

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.008 License Fees

PURPOSE AND EFFECT: Reduce the cost to obtain an annual temporary public food service vendor license.

SUBJECT AREA TO BE ADDRESSED: Fee schedule for temporary public food service establishment and vendor licenses.

RULEMAKING AUTHORITY: 509.032, 509.251 FS.

LAW IMPLEMENTED: 509.013, 509.032, 509.251, 509.302 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Comingore, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32399, DHR.Rules@myfloridalicense.com, (850)488-1133 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II

Proposed Rules

COMMISSION ON ETHICS

RULE NOS. : RULE TITLES:

34-17.001 Scope and Applicability of Chapter

34-17.002 Time Periods

34-17.003 Filing and Serving Documents; Facsimile Transmissions

34-17.004 Staff Procedures upon Receipt of a Referral

34-17.005 Review for Sufficiency of Allegations of Breach of Public Trust and Ordering Preliminary Investigation

34-17.006 Delegation of Authority

34-17.007 Subpoenas During Preliminary Investigation

34-17.008 Investigations

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Probable Cause Determination

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Confidentiality

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Public Hearings

34-17.014

Parties to Public Hearings

34-17.015

Disqualification of Commission Members

34-17.016

Ex Parte Communications

34-17.017

Stipulations, Settlements and Consent Orders

34-17.018

Action on Recommended Public Report or Recommended Order by the Full Commission

34-17.019

Transmittal of Public Report

PURPOSE AND EFFECT: Section 113.324(1)(b), F.S., authorizes the Commission on Ethics to accept written referrals of possible violations of Article II, Section 8, Florida Constitution, or the Code of Ethics for Public Officers and Employees from the Governor, the Florida Department of Law Enforcement, a state attorney, or a United States attorney. This rule chapter contains the procedures for the receipt, consideration and disposition of such referrals.

SUMMARY: The procedures for receipt, consideration and disposition of referrals.

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 past experiences with complaint procedures and rules of this nature, the adverse impact of regulatory costs, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 112.322(9) FS.

LAW IMPLEMENTED: Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, Chapter 2013-38, LOF, 112.322, 112.324 FS.

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

DATE AND TIME: October 25, 2013, 8:30 a.m.

PLACE: Senate Office Building, Room 37S, 404 S. Monroe, Tallahassee, FL

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: Millie Fulford, Executive Secretary, Commission on Ethics, (850)488-7864. 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: Betsy Daley, Senior Attorney, Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-17.001 Scope and Applicability of Chapter.

Section 112.324(1)(b), Florida Statutes, authorizes the Commission to accept written referrals of possible violations of Article II, Section 8, Florida Constitution, or Chapter 112, Part III, Florida Statutes, from the Governor, the Florida Department of Law Enforcement, a state attorney, or a United States Attorney. The rules in this Chapter 34-17, F.A.C., shall govern the receipt and disposition of all referrals reported to the Commission under this statute.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8(f), Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History—New _____.

34-17.002 Time Periods.

In computing any period of time prescribed or allowed by these rules, by order of the Commission, the Chair, or another presiding officer, or by any applicable statute, the time period shall be calculated in accordance with Rule 28-106.103, F.A.C.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History—New _____.

34-17.003 Filing and Serving Documents; Facsimile Transmissions.

Pleadings and other documents under the rules of this Chapter shall be filed and served in accordance with Rule 28-106.104, F.A.C., whether in paper or electronic form, and shall contain the information required by that Rule.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History—New _____.

34-17.004 Staff Procedures upon Receipt of a Referral.

(1) Upon receipt of a referral pursuant to Section 112.324(1)(b), Florida Statutes, staff shall assign a control number which shall be entered on the referral itself and on a colored folder in which the referral shall be filed so long as it remains confidential. Any documents related to the referral shall be entered in the referral file.

(2) Unless the referral is based upon personal information or information other than hearsay, any referral against a candidate in a general, special, or primary election that is received within the thirty (30) calendar days immediately preceding the date of that election, including Saturdays, Sundays, and holidays, will be returned by the Executive Director to the person submitting the referral, with an explanation of why the referral is being returned.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, Chapter 2013-38, LOF, 112.322, 112.324 FS. History—New _____.

34-17.005 Review for Sufficiency of Allegations of Breach of Public Trust and Order of Preliminary Investigation.

(1) The referral shall be reviewed by the Executive Director in order to make a recommendation of whether or not it is sufficient to allege a breach of public trust or a violation of Chapter 112, Part III, Florida Statutes. A referral shall not be insufficient because it is based upon evidence which would be hearsay evidence in a court of law. In order to make this determination, the Executive Director may request additional information from the referring agency and may obtain information from public records.

(2) If the Executive Director believes that the referral is sufficient to invoke the jurisdiction of the Commission, a written recommendation will be considered by the Commission in executive session. If at least six members of the Commission find that the referral is legally sufficient, an order to investigate the referral shall be entered and transmitted to the Respondent within five (5) days of the Commission's determination.

