched, reloaded noise flash distraction devices;

Paragraph 33-602.212(2)(b) shall read as:

(b) The inmate needs to be transported within the secure compound from one location to another location for a documentable reason such as, but not limited to, a callout (which is an appointment system for inmates to handle business that is not a part of their typical routine), appointment, or treatment; and

Paragraph 33-602.212(3)(g) shall read as:

(g) If the inmate does not offer resistance to placement into the escort chair, the completion of Form DC6-230, Institutions Report of Force Used, shall not be required. If at any time the inmate offers resistance, this shall constitute a physical use of force and the guidelines in subsections 33-602.210(3)-(5), (8)-(12), F.A.C., shall be followed. Form DC6-230, Institutions Report of Force Used, is incorporated by reference in Rule 33-602.210, F.A.C.

Rule 33-602.210 at subparagraph (14)(b)5., the reference to 33-602.210 shall be changed to 33-602.210(3).

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: RULE TITLE:  
64B5-7.005 Teaching Permits

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 120, June 20, 2013 issue of the Florida Administrative Register.

1. The "PURPOSE AND EFFECT" shall now read:

The proposed rule amendment is intended to update the rule and require continuing education and new applicants to take the Florida laws and rule examination.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: RULE TITLE:  
69A-37.039 Prescribed Forms for Training and Certification

**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. 87, May 3, 2013 issue of the Florida Administrative Register.

On page 4, Form DFS-K4-2085, Application for Fire Code Administrator Certification, is amended to add a citation to subparagraph 69A-39.003(3)(a)2., F.A.C., where the NFPA 1037 Standard for Professional Qualifications for Fire Marshal is incorporated by reference and to add citations to subparagraphs 69A-39.003(3)(a)3.a. and b., F.A.C., that refer to the alternate evaluation method and primary evaluation method. A copy of the form can be obtained by contacting Bill.Wentlandt@myfloridacfo.com or calling (352)369-2829.

**Section IV  
Emergency Rules**

**NONE**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on June 19, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Silver Pines Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.3.2, 2.7.4, 2.3.1 and AMSE A17.1 (no year – sent request for year), Section 1.1.2, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators restricted door openings, platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-198).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on June 19, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sandpiper Key Condominium Assoc. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-199).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on June 19, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Tradewinds Resort. Petitioner seeks an emergency variance of the requirements of an unspecified edition of ASME adopted codes, to permanently secure the rear access doors as adopted by subsection 61C-5.001(1), Florida Administrative Code. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-200).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on June 20, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for The Palace. Petitioner seeks an emergency variance of the requirements of an unspecified edition of ASME A17.3 (no year- sent request for year), Section 3.10.3 and 3.10.4(q) as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators top of car operating devices, and normal terminal stopping devices (possibly 3.3.3(d) addition of a sight guard) which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-201).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on June 24, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Renaissance Orlando at Seaworld. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-202).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on June 24, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Buena Vida Estates. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 303.3d, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators supply line shutoff valve which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-203).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on June 25, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Edward Waters College. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-204).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-27.002 Concentrations in Accounting and Business

NOTICE IS HEREBY GIVEN that on May 31, 2013, the Board of Accountancy received a petition for Tracie Fiduccia, seeking a variance or waiver of paragraphs 61H1-27.002(2)(a) and (b), Florida Administrative Code, which require that an applicant have at least 150 semester hours or 200 quarter hours of college education, including a baccalaureate degree or higher conferred by an accredited college or university with a major in accounting, or its equivalent. The applicant's total education program shall include a concentration in accounting and business as follows: 36 semester or 54 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation; 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy at the above address, within 14 days of publication of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

NOTICE IS HEREBY GIVEN that on June 10, 2013, the Florida Real Estate Commission received a petition for Variance or Waiver from Roslyn J. Chancey. Petitioner is seeking a permanent variance or waiver of Rule 61J2-10.030, F.A.C. to agreements in which rental information is provided regarding rentals that are not purported to be available. Comments on this petition should be filed with the Division of Real Estate, 400 West Robinson Street, N801, Orlando, Florida 32801 within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Watkins, Executive Director, at the above address.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on June 26, 2013, the Board of Medicine, received a petition for waiver or variance filed by Alexander Grinberg, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. 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.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

