

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.001	Title
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Fire Code, Florida 2009 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2009 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code
69A-60.006	Manufactured and Prototype Buildings
69A-60.007	Enforcement of the Florida Fire Prevention Code

PURPOSE AND EFFECT: The purpose is to promulgate the triennial update of the Florida Fire Prevention Code as directed by Section 633.202(1), F.S.

SUBJECT AREA TO BE ADDRESSED: The Florida Fire Prevention Code.

RULEMAKING AUTHORITY: 633.104, 633.202, 633.204, 633.206, 633.208, 1013.12 FS.

LAW IMPLEMENTED: 633.104, 633.202, 633.204, 633.206, 633.208, 1013.12 FS.

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

DATE AND TIME: Friday, October 25, 2013, 9:00 a.m.

PLACE: Wyndham Lake Buena Vista Resort, Breakout Room #2 of the Annual Florida Arson Seminar, 1850 Hotel Plaza Boulevard, Lake Buena Vista, Florida 32830-2202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620 or Casia.Sinco@myfloridacfo.com

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

Section II
Proposed Rules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NOS.:	RULE TITLES:
61G1-11.013	Definitions
61G1-11.014	Criteria for Investigators and Consultants

PURPOSE AND EFFECT: For Rule 61G1-11.013, F.A.C., the Board proposes the rule amendment to update the definition of “newspaper, telephone directory or other advertising medium” as used in Section 481.221(10), F.S. For Rule 61G1-11.014, F.A.C., the Board proposes the rule amendment to clarify concerning the criteria for investigators and consultants.

SUMMARY: For Rule 61G1-11.013, F.A.C., the definition of “newspaper, telephone directory or other advertising medium” will be updated. For Rule 61G1-11.014, F.A.C., language concerning the criteria for investigators and consultants will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.203(6), 481.2055, 481.211, 481.213(6) FS.

LAW IMPLEMENTED: 455.203(8), 481.203, 481.211, 481.221(4), (8), 481.223(1)(c), 481.229(1)(c), (6) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.013 Definitions.

In these rules, where the context will permit;

(1) No change.

(2)(a) The term “newspaper, telephone directory or other advertising medium” as used in Section 481.221(10), F.S., shall mean any of the following when paid for or produced by or for an architect, interior designer or holder of a certificate of authorization (phone business directories are deemed to be produced for an architect, interior designer or a certificate of authorization holder, notwithstanding whether the listings are paid for):

1. through 7. No change.

8. Magazine, website, or Internet advertisements (including trade association publications);

9. through 12. No change.

13. Business communications, whether electronic or using paper stationery;

14. No change.

(b) through (c) No change.

(3) through (5) No change.

Rulemaking Authority 481.2055, 481.211, 481.213(6) FS. Law Implemented 481.203, 481.211, 481.221(4), (8), 481.223(1)(c), 481.229(1)(c), (6) FS. History—New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99, 2-12-04, 4-15-07, 12-16-07, 3-7-10, _____.

61G1-11.014 Criteria for Investigators and Consultants.

(1) Except for investigations of non-technical matters all investigators and consultants hired by the ~~Board Department of Business and Professional Regulation~~ who undertake the investigation of Registered Architects or Registered Interior Designers shall be Registered Architects ~~or~~ and Professional Engineers or Registered Interior Designers with at least five (5) years of current continuous practice in any state or territory or shall have the capability of discussing with and enlisting the cooperation of engineers, architects, interior designers,

attorneys, contractors, and state law enforcement officials dealing in architectural or interior designers matters ~~and, a degree from an accredited four-year college or university;~~ and five years of professional regulation experience or three years of sworn law enforcement or investigative experience. (Accredited college courses in law, engineering, architecture, interior design or related sciences may be substituted for the required college training.)

(2) Non-technical matters which do not encompass the professional proficiency of a licensee in the practice of aArchitecture or interior design may be investigated by any individual deemed suitable by the Board Department of Business and Professional Regulation.

Rulemaking Authority 455.203(6) FS. Law Implemented 455.203(8) FS. History—New 11-9-82, Formerly 21B-11.14, 21B-11.014, Amended 5-30-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 3, 2013

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NOS.:	RULE TITLES:
61G1-16.001	Architect's and Interior Designer's Seal
61G1-16.002	Description of Seal
61G1-16.005	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: For Rule 61G1-16.001, F.A.C., the Board proposes the rule amendment to update the description of the Architect's and Interior Designer's Seal. For Rule 61G1-16.002, F.A.C., the Board proposes the rule amendment to clarify language concerning registered interior designers and seals stating “Licensed Interior Designer.” For Rule 61G1-16.005, F.A.C., the Board proposes the rule amendment to provide procedures for digitally signing and sealing and electronically transmitting plans, specifications, reports or other documents.

SUMMARY: For Rule 61G1-16.001, F.A.C., the description of the Architect's and Interior Designer's Seal will be updated.

For Rule 61G1-16.002, F.A.C., language concerning registered interior designers and seals stating “Licensed Interior Designer” will be clarified. For Rule 16.005, F.A.C., procedures for digitally signing and sealing and electronically transmitting plans, specifications, reports or other documents will be provided.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 481.2055, 481.221(2), (3), 481.221 FS.

LAW IMPLEMENTED: 481.221 481.221(2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-16.001 Architect’s and Interior Designer’s Seal.

Each architect and interior designer shall acquire a seal with which she or he shall identify all plans, specifications or reports prepared or issued by her or him and filed for public record. The seal shall be capable of leaving a permanent ink representation or other form of embossing or opaque and permanent of a type which will make an impression, which also may be computer generated impressions, on the surface of prints or other duplications of drawings, and, as appropriate,

upon specification pages, and other articles of service. Where required, electronic files may be sealed in accordance with Rule 61G1-16.005, F.A.C.

Rulemaking Authority 481.221 FS. **Law Implemented** 481.221 FS. **History–New** 12-23-79, **Formerly** 21B-16.01, **Amended** 7-27-89, **Formerly** 21B-16.001, **Amended** 9-24-12, _____.

61G1-16.002 Description of Seal.

(1) The seal shall contain the name of only one architect or interior designer and the registration number; the seal of the architect shall be circular, and the seal of the interior designer shall be hexagonal. Both seals shall be ~~an impression type metal seal,~~ approximately 2" in diameter with two circular lines between which lines shall appear, at the top, the words “State of Florida” and at the bottom the words “registered architect” or “~~registered licensed~~ interior designer,” whichever is applicable. Seals stating “Licensed Interior Designer,” lawfully obtained by registered interior designers prior to January 1, 2014, may continue to be lawfully used.

(2) No change.

Rulemaking Specific Authority 481.221 FS. **Law Implemented** 481.221 FS. **History–New** 12-23-79, **Formerly** 21B-16.02, **Amended** 7-27-89, **Formerly** 21B-16.002, **Amended** 1-16-07, _____.