(3) If the Executive Director recommends that the referral is not legally sufficient to invoke the jurisdiction of the Commission and that it should not be investigated, the recommendation will be considered by the Commission in executive session. If a majority of the Commission accepts the Executive Director's recommendation that the referral is not legally sufficient, the referral shall be dismissed and the referring agency and the respondent will be notified of the dismissal. A summary for the reasons for dismissing the referral together with the referral itself and all documents related thereto shall become a public record and constitute a public report.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, Chapter 2013-38, LOF, 112.322, 112.324 FS. History–New _____.

34-17.006 Delegation of Authority.

The Commission hereby delegates to its investigators the authority to administer oaths and affirmations, delegates the authority to issue subpoenas to its chair and, in the absence or unavailability of the chair, to its vice chair, and authorizes its employees to serve any subpoena issued under the Commission's authority.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History–New _____.

34-17.007 Subpoenas During Preliminary Investigation.

When an investigation of a referral is ordered or at any time thereafter, upon recommendation of the Executive Director or upon motion of the Commission, the Commission Chair or other member authorized by the Commission may authorize the issuance of subpoenas or subpoenas duces tecum. Each subpoena shall be signed by the Chair or other member authorized by the Commission and shall state the person, documents, or other things to be subpoenaed. Each subpoena further shall name the person before whom the witness is to give testimony, and shall state in general terms the subject matter of the testimony to be elicited. If documents or other things are to be produced, the subpoena shall describe the same with as much specificity as reasonably practicable. The subpoena shall state clearly on its face that it is issued by the Commission on Ethics in accordance with its authority to investigate referrals of breaches of public trust. Such subpoenas shall be issued for investigative purposes only, and neither a representative from the referring agency, the respondent, nor their counsel shall be entitled to attend the investigative proceeding at which the witness is to give a sworn statement unless a representative from the referring agency or the respondent is the person subpoenaed.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History–New _____.

34-17.008 Investigations.

(1) Commencement of Investigations. Investigations shall be initiated only as provided above in Rule 34-17.005, F.A.C., provided that information from public records may be obtained by staff prior to the ordering of an investigation to aid in the just and efficient resolution of a referral.

(2) Investigators. Investigation shall be conducted by Commission staff, by personnel of the Department of Legal Affairs, or by any other person or agency so designated by the Commission.

(3) Scope of Investigation. Investigations shall be limited to the allegations of the referral.

(4) Investigator Contacts with Potential Witnesses. The investigator shall inform the person being interviewed of the confidential nature of the investigation and of the referral, unless the respondent has waived confidentiality.

(5) Investigator to be Impartial. An investigator shall be impartial and unbiased in the conduct of the preliminary investigation. An investigator shall collect all evidence materially related to the allegations of the referral, whether such evidence tends to prove or disprove the allegations. If the Commission determines that a public hearing shall be held, however, the investigator is responsible for assisting the Advocate in the proof of the allegations brought against the respondent. If an investigator feels that for any reason he or she cannot be impartial or unbiased during the preliminary investigation then such investigator shall so notify the Executive Director of the Ethics Commission and shall immediately discontinue working in the investigation. If the Commission feels that the investigator cannot be unbiased or impartial at any point of time during the preliminary investigation, the Commission shall terminate any further investigation by the investigator.

(6) Investigator's Report. Upon the completion of the preliminary investigation, the investigator shall prepare a report to the Commission. The report shall contain a narrative account of all pertinent information obtained through interviews of witnesses, documentary evidence, or other sources and shall include a discussion of any conflicts in the evidence. The report shall not contain any determination or speculation with respect to whether the evidence indicates a breach of public trust. The report shall make no recommendations.

(7) Investigatory File. The investigator shall prepare an investigatory file to be maintained in the office of the Commission on Ethics, which file shall contain:

(a) Copies of all documents obtained during the course of the investigation;

(b) Recordings of interviews with witnesses and, if no recording is made, a summary of the interview;

(c) A list of the names and addresses of all persons actually interviewed;

(d) Any other relevant documents; and

(e) The investigator's report to the Commission.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, Chapter 2013-38, LOF, 112.322, 112.324 FS. History--New

34-17.009 Counsel.

(1) Respondent. Respondent may appear on his or her own behalf or may be represented by a lawyer or other qualified representative. All notices and communications to a respondent represented by a lawyer or other qualified representative shall be made through the respondent's lawyer or qualified representative.

(2) Advocate. The Advocate presenting the matter before the Commission shall be an Assistant Attorney General or another attorney designated by the Commission as Advocate. The Advocate represents the Commission in its prosecutorial function.

(3) Referring Agency. To the limited extent the referring agency is entitled to participate or observe Commission proceedings, the referring agency may be represented by legal counsel or other qualified representative. All notices and communications to a referring agency represented by a lawyer or qualified representative shall be made through referring agency's lawyer or qualified representative.

(4) Appearances. Appearances by counsel or other qualified representatives shall be governed by Rules 28-106.105 and 28-106.106, F.A.C. The qualifications of a representative shall be determined in accordance with Rule 28-106.106, F.A.C. Qualified representatives shall observe the standards of conduct specified in Rule 28-106.107, F.A.C.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History--New

34-17.010 Probable Cause Determination.