NOTICE IS HEREBY GIVEN that on June 21, 2013, the Board of Orthotists and Prosthetists received a petition for Variance or Waiver from Wayne Lawall. Petitioner is seeking a permanent variance or waiver of paragraph 64B14-4.003(1)(d), F.A.C. which requires those seeking to obtain a license as an Orthotists or Prosthetists in the State of Florida and complete an internship for certification must provide a patient log signed by his qualified supervisor(s) and the number of hours worked. Comments on this petition should be filed with the Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399 within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: William Miller at the above address.

**DEPARTMENT OF HEALTH**

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:

64J-1.0201 EMS Instructor Qualifications

NOTICE IS HEREBY GIVEN that on June 18, 2013, the Department of Health received a petition for a variance from Commercial Diving Academy TI for adjunct and lead instructors who do not have Associate's Degrees to be granted an additional year to secure the appropriate degrees. Interested persons or other agencies may submit comments on this petition for variance within 14 days after the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rickey Stone, 4052 Bald Cypress Way, Bin A22, Tallahassee, FL 32399-1722, (850)245-4440, ext. 2753, rickey\_stone@doh.state.fl.us.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF EDUCATION**

The Florida Rehabilitation Council announces public meetings to which all persons are invited.

DATES AND TIMES: July 16, 2013, 8:00 a.m. – 6:00 p.m.; July 17, 2013, 8:00 a.m. – 6:00 p.m.

PLACE: 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council and Vocational Rehabilitation Customer Survey.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF EDUCATION**

State Board of Education

The State Advisory Committee for the Education of Exceptional Students announces public meetings to which all persons are invited.

DATES AND TIMES: The State Advisory Committee for the Education of Exceptional Students' Executive Committee will meet on Monday, August 5, 2013, 8:30 a.m. – 9:30 a.m. The State Advisory Committee for the Education of Exceptional Students will meet on Monday, August 5, 2013, 10:00 a.m. – 5:00 p.m. and Tuesday, August 6, 2013, 8:30 a.m. – 4:00 p.m. Opportunity for public comment will be provided Tuesday, August 6, 2013, 3:00 p.m. onsite or by phone, 1(888)610-3525, Passcode (1556084838).

PLACE: Hotel Duval, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics include Bureau of Exceptional Education and Student Services Update; Bureau Strategic Plan, Post-Secondary Overview, Restraint and Seclusion, and Parent Involvement.

A copy of the agenda may be obtained by contacting: State Advisory Committee, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399-0400.

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 28 days before the workshop/meeting by contacting: Tonya Milton, Bureau of Exceptional Education and Student Services at (850)245-0475. 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: Tonya Milton, Bureau of Exceptional Education and Student Services at (850) 245-0475.

**EXECUTIVE OFFICE OF THE GOVERNOR**

Division of Emergency Management

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

DATE AND TIME: July 11, 2013, 9:30 a.m.

PLACE: Trade Winds Resort-Guy Harvey Outpost, 6000 Gulf Boulevard, St. Petersburg Beach, Florida 33706

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

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

DATE AND TIME: July 11, 2013, 1:30 p.m.

PLACE: Trade Winds Resort-Guy Harvey Outpost, 6000 Gulf Boulevard, St. Petersburg Beach, Florida 33706

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

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

DATE AND TIME: July 12, 2013, 10:00 a.m.

PLACE: Trade Winds Resort-Guy Harvey Outpost, 6000 Gulf Boulevard, St. Petersburg Beach, Florida 33706

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-6.020 Payment Methodology for Inpatient Hospital Services

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

DATE AND TIME: August 27, 2013 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32312

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Effective July 1, 2013, adjustments for prior Medicaid inpatient trend adjustments and inpatient reimbursement limitations, the implementation of an inpatient hospital DRG reimbursement methodology, special Medicaid payments, a reconciliation of transitional DRG payments, and the implementations of a Statewide Medicaid Residency Program.