61G1-16.005 Procedures for Digitally Signing and Sealing and for Electronically Transmitting ~~Transmitted~~ Plans, Specifications, Reports or Other Documents.

(1) through (2) No change.

(3) ~~Electronic files may be signed and sealed by creating a “signature” file that contains the architect’s or interior designer’s name and license number, a brief overall description of the documents, and a list of the electronic files to be sealed.~~ Each electronically signed file shall have an authentication code defined as a message digest described in Federal Information Processing Standard Publication 180-4 “Secure Hash Standard,” March 2012, which is hereby adopted and incorporated by reference by the Board and can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-01340> or the Internet Website: <http://csrc.nist.gov/publications/fips/fips180-4/fips-180-4.pdf>. ~~A report shall be created that contains the architect’s or interior designer’s license number, a brief overall description of the documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the architect or interior designer in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file’s computed authentication code.~~

Rulemaking Authority 481.2055, 481.221(2), (3) FS. Law Implemented 481.221(2), (3) FS. History—New 4-23-06, Amended 7-29-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 3, 2013

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-28.0095 Continuing Education for Pro Bono Services

PURPOSE AND EFFECT: The Board proposes this rule amendment to add the Board’s website where forms may be obtained and to delete unnecessary language.

SUMMARY: The proposed rule amendments are necessary to delete unnecessary language and to add the Board’s website where the forms incorporated by reference are located for continuing education for pro-bono services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.013, 480.0415 FS.

LAW IMPLEMENTED: 456.013, 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.0095 Continuing Education for Pro Bono Services.

(1) Up to 6 hours of continuing education per biennium in satisfaction of the live classroom hours that include instruction, demonstration and/or hands on practice in Rule 64B7-28.009, F.A.C., may be awarded, on an hour per hour basis, for the performance of pro bono services to the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigence shall be that recognized by the Federal Poverty income guidelines produced by the United States Department of Health and Human Services.

(2) In order to receive credit under this rule, the licensee must receive prior approval from the Board by submitting a formal request for approval on form DH-MQA 1243 “Request for Approval of Continuing Education for Pro Bono Services For the Biennial Renewal period of _____ (rev. 10/11)” <http://www.flrules.org/Gateway/reference.asp?No=Ref>, hereby adopted and incorporated by reference, and can be obtained from the Department of Health’s Board of Massage Therapy’s website at <http://www.doh.state.fl.us/MQA/massage>. <http://www.doh.state.fl.us/mqa/massage/ap-business.pdf>, which must include the following information:

(a) through (d) No change.

(3) A statement of completion of preapproved services performed must be submitted on form “Statement of performance of Continuing Education credits for preapproved Pro Bono Services for the Biennial Renewal Period of pursuant to Rule 64B7- 29.0095, incorporated herein by reference. The form can be obtained from the Board of Massage Therapy, ATTN: Pro Bono Services, 4052 Bald Cypress Way #C-06, Tallahassee, FL 32399-3256 or from the following website: <http://www.doh.state.fl.us/MQA/massage>. Credit shall be given on an hour per hour basis.

(4) No change.

Rulemaking Authority 456.013, 480.0415 FS. Law Implemented 456.013, 480.0415 FS. History—New 5-5-04, Amended 12-6-06, 2-28-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 25, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: August 28, 2013

~~evaluation~~ of the work performance of all Florida Lottery Exempt Service and Executive Management employees at least once per year in the areas of technical expertise, professional excellence and customer satisfaction. ~~The Program connects an employee's work performance to the Lottery's strategic business plan, and subsequent achievement of the Lottery's business goals.~~

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: RULE TITLES:
6A-4.002 General Provisions
6A-4.003 Degrees, Programs, and Credits
NOTICE OF CONTINUATION

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0201 State of Florida High School Diploma Program
NOTICE OF CONTINUATION

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

DEPARTMENT OF THE LOTTERY

RULE NOS.: RULE TITLES:
53-17.001 Purpose
53-17.002 Definitions
53-17.003 Procedures
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. 146, July 29, 2013 issue of the Florida Administrative Register.

53-17.001 Purpose.

(1) This chapter sets forth the rules governing the Florida Lottery's Performance Management Program ("Program"). The Program provides for the an annual review and appraisal

(2) An employee's performance measures will be based on the performance goals for that employee's work unit, ~~as specified in the strategic business plan.~~

(3) The Florida Lottery's Performance Management Program serves the following purposes:

(a) through (b) No change.

~~(c) Motivates all employees to improve skills and job knowledge to ensure consistent professional and technical expertise.~~

~~(c)(4)~~ Documents and tracks an employee's performance against the strategic goals of the employee's work unit and ultimately, the strategic goals of the Lottery.

~~(d)(e)~~ Documents an employee's eligibility for salary adjustments or one-time lump sum payments upon the availability of such funding.

~~(e)(f)~~ Provides a basis for monitoring and improving the overall performance and productivity of the Florida Lottery's work force.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History--New 2-25-93, Amended 11-29-04,

53-17.002 Definitions.

(4) For the purpose of administering this chapter, the following definitions shall apply:

~~(a) Designated Evaluation Date -- The date selected by the Lottery which begins the 60 day period during which annual evaluations shall be completed. The Lottery may select up to four (4) designated evaluation dates per calendar year in order to accommodate operational needs.~~

(1)(b) Appraisal Evaluation Period -- The annual period of time covered by the performance plan. The Florida Lottery will select more than one appraisal period per year if necessary to accommodate operational needs.

~~(2)(e)~~ Overall Rating -- The employee's level of performance for the appraisal evaluation period, which is derived as follows:

(a)4. Calculate the average of all of the individually-rated performance expectations. In calculating this average, all digits three or more places to the right of the decimal shall be dropped. No rounding shall be used in this calculation.

~~(b)2-~~ Locate the numeric range in which the calculated average falls on the below chart and assign the corresponding overall rating.

OVERALL RATING SCALE

NUMERIC RANGE	OVERALL RATING
4.50 – 5.00	Outstanding
3.50 – 4.49	Commendable
3.00 – 3.49	Satisfactory
2.50 – 2.99	Needs Improvement
2.49 and below	Unsatisfactory

~~(3)(d)~~ Performance Appraisal Evaluation – A written assessment of an employee’s performance of assigned duties and responsibilities as reflected in the employee’s performance expectations and documented on a performance evaluation form.

~~(4)(e)~~ Performance Expectation – A statement that describes satisfactory performance of an essential duty or responsibility as listed in the position description or satisfactory demonstration of an attribute, ~~or~~ value, or competency that the agency deems necessary for the accomplishment of its core missions. For purposes of this rule, a duty or responsibility is essential if it must be successfully performed in order to fulfill the requirements of the position. The performance expectations listed on the appraisal do not account for all of the employee’s assignments and work expectations, only those identified as critical or of a higher priority.