(1) Notification of Completion of Investigation. When the investigator's report is completed, the Executive Director shall notify the respondent that the report is completed and shall send to the respondent a copy of the investigator's report. The investigatory file and main referral file shall be open for inspection by the respondent and the respondent's counsel at that time, and copies may be obtained at no more than cost.

(2) Time to Review Report. The respondent shall be given not less than 14 days from the date of mailing of the investigator's report, within which time to file with the Commission a written response to the investigator's report. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the Commission so long as reasonable notice under the circumstances is given.

(3) Advocate's Recommendation. The Advocate shall review the investigator's report and shall make a written recommendation to the Commission for the disposition of the referral, including a statement of what charges shall be at issue at the probable cause hearing. A copy of the recommendation shall be furnished to the respondent. The respondent shall be given not less than 7 days from the date of mailing of the Advocate's recommendation, within which time to file with the Commission a written response to the recommendation. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the Commission, so long as the recommendation is furnished to the respondent within a reasonable period of time under the circumstances.

(4) Notice of Probable Cause Hearing and Right to Attend. The respondent, a representative from the referring agency, their counsel, and the Advocate shall be permitted to attend the hearing at which the probable cause determination is made. Notice of the probable cause hearing shall be sent to the respondent, the referring agency, and Advocate at least 14 days before the hearing. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the Commission, so long as the notice is furnished within a reasonable period of time under the circumstances.

(5) Scope of Probable Cause Determination. The probable cause determination is the conclusion of the preliminary investigation. The respondent and the Advocate shall be permitted to make brief oral statements in the nature of oral argument to the Commission, based on the investigator's report, before the probable cause determination. The Commission's determination shall be based upon the investigator's report, the Advocate's recommendation, the referral, and staff recommendations, as well as any written statements submitted by the respondent and any oral statements made at the hearing. No testimony or other evidence will be accepted at the hearing.

(6) Probable Cause Determination. At its meeting to determine probable cause, the Commission may continue its determination to allow further investigation; may order the issuance of a public report of its investigation if it finds no probable cause to believe that a violation of the Code of Ethics or other breach of public trust has occurred, concluding the matter before it; may order a formal hearing of the referral if it finds probable cause to believe that a violation of the Code of Ethics or other breach of public trust has occurred; or may take such other action as it deems necessary to resolve the referral, consistent with due process of law. In making its determination, the Commission may consider:

(a) The sufficiency of the evidence against the respondent, as contained in the investigator's report;

(b) The admissions and other stipulations of the respondent, if any;

(c) The nature and circumstances of the respondent's actions;

(d) The expense of further proceedings; and

(e) Such other factors as it deems material to its decision.

If the Commission orders a public hearing of the referral, the Commission shall determine what charges shall be at issue for the hearing.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History–New _____.

34-17.011 Notification of Manner of Disposition.

Upon the Commission's ordering a public hearing of a referral or a public report, as provided in Rule 34-17.010, the Executive Director shall so notify the referring agency and the respondent in writing. The referring agency also shall be provided with a copy of the report of investigation and of the Advocate's written recommendation.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History–New _____.

34-17.012 Confidentiality.

(1) Except as otherwise provided in these rules, the referral and all staff and Commission activities, proceedings, and documents relating to the referral shall be confidential until either:

(a) Confidentiality is waived in writing by the respondent;

or

(b) The Commission orders the referral dismissed, as provided in Rule 34-17.005; or

(c) The Commission orders a public report or a public hearing as provided in Rule 34-17.010. When confidentiality is waived, the Commission orders the referral dismissed, or the Commission orders a public report or a public hearing, all materials relating to the referral shall become public records available to the public as provided in Chapter 119, Florida Statutes, except to the extent the materials are otherwise exempted from disclosure under the public records law.

(2) For the purposes of this rule, the Commission shall be deemed to have ordered a dismissal of the referral, a public report, or a public hearing at the time the written order or document evidencing that action is filed with the Commission Clerk, rather than at the time the Commission has so voted.

(3) The confidentiality provided by this rule shall not prohibit the Commission or its staff from advising the respondent or the referring agency about the status of the referral proceeding.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, Chapter 2013-38, LOF, 112.322, 112.324 FS. History–New _____.

34-17.013 Public Hearings.

Public hearings may be conducted by the full Commission, by a single Commission member, or by the Division of Administrative Hearings, as directed by the Chair of the Commission after considering the Commission's workload. The Commission may refer the matter by letter to the Division of Administrative Hearings for the appointment of an administrative law judge. Public hearings held before the Commission or its members shall be governed by the Uniform Rules of the Administration Commission, Chapter 28-106, F.A.C. Proceedings before the Commission after the public hearing shall be governed by the Uniform Rules of the Administration Commission, Chapter 28-106, F.A.C., if one of the rules of that chapter is applicable, and, if not, by the rules of this chapter.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History–New _____.

34-17.014 Parties to Public Hearings.