A copy of the agenda may be obtained by contacting: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)412-4077 or by email at [edwin.stephens@ahca.myflorida.com](mailto:edwin.stephens@ahca.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 7 days before the workshop/meeting by contacting: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at [edwin.stephens@ahca.myflorida.com](mailto:edwin.stephens@ahca.myflorida.com). If you are hearing or speech impaired, please contact the agency using



the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)412-4077 or by email at edwin.stephens@ahca.myflorida.com.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-10.003 Costs of Reproducing Medical Records

The Board of Medicine hereby gives notice of a public hearing on Rule 64B8-10.003, F.A.C.

DATE AND TIME: Friday, August 2, 2013, 8:00 a.m.

PLACE: Doubletree by Hilton, 100 Fairway Drive, Deerfield Beach, Florida 33441

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The rule amendment was published in Vol. 39, No. 95, of the May 15, 2013, issue of the Florida Administrative Register (FAR).

The person to be contacted regarding the Proposed Rule is: Allison M. Dudley, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Nursing

The Council on Certified Nursing Assistants announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, July 18, 2013, 2:00 p.m. EST.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)670-3525, Code 4764781998

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida

Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

The Department of Economic Opportunity (f/k/a the Agency for Workforce Innovation), Reemployment Assistance Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 10, 2013, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B-49, 107 E. Madison Street, Tallahassee, Florida 32399 or by Conference Call: 1(888)670-3525, Passcode 1188081993 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Caldwell Building, Conference Room B-49, 107 E. Madison Street, Tallahassee, Florida 32399 or by Conference Call: 1(888)670-3525, Passcode 1188081993 then #.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>.

BROWARD SOIL AND WATER CONSERVATION DISTRICT

The Broward Soil & Water Conservation District announces public meetings to which all persons are invited.

DATES AND TIMES: July 17, 2013, August 14, 2013, September 11, 2013, October 9, 2013 and November 13, 2013, 5:30 p.m.

PLACE: 2121 North State Road 7, Margate, FL 33063

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

A copy of the agenda may be obtained by contacting: Fred Segal, (954)849-0745.

SUNSHINE STATE ONE CALL OF FLORIDA

The Sunshine One Call of Florida d/b/a Sunshine 811 announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 17, 2013, Thursday, July 18, 2013, Friday, July 19, 2013

PLACE: Hyatt Regency Sarasota, 1000 Blvd. of the Arts, Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: Sunshine 811 announces its Strategic Planning, Committee, Special Meeting of the Members, and Board of Directors meetings to which all interested persons are invited to participate.

Strategic Planning Meeting  
 Wednesday, July 17, 2013, 8:00 a.m. – 5:00 p.m.  
 Thursday, July 18, 2013, 8:00 a.m. – 10:00 a.m.  
 Committee Meetings  
 Thursday, July 18, 2013, 10:00 a.m. – 5:00 p.m.  
 Special Meeting of the Members  
 Friday, July 19, 2013, 8:00 a.m. – 9:00 a.m.  
 Purpose: To vote on the following proposed amendment to the Bylaws of Sunshine State One Call of Florida, Inc.:  
Article IV, Section B, Number, Term and Election, Designation of a Substitute and Automatic Termination of Directors:

1. The number of Directors of the Corporation shall be no more than twenty-one (21). No more than three ~~two~~ Directors may be employed by associate members in good standing. All other Directors shall be employed by a primary member in good standing. To the greatest degree possible all industry categories, including cities and counties will be represented on the Board of Directors.

Board Meeting  
 Friday, July 19, 2013, 9:00 a.m. – 5:00 p.m.  
 A copy of the agenda may be obtained by contacting: Lori Budiani, Executive Assistant: (386)575-2002.  
 AGENDA AND BYLAWS FOR JULY 17, 18 & 19, 2013:  
[http://www.sunshine811.com/images/stories/board/201307\\_agenda.pdf](http://www.sunshine811.com/images/stories/board/201307_agenda.pdf)  
 For more information, you may contact: Lori Budiani, Executive Assistant: (386)575-2002.