~~(5)(f)~~ Work Performance Plan – A written notification prepared by the supervisor that identifies the performance expectations by which the employee will be evaluated during the appraisal evaluation period.

~~(6)(g)~~ Performance Improvement Plan (PIP) – The Performance Improvement Plan allows the supervisor to provide the employee with a structured method to correct performance deficiencies, by allowing an employee to improve performance based on a rating of “Below Expectation” or “Unacceptable.”

~~(7)(h)~~ Supervisor – The employee’s current immediate supervisor or a designated managerial employee who has knowledge of the employee’s duties, responsibilities and job performance.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History–New 2-25-93, Amended 11-29-04,
_____.

53-17.003 Procedures.

(1) Supervisor Duties, Work Plan.

(a) For the initial phase of the new Performance Management System, Following consultation with executive management, a work plan shall be developed by the immediate supervisor for the 2013-2014 fiscal year. The work plan shall ~~shall~~ identify the employee’s performance expectations, key work activities and responsibilities, and be prioritized in accordance with the Lottery’s strategic

objectives. The work plan ~~shall~~ ~~should~~ correspond to the employee’s position description in terms of functional accountability, knowledge, experience, ~~and~~ skills and ability. Thereafter, new work plans shall be developed only for new hires or when there is a change in the performance expectations.

(b) Upon development of a new work plan, the ~~The~~ supervisor shall conduct an oral performance planning session with the employee to review the work plan, and discuss the performance expectations and ~~the~~ rating scale. The supervisor shall also provide the employee an opportunity for feedback regarding the expectations. The work plan shall be signed by the supervisor and the employee, indicating that the work plan has been discussed. A copy of the signed work plan shall be made available to the employee.

(c) The supervisor shall provide the employee with coaching and meaningful feedback regarding job performance throughout the appraisal period and timely inform the employee in writing of any performance deficiencies that could result in a “Below Expectation” or “Unacceptable” rating and the necessary corrective action(s) to be taken prior to the end of the appraisal period.

(d) The supervisor shall conduct a meeting with each of his/her employees in which a written and oral performance appraisal is provided. Appraisals must be completed within sixty (60) calendar days following the end of the appraisal period. The supervisor shall provide the employee with a final rating for each performance expectation. Both the supervisor and the employee shall sign and date the performance appraisal and a copy shall be provided to the employee and the original placed in the employee’s personnel file in the Florida Lottery’s Office of Human Resources. The signature of the employee shall indicate only that the employee’s job performance has been discussed with the employee and does not imply that the employee agrees or disagrees with the supervisor’s assessment of his/her performance. The employee may attach written comments to the performance appraisal form in response to the appraisal.

~~(2) Supervisor duties. The supervisor shall:~~

~~(a) Conduct an oral work plan session with each employee at the beginning of every evaluation period and provide a copy of the work plan to the employee.~~

~~(b) Conduct written and oral performance evaluations of his/her employees at least annually. Such evaluations must be completed within sixty (60) calendar days following the Designated Evaluation Date.~~

~~(c) Provide employees with coaching and meaningful feedback regarding job performance throughout the evaluation period.~~

~~(d) Timely inform the employee in writing of any performance deficiencies that could result in a “Below~~

Expectation” or “Unacceptable” rating and the necessary corrective action to be taken prior to the end of the evaluation period.

~~(e) Meet with the employee to review the annual performance evaluation. The supervisor shall provide the employee with a final rating for each work activity and related responsibility. Both the supervisor and the employee shall sign and date the final rating. A copy of the final rating shall be provided to the employee and the original placed within the employee’s personnel file in Human Resource Management.~~

~~(3) New Hire Procedures. For new hires, work plans shall be completed within approximately one month of the employee’s hire date. The annual review shall be conducted provided the employee was hired prior to March 1. The initial work plan shall cover the period from the hire date through June 30. Thereafter, the employee shall be evaluated annually.~~

~~(2)(4) At a minimum, a written performance appraisal evaluation shall include:~~

~~(a) A rating of the employee’s job performance during the appraisal evaluation period for each performance expectation identified in the work performance plan. Each performance expectation shall be rated measured using the following scale:~~

RATING	NUMERIC SCALE	INDIVIDUAL PERFORMANCE EXPECTATIONS RATING SCALE DEFINITION AND EXAMPLES
Exceptional	5	Employee consistently exceeds the performance expectation. This employee requires little or no supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee’s performance shows highly advanced job knowledge and outstanding initiative. The employee is relied upon to solve complex problems and applies creativity and innovative approaches in formulating solutions.
Above Expectation	4	Employee consistently meets and often exceeds the Performance expectation. This employee requires minimal supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses a thorough knowledge of the job, shows a high level of initiative, and often solves or assists in solving complex problems.
Meets Expectation	3	Employee consistently meets and may occasionally exceed the performance expectation. This employee requires moderate supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses sufficient knowledge and/or initiative to execute his/her duties and responsibilities.
Below Expectation	2	Employee exhibits inconsistent job performance, but has the capacity to improve to meet the performance expectation. At times the employee requires close supervision when he/she should be operating on his/her own. The employee is sometimes unproductive,

and sometimes lacks the initiative and/or the necessary job knowledge to execute his/her duties and responsibilities.

Unacceptable 1

Employee consistently fails to meet the designated performance expectation. This employee is often unproductive, requires close supervision and his/her work requires continual correction. The employee’s job knowledge and initiative is lacking and is insufficient to meet daily requirements.

N None given

No longer applicable or unable to determine.

~~(b) Supervisory c~~Comments relating to the employee’s job performance for each performance expectation and any response by the employee.

~~(3)(e) A description of training and educational opportunities for the employee may be included as part of the performance planning/appraisal process. The overall rating of the employee’s job performance during the evaluation period, which shall not be adjusted or affected by the ratings of any other employees being rated.~~

~~(4)(4) At the Lottery’s discretion, work performance plans and appraisals evaluations may be reviewed by a higher level authority and comments may be provided. However, completed work performance plans and appraisals evaluations shall not be changed by a higher level authority.~~

(5) Employees with an overall rating of either “Needs Improvement” or “Unsatisfactory” shall be considered not to have met their performance expectations for the position during that appraisal evaluation period. In some cases, a supervisor might find it necessary to develop and implement a Performance Improvement Plan (PIP) for an employee. A PIP is created at the discretion of the supervisor following consultation with executive management. A PIP may be up to 90 days in duration; however, at any time that a PIP is in effect an employee may be separated or demoted at the discretion of the Lottery Secretary.