The person accused of breach of public trust shall be the respondent. Respondent shall be the only party unless consolidation of referrals is granted. The Advocate shall be a full participant in the proceeding and shall present all the evidence relevant to the cause that was produced by the preliminary investigation and such additional evidence as may be obtained through discovery or further investigation.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History–New _____.

34-17.015 Disqualification of Commission Members.

(1) Commission members shall be disqualified from sitting as a member of the Commission at either the probable cause hearing or the final public hearing for bias, prejudice, or interest. Disqualification may be raised by a party, by the Advocate, or by any member, but not by the referring agency.

(2) Unless good cause is shown, all motions for disqualification shall be filed with the Commission at least 5 days prior to the hearing at which the member is expected to participate. The motion shall be accompanied by an affidavit stating the particular grounds.

(3) Unless denied as untimely, the motion shall be ruled on by the Commission member whose disqualification is sought; the ruling shall be based on the legal sufficiency of the motion and affidavit. If the motion and affidavit are found legally sufficient, the member shall disqualify himself or herself.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History-New _____.

34-17.016 Ex Parte Communications.

(1) A Commission member shall not initiate nor consider any ex parte communication relative to the merits of a pending referral proceeding by:

(a) A public employee or official engaged in prosecution or advocacy in connection with the matter;

(b) A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the proposed action of the Commission, or his or her authorized representative or counsel; or

(c) A referring agency or any other individual who has personal knowledge of the facts underlying the proceeding, or his or her authorized representative or counsel. Nothing in this subsection shall apply to advisory staff members who do not testify on behalf of the Commission in the proceeding or shall prohibit Commission members who are contacted by any of the above persons from referring them to Commission staff or the Commission Advocate.

(2) A Commission member who receives such an ex parte communication shall place on the record of the matter all written communications received, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and shall also advise all parties that such matters have been placed on the record. Any party, including the Advocate, desiring to rebut the ex parte communication shall be allowed to do so, if a request for the opportunity for rebuttal is made within 10 days after notice of the communication.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History-New _____.

34-17.017 Stipulations, Settlements, and Consent Orders. Informal disposition of the referral may be made of any proceeding by stipulation, agreed settlement, or consent order between the Advocate and the Respondent, upon approval of the Commission in a public meeting, so long as a public report is made.

(1) The Advocate is not required to present or propose to the Commission a stipulation, settlement, or consent order offer from the Respondent unless the Advocate agrees to the terms of the offer.

(2) Commission staff shall send to the referring agency a copy of the proposed stipulation, settlement, or consent order, notify the referring agency of the meeting at which the Commission will consider the proposed stipulation or order, and advise the referring agency that any written response to the proposed stipulation or order submitted by the referring agency will be provided to the Commission for its consideration. If the referring agency files a written response, a copy of it will be provided to the Respondent and the Advocate by Commission staff.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History-New _____.

34-17.018 Action on Recommended Public Report or Recommended Order by the Full Commission.

(1) Where the hearing has been conducted by a single Commissioner or DOAH administrative law judge, the meeting of the full Commission to consider the recommended public report shall not be an evidentiary "hearing." No new evidence shall be taken.

(2) As the referring agency is not a party, the referring agency or its representative is not entitled to address the Commission either orally or in writing in response to the recommended order.

(3) In order to assist the Commission in evaluating any exceptions that may have been filed, Commission staff may provide a draft final order analyzing the exceptions. If one is drafted, copies shall be provided to the respondent and the Advocate prior to the final hearing.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History-New _____.

34-17.019 Transmittal of Public Report.

The public report shall be signed by the Chair, shall be transmitted by mail to the respondent and referring agency, and shall be made available to the public.

Rulemaking Authority 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-36, Section 17, LOF, 112.322, 112.324 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betsy Daley, Senior Attorney, Commission on Ethics
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Virilindia Doss, Executive Director,
Commission on Ethics

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 25, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: September 27, 2013

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-1.7141 SSI-Related Medicaid Post Eligibility
Treatment of Income

PURPOSE AND EFFECT: The Department is aligning policy with the Medicaid State Plan by amending the uncovered medical expense deduction policy and adding an additional personal needs allowance. The Department is also adding the Program of All-Inclusive Care for the Elderly, the Cystic Fibrosis, iBudget Florida and Statewide Medicaid Managed Care Long-Term Care waivers and their deduction policies. These policies are used to determine an individual's cost of care paid to nursing facilities and waiver providers in the post eligibility determination process. Included in this proposed rule amendment are wording changes to improve the overall content of the rule and technical changes of a non-substantive nature.

SUMMARY: The proposed rule amends SSI-Related Medicaid post eligibility determination language.

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 considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: October 23, 2013, 10:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Vonsenita Tranquille. 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: Vonsenita Tranquille, Economic Self-Sufficiency Program, (850)717-4238, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, vonsenita_tranquille@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.7141 SSI-Related Medicaid Post Eligibility Treatment of Income.