**Section VI**  
**Notice of Petitions and Dispositions**  
**Regarding Declaratory Statements**

DEPARTMENT OF HEALTH  
 Board of Nursing  
 NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an Order disposing the Petition for Declaratory Statement that was filed on March 27, 2013, by Eunice Jones-Wills. The Notice of Petition for Declaratory Statement published on March 6, 2013, in Vol. 39, No. 88, of the Florida Administrative Register. Petitioner sought the agency's opinion as to the applicability of Chapter 464, F.S., as it applies to the petitioner. The petitioner sought the agency's opinion as to whether taking digital single view chest x-rays for the purpose of screening for tuberculosis while working in a federal facility is within the scope of practice for a registered nurse. The Board of Nursing considered the Petition at its June 6, 2013 meeting.

The Board's Order filed on June 20, 2013, denied the petition as the petitioner did not provide the license number and the petitioner has already performed the services prior to approval or disapproval. A copy of the Board's Order may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399.  
 Comments on this petition should be filed with the Board of Nursing within 14 days of publication of this notice.

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

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

NONE

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

NONE

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

NONE

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

NONE

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

FLORIDA HOUSING FINANCE CORPORATION  
 Request for Qualification 2013-13 Structuring Agent 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) 2013-13 relating to structuring agent services. Florida Housing intends to select one or more offerors that propose to provide all of the structuring agent services specified in this RFQ.

Proposals shall be accepted until 2:00 p.m. (Eastern Time), Tuesday, July 9, 2013, to the attention of Della Harrell, Contracts Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Della Harrell at (850)488-4197 or [della.harrell@floridahousing.org](mailto:della.harrell@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 Della Harrell, or you can download the Request for Proposals from the Florida Housing Finance Corporation website at: [http://apps.floridahousing.org/StandAlone/FHFC\\_ECM/AppPage\\_LegalRFPs.aspx](http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFPs.aspx).

Any modifications that occur to the Request for Proposals will be posted at the website and may result in an extension of the deadline.

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## Section XII Miscellaneous

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

GT Motors, Inc., d/b/a Subaru of Melbourne, for the establishment of SUBA 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 Subaru of America, Inc., intends to allow the establishment of GT Motors, Inc., d/b/a Subaru of Melbourne as a dealership for the sale of Subaru vehicles (line-make SUBA) at 4340 West New Haven Boulevard, Melbourne, (Brevard County), Florida 32904, on or after July 29, 2013.

The name and address of the dealer operator(s) and principal investor(s) of GT Motors, Inc., d/b/a Subaru of Melbourne are dealer operator(s): Ted Serbousek, 932 North Nova Road, Daytona Beach, Florida 32117; principal investor(s): Ted Serbousek, 932 North Nova Road, Daytona Beach, Florida 32117 and Glenn Ritchey, 932 North Nova Road, Daytona Beach, Florida 32117.

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: Ron May, Subaru of America, Inc., 7380 Sand Lake Road, Suite 675, Orlando, Florida 32819.

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.

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### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Team Savage, Inc., d/b/a Cycle Springs, for the establishment of ZHNG 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 Hammer Brand, LLC, d/b/a Wolf Brand Scooters intends to allow the establishment of Team Savage, Inc., d/b/a Cycle Springs as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd. (line-make ZHNG) at 29703 US 19 North, Clearwater, (Pinellas County), Florida 33761, on or after July 19, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Team Savage, Inc., d/b/a Cycle Springs are dealer operator(s): Noel Hughes, 2132 Cedar Drive, Dunedin, Florida 34698; principal investor(s): Noel Hughes, 2132 Cedar Drive, Dunedin, Florida 34698.

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: Diana Hammer, Hammer Brand, LLC, d/b/a Wolf Brand Scooters, 12485 44th Street North, Suite A, Clearwater, Florida 33762.