(6) Employees ~~for whom do not receive~~ a performance appraisal ~~has not been completed evaluation~~ within sixty (60) calendar days following the ~~Lottery-end of the~~ designated appraisal period ~~evaluation date~~ shall be considered to have met their performance expectations as documented on their work performance plan, and will receive a rating of “Meets Expectation” for each performance expectation and an overall rating of “Satisfactory.”

(7) New Hire Procedures. For new hires, work plans shall be completed within approximately one month of the employee’s hire date. If the employee’s hire date is at least four (4) months prior to the end of the appraisal period, the appraisal shall be conducted for that appraisal period. If there are less than four (4) months remaining in the appraisal period, the appraisal shall not be conducted for the current appraisal period, and will begin with the next appraisal period. A

~~description of training and educational opportunities for the employee may be included as part of the performance planning/evaluation process.~~

~~(8) The performance evaluation shall be signed by the supervisor and the employee. The signature of the employee shall indicate only that the employee's job performance has been discussed with the employee and does not imply that the employee agrees or disagrees with the supervisor's assessment of his/her performance. The employee may attach written comments to the performance evaluation form in response to the evaluation.~~

~~(9) A performance appraisal evaluation is considered to be complete when it has been reviewed discussed with the employee and the employee has signed or refused to sign the appraisal evaluation. In the event an employee refuses to sign the performance appraisal, the supervisor shall make a notation on the appraisal that the employee refused to sign. The appraisal and any employee response evaluation shall be included in the employee's personnel file, and a copy shall be made available to the employee.~~

~~Rulemaking Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History--New _____.~~

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-5.203
 RULE TITLES: Radioactive Material Other Than Source Material – Exemptions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 77, April 19, 2013 issue of the Florida Administrative Register.

Subparagraph (2)(e)2. should have read:

(2) Exempt Quantities.

(e)1. Any person, who possesses radioactive material received or acquired before September 25, 1971, under the then existing general license issued to transfer, receive, acquire, own, possess, use and import quantities of radioactive materials listed in subparagraph 64E-5.203(2)(e)2., F.A.C., Table of General Licensed Quantities prior to September 25, 1971 below, or similar general license of a State, or provided that no person shall at any one time possess or use, pursuant to the general license provisions of this section, more than a total of ten such quantities.

2. Below is the Table of General Licensed Quantities prior to September 25, 1971:

	<u>Radioactive material</u>	<u>Column No. I</u> <u>Not as a sealed</u> <u>source</u> <u>(microcuries)</u>	<u>Column No. III</u> <u>As a sealed</u> <u>source</u> <u>(microcuries)</u>
a	<u>Antimony (Sb 124)</u>	<u>1</u>	<u>10</u>
b	<u>Arsenic 76 (As 76)</u>	<u>10</u>	<u>10</u>
c	<u>Arsenic 77 (As 77)</u>	<u>10</u>	<u>10</u>
d	<u>Barium 140 –</u> <u>Lanthanum 140 (Ba</u> <u>La 140)</u>	<u>1</u>	<u>10</u>
e	<u>Beryllium 7 (Be 7)</u>	<u>50</u>	<u>50</u>
f	<u>Cadmium 109 – Silver</u> <u>109 (Cd Ag 109)</u>	<u>10</u>	<u>10</u>
g	<u>Calcium 45 (Ca 45)</u>	<u>10</u>	<u>10</u>
h	<u>Carbon 14 (C 14)</u>	<u>50</u>	<u>50</u>
i	<u>Cerium 144 –</u> <u>Praseodymium (Ce Pr</u> <u>144)</u>	<u>1</u>	<u>10</u>
j	<u>Cesium – Barium 137</u> <u>(Cs Ba 137)</u>	<u>1</u>	<u>10</u>
k	<u>Chlorine 36 (Cl 36)</u>	<u>1</u>	<u>10</u>
l	<u>Chromium 51 (Cr 51)</u>	<u>50</u>	<u>50</u>
m	<u>Cobalt 60 (Co 60)</u>	<u>1</u>	<u>10</u>
n	<u>Copper 64 (Cu 64)</u>	<u>50</u>	<u>50</u>
o	<u>Europium 154 (Eu</u> <u>154)</u>	<u>1</u>	<u>10</u>
p	<u>Fluorine 18 (F 18)</u>	<u>50</u>	<u>50</u>
q	<u>Gallium 72 (Ga 72)</u>	<u>10</u>	<u>10</u>
r	<u>Germanium 71 (Ge</u> <u>71)</u>	<u>50</u>	<u>50</u>
s	<u>Gold 198 (Au 198)</u>	<u>10</u>	<u>10</u>
t	<u>Gold 199 (Au 199)</u>	<u>10</u>	<u>10</u>
u	<u>Hydrogen 3 (Tritium)</u> <u>(H 3)</u>	<u>250</u>	<u>250</u>
v	<u>Indium 114 (In 114)</u>	<u>1</u>	<u>10</u>
w	<u>Iodine 131 (I-131)</u>	<u>10</u>	<u>10</u>
x	<u>Iridium 192 (Ir 192)</u>	<u>10</u>	<u>10</u>
y	<u>Iron 55 (Fe 55)</u>	<u>50</u>	<u>50</u>
z	<u>Iron 59 (Fe 59)</u>	<u>1</u>	<u>10</u>
aa	<u>Lanthanum 140 (La</u> <u>140)</u>	<u>10</u>	<u>10</u>
bb	<u>Manganese 52 (Mn</u> <u>52)</u>	<u>1</u>	<u>10</u>
cc	<u>Manganese 56 (Mn</u> <u>56)</u>	<u>50</u>	<u>50</u>
dd	<u>Molybdenum 99 (Mo</u> <u>99)</u>	<u>10</u>	<u>10</u>