After an individual is determined eligible ~~satisfies all non-financial and financial eligibility criteria~~ for Hospice, Institutional Care Program (ICP), ~~services or~~ Assisted Living ~~waiver (ALW/HCBS)~~, Cystic Fibrosis, iBudget Florida and Statewide Medicaid Managed Care Long-Term Care (SMMC-LTC), the Department determines the ~~amount of the~~ individual's patient responsibility. "Patient responsibility" is the amount the individual must pay from their income towards their cost of care. Patient responsibility is based on the amount of income remaining after authorized deductions from income are made. This process is called "post eligibility treatment of income". The following deductions are made from the individual's income in the amount indicated.

(1) For Hospice, and ICP and all individuals residing in medical institutions institutional care services, the following deductions are applied to the individual's income to determine patient responsibility:

(a) A Personal Needs Allowance of \$35 Individuals residing in medical institutions shall have \$35 of their monthly income protected for their personal need allowance.

1.(b) If the individual earns therapeutic wages, an additional deduction from amount of income equal to one-half of the monthly therapeutic wages, up to a maximum of \$111, shall be made and treated as an additional PNA deduction protected for personal need. This protection is in addition to the \$35 personal need allowance.

2.(e) A PNA for non-residents of a medical institution
~~Individuals who elect electing hHospice service will be have~~
 an amount of their monthly income equal to the federal
 poverty level (FPL) ~~protected as their personal need allowance~~
 unless they are a resident of a medical institution, in which
 case \$35 of their income is protected for their personal need
 allowance.

3. An additional deduction will be made as a PNA in an
amount equal to the amount of a court-ordered child support
payment required to be paid by the individual provided that
the deduction will not be a duplicate deduction of any other
deduction.

(b)(4) The community spouse income allowance is
determined in accordance with department applies the formula
and policies in 42 U.S.C. § section 1396r-5, Rule 65A-1.716,
F.A.C. to compute the community spouse income allowance
after the institutionalized spouse is determined eligible for
institutional care benefits. The standards used are found in
subsection 65A-1.716(5), F.A.C. The current Food Assistance
Program standard utility allowance is used to determine the
community spouse's excess utility expenses.

(c) The community spouse's excess utility expenses are
based on the current Food Assistance Program's standard
utility allowance.

(d)(e) For community hHospice, eases, a spousal
allowance deduction that is equal to the Supplemental Security
Income SSI Federal Benefit Rate (FBR), minus the spouse's
own monthly income shall be deducted from the individual's
income. If the individual has a spouse and a dependent
child(ren) they are entitled to a portion of the individual's
income equal to the Temporary Cash Assistance consolidated
need standard (CNS) minus the spouse and dependent's
income. For CNS criteria, refer to subsection 65A-1.716(1),
F.A.C.

(e) A portion of the individual's income equal to the
Temporary Cash Assistance (TCA) Consolidated Need
Standard (CNS), minus the spouse and dependent's income, if
the individual has a spouse and dependent child. (For CNS
criteria, refer to Rule 65A-1.716, F.A.C.)

(f) For ICP or Institutional institutionalized Hospice, a
deduction for food and shelter, as applicable, for the months of
admission and discharge that the individual must pay,
provided that the facility will not be providing food and/or
shelter for those months income is protected for the month of
admission and discharge, if the individual's income for that
month is obligated to directly pay for their cost of food or
shelter outside of the facility.

(g) Unreimbursed medical expense. There will not be a
deduction from income for medical and remedial care
expenses that were incurred as the result of imposition of a
transfer of assets penalty period. For all other such incurred

expenses, the following requirements must be met: Effective
January 1, 2004, the department allows a deduction for the
actual amount of health insurance premiums, deductibles,
coinsurance charges and medical expenses, not subject to
payment by a third party, incurred by a Medicaid recipient for
programs involving post eligibility calculation of a patient
responsibility, as authorized by the Medicaid State Plan and in
accordance with 42 CFR 435.725.

1. For institutionalized persons or residents of medical
institutions The medical/remedial care service or item must
meet all the following criteria:

a. Any premium, deductible, or coinsurance charges or
payments for health insurance coverage. Be recognized under
state law;

b. For other incurred medical expenses, the expense must
be for a medical or remedial care service recognized under
state law and be medically necessary. For medically necessary
care, services and items not paid for under the Medicaid State
Plan, the actual billed amount will be the amount of the
deduction, not to exceed the maximum payment or fee
recognized by Medicare, commercial payors, or any other
third party payor, for the same or similar item, care, or service.
Be medically necessary;

2.e. Have been incurred no earlier than the eligibility
period, including the three month period preceding the month
of application. Not be a Medicaid compensable expense; and

3.d. Not have been paid for under the Medicaid State Plan
Not be covered by the facility or provider per diem.

2. For services or items not covered by the Medicaid State
Plan, the amount of the deduction will be the actual amount
for services or items incurred not to exceed the highest of a
payment or fee recognized by Medicare, commercial payers or
any other contractually liable third party payer for the same or
similar service or item.