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

Wild Hog Scooters and Motorsports, LLC, for the establishment of Winter Garden Store 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 Industry Group (USA), Inc., intends to allow the establishment of Wild Hogs Scooters and Motorsports, LLC, – Winter Garden Store as a dealership for the sale of motorcycles manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer. Co., Ltd. (line-make BASH) at 730 South Dillard Street, Winter Garden, (Orange County), Florida 34787, on or after July 29, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports are dealer operator(s): Jason Rupp, 8181 Via Bonita Street, Sanford, Florida 32771; principal investor(s): Jason Rupp, 8181 Via Bonita Street, Sanford, Florida 32771.

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: Lily Ji, Peace Industry Group (USA), Inc., 2649 Mountain Industrial Boulevard, Tucker, Georgia 30084.

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 BUSINESS AND PROFESSIONAL REGULATION**

Board of Pilot Commissioners

Board of Pilot Commissioners/Pilotage Rate Review Committee

STATE OF FLORIDA

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**PILOTAGE RATE REVIEW COMMITTEE**

IN RE: APPLICATION OF PALM BEACH

PILOTS' ASSOCIATION FOR RATE INCREASE

IN THE PORT OF PALM BEACH

The Committee therefore determines that as of August 1, 2013 the rates of pilotage at the Port of Palm Beach shall be increased to the following:

1. A draft charge of \$15.375 per draft foot with 11.5 foot minimum;
2. A tonnage charge of \$0.0335 per Gross Registered Ton (GRT) with 2,250 GRT minimum;
3. Shifting vessel less than 10,000 GRT – \$250;
4. Shifting vessel 10,000 GRT or larger – \$400;
5. Transfer of personnel by pilot boat – \$500;

6. Detention, Cancellation of pilots – \$150.

All other existing rates will remain unchanged. The Committee further determines that as of August 1, 2014 the rates of pilotage at the Port of Palm Beach shall be INCREASED to the following:

- 1. A draft charge of \$16 per draft foot with 13 foot minimum;
- 2. A tonnage charge of \$0.034 per Gross Registered Ton (GRT) with 2,500 GRT minimum;

All other existing rates as of August 1, 2013 will remain unchanged.

DONE and ORDERED this 25th day of June, 2013.

Capt. John Fernandez, Chairman  
Pilotage Rate Review Committee

NOTICE OF HEARING RIGHTS

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Executive Director of the Committee at Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399, within 21 days of receipt of this Order. If you dispute any material fact upon which the Committee’s decision is based, you may request a hearing before an administrative law judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, Florida Administrative Code, including a statement of the material facts which are in dispute. If you do not dispute any material fact, you may request a hearing before the Committee pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, Florida Administrative Code.

Pursuant to Section 120.573, Florida Statutes, you are hereby notified that mediation pursuant to that section is not available.

Unless a proper written request for a hearing is received on or before the above-stated deadline or if a request for hearing is made, but the request is subsequently withdrawn, the Pilotage Rate Review Committee will act in accordance with the provisions of Section 310.151(4), Florida Statutes, and this Order shall become final on August 1, 2013.

DEPARTMENT OF FINANCIAL SERVICES  
FSC – Financial Institution Regulation  
Financial Institutions

NOTICE OF FILINGS

Financial Services Commission  
Office of Financial Regulation

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

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		The Fletcher Building, Suite 118
Tallahassee, Florida 32314-8050		101 East Gaines Street
Phone (850) 410-9800		Tallahassee, Florida 32399-0379
Fax: (850)410-9548		Phone: (850)410-9643

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 17, 2013):

APPLICATION TO ESTABLISH AN INTERNATIONAL  
REPRESENTATIVE – ADMINISTRATIVE OFFICE

Applicant and Location: NCG Banco, S.A., A Coruña, Spain  
Proposed Florida Locations: 1111 Brickell Avenue, Suite 2600, Miami, Florida 33131  
Date Received: June 25, 2013

Clerk of Court Operations Corporation  
Florida Clerks of Court Operations Corporation  
Pursuant to Section 121.055, Florida Statutes (as amended by the 1993 Florida Legislature), the Florida Clerks of Court Operations Corporation provides public notice of the intent to include the Executive Director position in the Florida Retirement System's Senior Management Service Class effective August 1, 2013.

Section XIII  
Index to Rules Filed During Preceding  
Week

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