ee	<u>Nickel 59 (Ni 59)</u>	<u>1</u>	<u>10</u>
ff	<u>Nickel 63 (Ni 63)</u>	<u>1</u>	<u>10</u>
gg	<u>Niobium 95 (Nb 95)</u>	<u>10</u>	<u>10</u>
hh	<u>Palladium 109 (Pd 109)</u>	<u>10</u>	<u>10</u>
ii	<u>Palladium 103 – Rhodium 103 (Pd-Rh 103)</u>	<u>50</u>	<u>50</u>
jj	<u>Phosphorus 32 (P 32)</u>	<u>10</u>	<u>10</u>
kk	<u>Polonium 210 (Po 210)</u>	<u>0.1</u>	<u>1</u>
ll	<u>Potassium 42 (K 42)</u>	<u>10</u>	<u>10</u>
mm	<u>Praseodymium 143 (Pr 143)</u>	<u>10</u>	<u>10</u>
nn	<u>Promethium 147 (Pm 147)</u>	<u>10</u>	<u>10</u>
oo	<u>Rhenium 186 (Re 186)</u>	<u>10</u>	<u>10</u>
pp	<u>Rhodium 105 (Rh 105)</u>	<u>10</u>	<u>10</u>
qq	<u>Rubidium 86 (Rb 86)</u>	<u>10</u>	<u>10</u>
rr	<u>Ruthenium 106 – Rhodium 106 (Ru Rh 106)</u>	<u>1</u>	<u>10</u>
ss	<u>Samarium 153 (Sm 153)</u>	<u>10</u>	<u>10</u>
tt	<u>Scandium 46 (Sc 46)</u>	<u>1</u>	<u>10</u>
uu	<u>Silver 105 (Ag 105)</u>	<u>1</u>	<u>10</u>
vv	<u>Silver 111 (Ag 111)</u>	<u>10</u>	<u>10</u>
ww	<u>Sodium 22 (Na 22)</u>	<u>10</u>	<u>10</u>
xx	<u>Sodium 24 (Na 24)</u>	<u>10</u>	<u>10</u>
yy	<u>Strontium 89 (Sr 89)</u>	<u>1</u>	<u>10</u>
zz	<u>Strontium 89 – Yttrium 90 (Sr Y 90)</u>	<u>0.1</u>	<u>1</u>
aaa	<u>Sulfur 35 (S 35)</u>	<u>50</u>	<u>50</u>
bbb	<u>Tantalum 182 (Ta 182)</u>	<u>10</u>	<u>10</u>
ccc	<u>Technetium 96 (Tc 96)</u>	<u>1</u>	<u>10</u>
ddd	<u>Technetium 99 (Tc 99)</u>	<u>1</u>	<u>10</u>
eee	<u>Tellurium 127 (Te 127)</u>	<u>10</u>	<u>10</u>
fff	<u>Tellurium 129 (Te 129)</u>	<u>1</u>	<u>10</u>
ggg	<u>Thallium 204 (Tl 204)</u>	<u>50</u>	<u>50</u>
hhh	<u>Tin 112 (Sn 113)</u>	<u>10</u>	<u>10</u>
iii	<u>Tungsten 185 (W 185)</u>	<u>10</u>	<u>10</u>

iii	<u>Vanadium 48 (V 48)</u>	<u>1</u>	<u>10</u>
kkk	<u>Yttrium 90 (Y 90)</u>	<u>1</u>	<u>10</u>
lll	<u>Yttrium 91 (Y 91)</u>	<u>1</u>	<u>10</u>
mmm	<u>Zinc 65 (Zn 65)</u>	<u>10</u>	<u>10</u>
nnn	<u>Beta or Gamma emitting radioactive material not listed above</u>	<u>1</u>	<u>10</u>

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-39.001
 RULE TITLE: Summer Camp Background Screening Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 174, September 6, 2013 issue of the Florida Administrative Register has been withdrawn. The two public hearings for proposed rule chapter 65C-39 previously scheduled for September 26 (Tampa) and October 2 (Tallahassee) have been cancelled. The original notice was published on September 6, 2013, Vol.39, No. 174, Florida Administrative Register.

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER13-65
 RULE TITLE: Performance Management Program
 SUMMARY: This emergency rule set forth the provisions for the Florida Lottery’s Performance Management Program. The emergency rule replaces Emergency Rule 53ER13-45.
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER13-65 Performance Management Program.
(1) Purpose. This rule sets forth the provisions governing the Florida Lottery’s Performance Management Program (“Program”). The Program provides for the review and appraisal of the work performance of all Florida Lottery Exempt Service and Executive Management employees at least once per year.
(a) An employee’s performance measures will be based on the performance goals for that employee’s work unit.

(b) The Florida Lottery’s Performance Management Program serves the following purposes:

1. Provides all employees with the opportunity to clearly understand and focus upon annual performance expectations.
2. Identifies improvement needs to enhance future individual, and ultimately organizational, performance.
3. Documents and tracks an employee’s performance against the strategic goals of the employee’s work unit and ultimately the strategic goals of the Lottery.
4. Documents an employee’s eligibility for salary adjustments or one-time lump sum payments upon the availability of such funding.
5. Provides a basis for monitoring and improving the overall performance and productivity of the Florida Lottery’s work force.

(2) Definitions. For the purpose of administering this rule, the following definitions shall apply:

(a) Appraisal Period – The period of time covered by the performance plan. The Florida Lottery will select more than one appraisal period per year if necessary to accommodate operational needs.

(b) Overall Rating – The employee’s level of performance for the appraisal period, which is derived as follows:

1. Calculate the average of all of the individually-rated performance expectations. In calculating this average, all digits three or more places to the right of the decimal shall be dropped. No rounding shall be used in this calculation.
2. Locate the numeric range in which the calculated average falls on the below chart and assign the corresponding overall rating.

OVERALL RATING SCALE	
NUMERIC RANGE	OVERALL RATING
4.50 – 5.00	Outstanding
3.50 – 4.49	Commendable
3.00 – 3.49	Satisfactory
2.50 – 2.99	Needs Improvement
2.49 and below	Unsatisfactory

(c) Performance Appraisal – A written assessment of an employee’s performance of assigned duties and responsibilities as reflected in the employee’s performance expectations and documented on a performance appraisal form.

(d) Performance Expectation – A statement that describes satisfactory performance of an essential duty or responsibility as listed in the position description or satisfactory demonstration of an attribute, value, or competency that the agency deems necessary for the accomplishment of its core missions. For purposes of this rule, a duty or responsibility is

essential if it must be successfully performed in order to fulfill the requirements of the position. The performance expectations listed on the appraisal do not account for all of the employee’s assignments and work expectations, only those identified as critical or of a higher priority.

(e) Work Plan – A written notification prepared by the supervisor that identifies the performance expectations by which the employee will be evaluated during the appraisal period.

(f) Performance Improvement Plan (PIP) - The Performance Improvement Plan allows the supervisor to provide the employee with a structured method to correct performance deficiencies, by allowing an employee to improve performance based on a rating of “Below Expectation” or “Unacceptable.”

(g) Supervisor – The employee’s current immediate supervisor or a designated managerial employee who has knowledge of the employee’s duties, responsibilities and job performance.

(3) Procedures.

(a) Supervisor Duties.

1. For the initial phase of the new Performance Management System, a work plan shall be developed by the immediate supervisor for the 2013-2014 fiscal year. The work plan shall identify the employee’s performance expectations, key work activities and responsibilities, and be prioritized in accordance with the Lottery’s strategic objectives. The work plan shall correspond to the employee’s position description in terms of functional accountability, knowledge, experience, skills and ability. Thereafter, new work plans shall be developed only for new hires, or when there is a change in the performance expectations.