4.3. Other residential health insurance policies are
considered to be first payor for medical items, care, or services
covered by such policies. Therefore, to be deducted from the
individual's income the individual must demonstrate that other
insurance does not cover such medical items, care, or services.
Expenses for services or items received prior to the first month
of Medicaid eligibility can only be used in the initial
projection of medical expenses if the service or item was
provided during the three month period prior to the month of
application and it is anticipated that the expense for the service
or item will recur in the initial projection period.

4. For the initial projection period, the department will
allow a deduction for the anticipated amount of uncovered
medical expenses incurred during the three month period prior
to the date of application, and that are recurring (reasonably
anticipated to occur) expenses in the initial projection period.

~~5. Actual incurred and recognized expenses will be deducted in each of the three months prior to the Medicaid application month when an applicant requests three months prior Medicaid coverage and is eligible in the prior month(s).~~

~~6. The initial projection period is the first day of the first month of Medicaid eligibility beginning no earlier than the application month through the last day of the sixth month following the month of approval. A semi annual review is scheduled for the fifth month after the month approved to evaluate the recipient's actual incurred medical expenses for the prior six months.~~

~~7. For the semi annual review, the department will request documentation of the recipient's actual incurred medical expenses for the prior six months.~~

~~a. If the recipient documents their actual expenses, staff must compare the total projected expenses budgeted with the total actual recurring expenses to determine if the projection was accurate. If the projection was overstated or understated by more than \$120, the department must use the amount overstated or understated by more than \$120 combined with the total expenses anticipated to recur and any non-recurring expenses incurred during the period to compute an average amount to deduct from patient responsibility for the next projection period, if possible. If an adjustment is not possible, the department must adjust the patient responsibility for each past month in which an expense was overstated.~~

~~b. If a recipient fails to document their actual expenses for the last projection period at the time of their semi annual review, the department must assume the recipient did not incur the expense(s) which was projected. The department will remove the deduction for the next projection period and calculate the total amount of deductions incorrectly credited in the prior projection period to adjust the recipient's future patient responsibility. If an adjustment is not possible, the department must adjust the patient responsibility for each past month in which an expense was overstated.~~

~~8. The steps in subparagraph (g)7. above must be repeated for each semi annual review.~~

~~9. Recipients must report their uncovered medical expenses timely.~~

~~a. New, recurring uncovered medical expenses must be reported no later than the tenth day of the month in which the next semi annual review is due. If the due date falls on a weekend or holiday, the recipient must report by the end of the next regularly scheduled business day. Recurring expenses reported timely will be included in the calculation of patient responsibility beginning with the month the expense was incurred. Recurring expenses not reported timely will be included in the calculation of patient responsibility beginning~~

~~the month reported and will be prorated for the remaining months of the projection period, but no adjustments in patient responsibility will be made for past months in which expenses went unreported.~~

~~b. Non recurring uncovered medical expenses must be reported no later than the tenth day of the month in which the next semi annual review is due. If the due date is a weekend or holiday, the recipient must report by the end of the next regularly scheduled business day. Non recurring expenses reported timely will be held until the semi annual review month and prorated over the next six month period. Non-recurring expenses not reported timely will not be included as a deduction in the patient responsibility calculation.~~

~~(2) For Assisted Living ALW/HCBS, the following deductions are made from the individual's income shall apply in computing patient responsibility:~~

~~(a) An allowance for personal needs in the amount equal to the Optional State Supplementation (OSS) deduction is made for PNA (as defined in Chapter 65A-2, F.A.C.), plus an amount equal to the OSS cost of care plus the OSS personal need allowance.~~

~~(b) A deduction in the An amount equal to the TCA CNS as provided in paragraph (1)(e) above, each assistance consolidated need standard minus the dependent's income for the individual's client's dependent unmarried child(ren) child under age 21, or the individual's their disabled adult child(ren) child living in the individual's at home, if the individual does not have a when there is no community spouse.~~

~~(c) Deductions in subparagraph (1)(a)1., and paragraphs (1)(b), (d), (f) and (g) as applicable.~~

~~(d) An additional deduction will be made as a PNA in an amount equal to the amount of a court-ordered child support payment required to be paid by the individual, provided that the deduction will not be a duplicate deduction of any other deduction.~~

~~(3) For PACE, the following deductions will be made from the individual's income:~~

~~(a) A deduction is made for the PNA based on the individual's living arrangement as follows:~~

~~1. For an individual residing in the community, not an assisted living facility (ALF), the PNA is equal to 300% of the FBR.~~

~~2. For an individual who is residing in an ALF, the PNA is computed using the ALF basic monthly rate (three meals per day and a semi-private room), plus 20% of the FPL.~~

~~3. For an individual residing in a nursing home, the PNA is \$35.~~

~~(b) Deductions in subparagraph (1)(a)1., and paragraphs (1)(b), (f) and (g) as applicable.~~

(c) An additional deduction will be made as a PNA in an amount equal to the amount of a court-ordered child support payment required to be paid by the individual, provided that the deduction will not be a duplicate deduction of any other deduction.

(4) For Cystic Fibrosis, the following deductions will be made from the individual's income:

(a) A deduction is made for PNA in an amount that is equal to 300% of the FBR.