2. Upon development of a new work plan, the supervisor shall conduct an oral performance planning session with the employee to review the work plan and discuss the performance expectations and rating scale. The supervisor shall also provide the employee an opportunity for feedback regarding the expectations. The work plan shall be signed by the supervisor and the employee, indicating that the work plan has been discussed. A copy of the signed work plan shall be made available to the employee.

3. The supervisor shall provide employees with coaching and meaningful feedback regarding job performance throughout the appraisal period and timely inform the employee in writing of any performance deficiencies that could result in a “Below Expectation” or “Unacceptable” rating and the necessary corrective action(s) to be taken prior to the end of the appraisal period.

4. The supervisor shall conduct a meeting with each of his/her employees in which a written and oral performance appraisal is provided. Performance appraisals must be

completed within sixty (60) calendar days following the end of the appraisal period. The supervisor shall provide the employee with a final rating for each performance expectation. Both the supervisor and the employee shall sign and date the performance appraisal and a copy shall be provided to the employee and the original placed in the employee's personnel file in the Florida Lottery's Office of Human Resources. The signature of the employee shall indicate only that the employee's job performance has been discussed with the employee and does not imply that the employee agrees or disagrees with the supervisor's assessment of his/her performance. The employee may attach written comments to the performance appraisal form in response to the appraisal.

(b) At a minimum, a written performance appraisal shall include:

1. A rating of the employee's job performance during the appraisal period for each performance expectation identified in the work plan. Each performance expectation shall be rated using the following scale.

<u>RATING</u>	<u>NUMERIC SCALE</u>	<u>INDIVIDUAL PERFORMANCE EXPECTATIONS RATING SCALE DEFINITION AND EXAMPLES</u>
<u>Exceptional</u>	<u>5</u>	<u>Employee consistently exceeds the performance expectation. This employee requires little or no supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee's performance shows highly advanced job knowledge and outstanding initiative. The employee is relied upon to solve complex problems and applies creativity and innovative approaches in formulating solutions.</u>
<u>Above Expectation</u>	<u>4</u>	<u>Employee consistently meets and often exceeds the Performance expectation. This employee requires minimal supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses a thorough knowledge of the job, shows a high level of initiative, and often solves or assists in solving complex problems.</u>
<u>Meets Expectation</u>	<u>3</u>	<u>Employee consistently meets and may occasionally exceed the performance expectation. This employee requires moderate supervision from management regarding productivity and accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses sufficient knowledge and/or initiative to execute his/her duties and responsibilities.</u>
<u>Below Expectation</u>	<u>2</u>	<u>Employee exhibits inconsistent job performance, but has the capacity to improve to meet the performance expectation. At times the employee requires close supervision when he/she should be operating on his/her own. The employee is sometimes unproductive, and sometimes lacks the initiative and/or the necessary job knowledge to execute his/her duties and responsibilities.</u>

Unacceptable 1 Employee consistently fails to meet the designated performance expectation. This employee is often unproductive, requires close supervision and his/her work requires continual correction. The employee's job knowledge and initiative is lacking and is insufficient to meet daily requirements.

N None given No longer applicable or unable to determine.

2. Supervisory comments relating to the employee's job performance for each performance expectation and any response by the employee.

(c) A description of training and educational opportunities for the employee may be included as part of the performance planning/appraisal process.

(d) The overall rating of the employee's job performance during the appraisal period shall not be adjusted or affected by the ratings of any other employees being rated.

(e) At the Lottery's discretion, work plans and appraisals may be reviewed by a higher level authority and comments may be provided. However, completed work plans and appraisals shall not be changed by a higher level authority.

(f) Employees with an overall rating of either "Needs Improvement" or "Unsatisfactory" shall be considered not to have met their performance expectations for the position during that appraisal period. In some cases, a supervisor might find it necessary to develop and implement a Performance Improvement Plan (PIP) for an employee. A PIP is created at the discretion of the supervisor following consultation with executive management. A PIP may be up to 90 days in duration; however, at any time that a PIP is in effect an employee may be separated or demoted at the discretion of the Lottery Secretary.

(g) Employees for whom an performance appraisal has not been completed within sixty (60) calendar days following the end of the designated appraisal period shall be considered to have met their performance expectations as documented on their work plan, and will receive a rating of "Meets Expectation" for each performance expectation and an overall rating of "Satisfactory."

(h) New Hire Procedures. For new hires, work plans shall be completed within approximately one month of the employee's hire date. If the employee's hire date is at least four (4) months prior to the end of the appraisal period, the appraisal shall be conducted for that appraisal period. If there are less than four (4) months remaining in the appraisal period, the appraisal shall not be conducted for the current appraisal period, and will begin with the next appraisal period.

(i) A performance appraisal is considered to be complete when it has been reviewed with the employee and the

employee has signed or refused to sign the appraisal. In the event an employee refuses to sign the performance appraisal, the supervisor shall make a notation on the appraisal that the employee refused to sign. The appraisal, and any employee response, shall be included in the employee's personnel file, and a copy shall be made available to the employee.

Rulemaking Authority 24.105(9)(j), 24.109(1) FS. Law Implemented 24.105(19)(d) FS. History—New 9-18-13, Replaces 53ER13-45.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 18, 2013

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice that on September 18, 2013, it has issued an order granting a variance.

Petitioner's Name: Meadowview Homeowners Association of Citrus County, Inc. – File Tracking No. 13-4176

Date Petition Filed: August 19, 2013

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: August 22, 2013

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: on September 17, 2013, the Division issued an order. The Final Order was in response to a Petition

for an emergency Variance from The Forum of Tallahassee, filed September 5, 2013, and advertised on September 9, 2013 in Vol. 39, No. 175, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1)&(3) ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-297).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: on September 17, 2013, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Silver Beach Club, filed September 5, 2013, and advertised on September 9, 2013 in Vol. 39, No. 175, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 3.3.2, 3.9.1, and 4.7.3, ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators platform guards, fire fighter service operations, anti-creep leveling devices and normal terminal stopping devices because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-296).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: on September 17, 2013, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Valencia Osceola Campus, Bldg. 5, Elevator #2, filed September 5, 2013, and advertised on September 9, 2013 in Vol. 39, No. 175, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.14.7.1.4, 2.26.2.10, 2.26.2.29, 2.26.2.30, 2.26.2.31, 2.26.2.32, 2.26.2.34, 2.26.2.35, 2.26.2.37, 2.27.1.1.6, 2.27.3.3.7, 2.27.3.4, and 2.27.8 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators Illumination of Cars and Lighting Fixtures, Speed-Governor Overspeed Switch, Ascending Car Overspeed Protection Device, Unintended Car Movement Device, Car Access Panel Locking Device, Hoistway Access Opening Locking Device, Unexpected Car Movement Device, Equipment Access Panel Electrical Device, Retractable Stop Electrical Device, Emergency Communications, Phase II Emergency in-Car Operation, Interruption of Power and Switch Keys because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-298). A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida State Fair Foundation Board announces a public meeting to which all persons are invited.