(b) Deductions in subparagraph (1)(a)1., and paragraphs (1)(b), (f) and (g) as applicable.

(c) An additional deduction will be made as a PNA in an amount equal to the amount of a court-ordered child support payment required to be by the individual, provided that the deduction will not be a duplicate deduction of any other deduction.

(5) For iBudget Florida, the following deductions will be made from the individual's income:

(a) A deduction is made for PNA in an amount that is equal to 300% of the FBR.

(b) A Community spouse income allowance deduction in the amount equal to the FBR, minus the spouse's own income.

(c) A deduction as provided for in paragraph (2)(b) above.

(d) Deductions in subparagraph (1)(a)1., and paragraph (1)(g) as applicable.

(e) An additional deduction will be made as a PNA in an amount equal to the amount of a court-ordered child support payment required to be paid by the individual, provided that the deduction will not be a duplicate deduction of any other deduction.

(6) For the Statewide Medicaid Managed Care Long-Term Care, the following deductions will be made from the individual's income:

(a) A deduction is made for the PNA based on the individual's living arrangement as follows:

1. For an individual residing in the community, not an assisted living facility, the PNA is equal to 300% of the FBR.

2. For an individual residing in an ALF, the PNA is computed using the actual ALF room and board charge, plus 20% of the FPL.

(b) Deductions described in paragraphs (1)(b) and (1)(g).

(c) An additional deduction will be made as a PNA in an amount equal to the amount of a court-ordered child support payment required to be paid by the individual, provided that the deduction will not be a duplicate deduction of any other deduction.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 5-29-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diana Laffey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Esther Jacobo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 1, 2013

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-30.102
RULE TITLE: License Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 189, September 27, 2013 issue of the Florida Administrative Register.

Form DBPR HI 0401: The date of April 2013 listed in the rule language was a typographical error. The Department has not made amendments to the March 2013 form.

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: 69W-1000.001
RULE TITLE: Disciplinary Guidelines

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. 158, August 14, 2013 issue of the Florida Administrative Register.

[Pursuant to comments from the Joint Administrative Procedures Committee, the footnotes in the table incorporated by reference in the rule are amended as follows. A copy of the table with these changes is accessible at <http://www.flofr.com/StaticPages/documents/69W-1000.001footnotechanges.pdf>]

Fine A = Up to \$2,000; Fine B = \$2,001 to \$5,000; Fine C = \$5,001 to \$7,500; Fine D = \$7,501 to \$10,000 / Suspension A = Up to 5 days; Suspension B = 6 to 30 days; Suspension C = over 30 days

Statutory authority: Fine – Section 517.221(3), Florida Statutes; Restriction – Section 517.161, Florida Statutes; Suspension, Revocation – Section 517.111 and 517.161, Florida Statutes; Summary Suspension – Section 517.121 and 517.1202, Florida Statutes; Bar – Section 517.221(4), Florida Statutes.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: RULE TITLE:

1B-2.011 Library Grant Programs

NOTICE IS HEREBY GIVEN that on September 20, 2013, the Florida Department of State, Division of Library and Information Services,, received a petition for permanent variance from paragraph 1B-2.011(2)(b), F.A.C., which provides the terms for operation and use of a facility that receives a Library and Construction Grant. The petition was filed by the Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, Florida 33948.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Diane Wint, Agency Clerk, Florida Department of State, 500 S. Bronough Street, Tallahassee, FL 32301, (850)245-6536, Diane.Wint@DOS.myflorida.com.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation

NOTICE IS HEREBY GIVEN that on September 25, 2013, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.0011(1)(h), F.A.C., from the Florida Department of Corrections (DOC) on behalf of Tavia L. Anderson. The Petitioner wishes to waive that portion of the rule that states a Basic Abilities Test (BAT) score is only good for four years from the date of the test. The Petitioner stated that Anderson passed the BAT before her hire date in January of 2011. Petitioner states that Anderson's BAT scores expired one day prior to her beginning basic recruit training. Anderson successfully completed basic recruit training. She was scheduled to take the State Officer Certification Examination on September 24, 2013, but her scores will not be released without a waiver of the rule.

Petitioner states that the application of the rule violates the principles of fairness in Anderson's situation because the BAT is to show fitness to enter basic, and Anderson has already

passed basic. Petitioner states that Anderson and Petitioner suffer economic hardship under the rule as it is applied. Petitioner states that the underlying statute has already been fulfilled because Anderson passed basic recruit training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation

NOTICE IS HEREBY GIVEN that on September 25, 2013, the Criminal Justice Standards and Training Commission received a petition for a permanent waiver of paragraph 11B-35.0011(1)(h), F.A.C., from the Florida Department of Corrections (DOC) on behalf of Tanisha S. Barker. The Petitioner wishes to waive that portion of the rule that states a Basic Abilities Test (BAT) score is only good for four years from the date of the test. The Petitioner stated that Barker passed the BAT before her hire date in January of 2011. Petitioner states that Barker's BAT scores expired prior to her beginning basic recruit training. Barker successfully completed basic recruit training. She was scheduled to take the State Officer Certification Examination on September 25, 2013, but her scores will not be released without a waiver of the rule.