DATE AND TIME: September 26, 2013, 9:30 a.m.

PLACE: Florida State Fairgrounds in Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting Sonia Velez at (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Sonia Velez at (813)627-4221. 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 Sonia Velez at (813)627-4221.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

The Florida Consumers' Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 3, 2013, 10:00 a.m. – 12:00 Noon

PLACE: Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the council.

A copy of the agenda may be obtained by contacting: Tom Steckler, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3800.

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: Tom Steckler at (850)410-3800. 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).

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-8.010: Reimbursement Contract

The Florida Hurricane Catastrophe Fund Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 26, 2013, 1:00 p.m. (ET) until conclusion of meeting

PLACE: Persons wishing to participate may dial 1(888)670-3525 and enter conference code 7135858151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain approval for the filing of a Notice of Proposed Rule for Rule 19-8.010, F.A.C., Reimbursement Contract, and for the filing of this rule for adoption if no member of the public timely requests a rule hearing or if a rule hearing is requested but no Notice of Change is needed. In addition, other general business of the Council may be addressed.

A copy of the agenda may be obtained by contacting Leonard E. Schulte, Director of Legal Analysis & Risk Evaluation, Florida Hurricane Catastrophe Fund, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1335, leonard.schulte@sbafla.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 Leonard Schulte at the number or email listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA PAROLE COMMISSION

The Florida Parole Commission announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, October 16, 2013, 8:30 a.m.; Thursday, October 17, 2013, 8:30 a.m.; Wednesday, October 30, 2013, 8:30 a.m.; and Thursday, October 31, 2013, 8:30 a.m.

PLACE: Florida Parole Commission, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, (850)488-1293.

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: Florida Parole Commission, (850)488-1293. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FLORIDA PAROLE COMMISSION

The Florida Parole Commission announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, October 9, 2013, 8:30 a.m.; Thursday, October 10, 2013, 8:30 a.m.

PLACE: Okaloosa County Sheriff's Office, 50 Second Street, Shalimar, Florida 32579-1748

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, (850)488-1293.

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: Florida Parole Commission at ada@fpc.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).

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

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: Thursday, October 17, 2013, 9:00 a.m.

PLACE: Reception and Medical Center, 7765 South County Road 231, Lake Butler, Florida 32054

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of the Reception and Medical Center.

Any person planning to attend this meeting must notify the agency by October 10, 2013 at (850)922-6137.

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: Florida Parole Commission at ada@fpc.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).

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: September 26, 2013, 10:30 a.m.

PLACE: 4070 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Objective Parole Guidelines.

A copy of the agenda may be obtained by contacting Sarah J. Rumph, (850)488-4460.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Sarah J. Rumph, (850)488-4460. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission
The Florida Building Commission, "THE COMMISSION", Energy Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2013, 10:00 a.m.
PLACE: Meeting to be conducted using communications media technology, specifically teleconference and webinar. You must access both the teleconference number for audio only and the webinar for visual only.
To join the online meeting (now from mobile devices!)

- 1. Go to <https://suncom.webex.com/suncom/j.php?ED=238411797&UID=1643773957&RT=MmMxMQ%3D%3D>
- 2. If requested, enter your name and email address.
- 3. If a password is required, enter the meeting password: (This meeting does not require a password.)
- 4. Click "Join".

To join the teleconference only

Provide your phone number when you join the meeting to receive a call back. Alternatively, you can call:
Call-in toll-free number: 1(888)670-3525 (US)
Call-in number: (720)389-1212 (US)
Attendee access code: 606 232 6940

PUBLIC POINT OF ACCESS: Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and discuss comments received on the subject of updating the "Energy Simulation Tool Approval Technical Assistance Manual" for compliance with the 2014 update to the Florida Building Code and other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Ann Stanton, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824, fax (850)414-8436, website www.floridabuilding.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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824, fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Ann Stanton, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824, fax (850)414-8436, website www.floridabuilding.org.

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NO.: RULE TITLE:

- 63G-2.013: Purpose and Scope
- 63G-2.014: Definitions
- 63G-2.015: Facility Management
- 63G-2.016: Maintenance
- 63G-2.017: Staffing
- 63G-2.018: Documentation/Management Systems
- 63G-2.019: Security
- 63G-2.020: Admission, Orientation and Release
- 63G-2.021: Officer Conduct and Professionalism
- 63G-2.022: Behavior Management and Disciplinary Treatment
- 63G-2.023: Youth Activities
- 63G-2.024: Sanitation and Safety
- 63G-2.025: Hygiene
- 63G-2.026: Nutrition
- 63G-2.027: Medical Treatment
- 63G-2.028: Mental Health and Substance Abuse

The Florida Department of Juvenile Justice announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 22, 2013, 10:00 a.m.
PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, please contact John Milla at (850)717-2457.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of new rule sections, which will replace existing rules, governing the administration, maintenance, security and programming in secure detention facilities.

A copy of the agenda may be obtained by contacting: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, email:john.milla@djj.state.fl.us.

DEPARTMENT OF HEALTH

Board of Medicine

The Electrolysis Council, under the Board of Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: NOTICE OF CHANGE – Please note the October 21, 2013 General Business Meeting has been rescheduled to take place on October 31, 2013, 2:00 p.m. E.S.T. or soon thereafter

PLACE: Conference Call: 1(888)670-3525. After dialing the meet me number, when prompted, insert the 4389078941 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: the Electrolysis Council, 4052 Bald Cypress Way, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399-3255 or by visiting our website at: <http://www.doh.state.fl.us/mqa/electrolysis/index.html> or by calling the board office at (850)245-4373, ext. 3468.

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/council office at (850)488-0595. 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 CHILDREN AND FAMILY SERVICES

Refugee Services

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

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

PLACE: Florida Department of Children and Families, 1317 Winewood Blvd., Bldg. 1, Room 132, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Title: Debriefing Meeting of the Evaluators and Ranking of the Replies for the Citizenship and Immigration Related Employability Services for Broward, Miami-Dade and Palm Beach Counties (ITN# SNR14K01).

Description: As provided for in Sections 2.5 and 5.2 of this ITN which was published to the Vendor Bid System (VBS) on April 18, 2013. The VBS can be accessed at: <http://vbs.dms.state.fl.us/>. The purpose of the Debriefing Meeting of the Evaluators and Ranking of the Replies is to receive and record all evaluation scores for the ITN and calculate the final scores according to the evaluation methodology outlined in Section 5.2.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Pamela Thornton, email: Pamela_Thornton@dcf.state.fl.us or (850)717-4567. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Holly_Merrick@dcf.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

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

DATES AND TIMES: November 5, 2013, 1:00 p.m. (Eastern); November 21, 2013, 1:00 p.m. (Eastern)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The first Review Committee Meeting will be to discuss the Application and answer any questions the Review Committee may have regarding the Applications submitted in response to Florida Housing Finance Corporation's Request for Applications No. 2013-001 for Affordable Housing Developments Located in Medium and Small Counties. The second Review Committee Meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors.

A copy of the agenda may be obtained by contacting: Ken Reecy, Director of Multifamily Programs at Ken.Reecy@floridahousing.org or (850)488-4197.

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: Jean Salmonsens, (850)488-4197 or Jean.Salmonsens@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

CITY OF PEMBROKE PINES

The City of Pembroke Pines, FL announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 2, 2013, 6:30 p.m.

PLACE: City of Pembroke Pines Commission Chambers, 10100 Pines Boulevard, Pembroke Pines, FL 33026

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The City of Pembroke Pines, Florida, gives notice of second reading of a proposed ordinance governing a telecommunications company placing or maintaining telecommunications facilities in its roads or rights-of-way. The proposed ordinance amends the City of Pembroke Pines Code of Ordinances provisions regulating telecommunications towers and antennas to expressly address current industry practices with respect to installation of personal wireless service facilities in the public rights-of-way. A copy of the proposed ordinance can be obtained by calling the City Clerk's Office at (954)435-6501 or by visiting City Hall during regular business hours.

A copy of the agenda may be obtained by contacting the City Clerk's Office at (954)435-6501 or by visiting City Hall during regular business hours.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting the City Clerk's Office at (954)435-6501 or by visiting City Hall during regular business hours. 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.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from James M. Kosmas, Esq., In Re: Sea Coast Management, Inc., Docket No. 2013038413, filed on September 13, 2013. The petition seeks the agency's opinion as to the applicability of Section 718.111(12)(a), Florida Statutes, as it applies to the petitioner.

Whether the records of Sea Coast Rentals, Inc., a rental company owned by Sea Coast Management, Inc. are association records under Section 718.111(12)(a), Florida Statutes, and are open to inspection by unit owners in Sea Coast Gardens Condominium.

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

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

**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 Applications 2013-001 for Affordable Housing Developments Located in Medium and Small Counties

This Request for Applications (RFA) is open to Applicants proposing the development of affordable, multifamily housing located in medium and small counties. Under this RFA, the Corporation expects to have up to an estimated \$11,166,425 of Housing Credits available for award to proposed Developments located in medium counties and up to an estimated \$1,308,328 of Housing Credits available for award to proposed Developments located in small counties.

Applications shall be accepted until 2:00 p.m., Eastern Time, on Thursday, October 17, 2013, to the attention of Ken Reecy,

Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Ken Reecy at Ken.Reecy@floridahousing.org. The Request for Applications, which outlines selection criteria and Applicant's responsibilities, can be downloaded from the Florida Housing Finance Corporation website at:

http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0394.

Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

FLORIDA HOUSING FINANCE CORPORATION

Request for Applications 2013-002 for Affordable Housing Developments Located in Duval County, Hillsborough County, Orange County, and Pinellas County

This Request for Applications (RFA) is open to Applicants proposing the development of affordable, multifamily housing located in Duval County, Hillsborough County, Orange County and Pinellas County. Under this RFA, the Corporation expects to have up to an estimated \$7,898,649 of Housing Credits available for award to proposed Developments located in Duval County, Hillsborough County, Orange County and Pinellas County.

Applications shall be accepted until 2:00 p.m., Eastern Time, on Wednesday, October 30, 2013, to the attention of Ken Reecy, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Ken Reecy at Ken.Reecy@floridahousing.org. The Request for Applications, which outlines selection criteria and Applicant's responsibilities, can be downloaded from the Florida Housing Finance Corporation website at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0394.

Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

FLORIDA HOUSING FINANCE CORPORATION

Request for Applications 2013-003 for Affordable Housing Developments Located in Broward County, Miami-Dade County, and Palm Beach County

This Request for Applications (RFA) is open to Applicants proposing the development of affordable, multifamily housing located in Broward County, Miami-Dade County, and Palm

Beach County. Under this RFA, the Corporation expects to have up to an estimated \$10,052,825 of Housing Credits available for award to proposed Developments located in Broward County, Miami-Dade County and Palm Beach County.

Applications shall be accepted until 2:00 p.m., Eastern Time, on Tuesday, November 12, 2013, to the attention of Ken Reecy, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Ken Reecy at Ken.Reecy@floridahousing.org. The Request for Applications, which outlines selection criteria and Applicant’s responsibilities, can be downloaded from the Florida Housing Finance Corporation website at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0394.

Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

**Section XII
Miscellaneous**

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
DEO Corrected Final Order, NO.: DEO-13-089
In re: POLK COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY POLK COUNTY
ORDINANCE NO.13-023

CORRECTED FINAL ORDER

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

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern. § 380.0551, Fla. Stat. Polk County is a local government within the Green Swamp Area.
2. On June 8, 2013, the Polk County Board of County Commissioners adopted Ordinance No. 13-023 (the “Ordinance”), which was rendered to the Department on July 15, 2013.
3. The Ordinance, identified by the County as Land Development Code Amendment LDC 13T-05, amends Ordinance No. 00-09, as amended, the Polk County Land

Development Code, by amending Table 4.16 to allow car washes (incidental), convenience stores, gas stations, vehicle sales and leasing, and vehicle service (mechanical) in the Employment Center-X (ECX) land use district of the North Ridge Selected Area Plan. The Ordinance also amends Section 401.06.E.3 to provide conditional use criteria for those uses.

4. The land development regulations in the Ordinance are consistent with Policies 2.109-A9 and 2.131-Q4 of the Polk County Comprehensive Plan.

5. The Ordinance is consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern in Rule 28-26.003, Fla. Admin. Code, as a whole and is not inconsistent with any Principle.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code.

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

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida, this 11th day of September, 2013.

_____/s/_____
Chad Poppell
Chief of Staff
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE

PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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

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

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

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

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Corrected Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 18th day of September, 2013.

James W. Bellflower, Agency Clerk

By U.S. Mail:

Melony M. Bell, Chairman
Polk County Board of County Commissioners
P.O. Box 9005, Drawer BC01
Bartow, FL 33831-9005

Stacy M. Butterfield, Clerk
Polk County Board of County Commissioners
P.O. Box 9005, Drawer BC01
Bartow, FL 33831-9005

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

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

By Hand Delivery or Interagency Mail:

Rebecca Jetton, Community Planning Administrator, DEO
Tallahassee

Section XIII
Index to Rules Filed During 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.