Petitioner states that the application of the rule violates the principles of fairness in Barker's situation because the BAT is to show fitness to enter basic, and Barker has already passed basic. Petitioner states that Barker and Petitioner suffer economic hardship under the rule as it is applied. Petitioner states that the underlying statute has already been fulfilled because Barker passed basic recruit training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

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 September 24, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for First Baptist Church. 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 (VW2013-326).

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 September 26, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Summer Brook Health Care Center. 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 (VW2013-327).

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 September 26, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Shops at St. Pete (The). Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.20.1, 2.18.5.1 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 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-328).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: on September 26, 2013, the Department received a letter withdrawing the Petition for variance from Cragg Building, filed August 12, 2013, and advertised on August 16, 2013 in Vol. 39, No. 160 of the Florida Administrative Register. The Petition for variance requested a variance from an unspecified Rule, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW20132-273).

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 26, 2013, the Department received a letter withdrawing the Petition for variance from Laurel Building, filed August 12, 2013, and advertised on August 16, 2013 in Vol. 39, No. 160 of the Florida Administrative Register. The Petition for variance requested a variance from an unspecified Rule, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW2013-272).

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 26, 2013, the Department received a letter withdrawing the Petition for variance from Glenridge Building, filed August 12, 2013, and advertised on August 16, 2013 in Vol. 39, No. 160 of the Florida Administrative Register. The Petition for variance requested a variance from an unspecified Rule, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW2013-274).

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 LEGAL AFFAIRS

The Florida Commission on the Status of Women announces telephone conference calls to which all persons are invited.

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

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee

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

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee

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

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee

DATE AND TIME: October 11, 2013, 10:00 a.m.

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning Task Force

DATE AND TIME: October 15, 2013, 1:30 p.m.

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force

DATE AND TIME: October 16, 2013, 10:00 a.m.

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee

DATE AND TIME: October 18, 2013, 10:00 a.m.

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning Task Force

DATE AND TIME: October 25, 2013, 10:00 a.m.

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning Task Force

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, Phone: (850)414-3300, fax: (850)921-4131.

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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, Phone: (850)414-3300, fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of

the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, Phone: (850)414-3300, fax: (850)921-4131.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agricultural Museum Strategic Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 11, 2013, 10:00 a.m.

PLACE: Flagler County Offices – 1769 East Moody Boulevard, Building 2, Bunnell, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting is to discuss the museum's strategic plan.

A copy of the agenda may be obtained by contacting: Bruce Piatek, Executive Director, (386)446-7630.

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: Bruce Piatek, Executive Director, (386)446-7630. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council for the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2013, 5:30 p.m. – 6:30 p.m.

PLACE: Lighthouse for the Blind of the Palm Beaches, 1710 Tiffany Drive East, West Palm Beach, FL 33407

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

A copy of the agenda may be obtained by contacting: open meeting with no agenda.

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: The local DBS office at (561)681-2548 or toll-free, 1(866)225-0794. 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: Phyllis Dill, AAII, The Division of Blind Services, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392, Phyllis.dill@dbs.fldoe.org.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council for the Blind announces a public meeting to which all persons are invited.

DATES AND TIMES: October 17, 2013, 8:30 a.m. – 4:00 p.m. and October 18, 2013, 8:30 a.m. – 12:00 p.m.

PLACE: Embassy Suites, 1601 Belvedere Rd., West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly business meeting of the Florida Rehab Council for the Blind.

A copy of the agenda may be obtained by contacting: Phyllis Dill, AAII, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392 or email Phyllis.dill@dbs.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 10 days before the workshop/meeting by contacting: The local DBS office at (561)681-2548 or toll-free, 1(866)225-0794. 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: Phyllis Dill, AAII, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392 or email Phyllis.dill@dbs.fldoe.org.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a hearing in the following docket to which all persons are invited.

DOCKET NO. AND TITLE: Docket No. 130208-EI – Petition for limited proceeding to approve revised and restated stipulation and settlement agreement by Duke Energy Florida, Inc. d/b/a Duke Energy.

DATE AND TIME: Wednesday, October 16, 2013, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED AT THE HEARING: The purpose of this hearing is for the Commission to consider the Duke Energy Florida, Inc.'s Petition for Limited Proceeding to Approve Revised and Restated Stipulation and Settlement Agreement, and to consider any motions or other matters that may be pending at the time of the hearing. October 17, 2013, has also been reserved for continuation of the hearing if needed. The starting

time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded. At that time, the Commission may render a bench decision. If no bench decision is rendered following the conclusion of all testimony being entered into the record, the Commission will hold a Special Agenda Conference to render a decision on Thursday, October 24, 2013.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 130001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor

Docket No. 130002-EG – Energy conservation cost recovery clause

Docket No. 130003-GU – Purchased gas adjustment (PGA) true-up

Docket No. 130004-GU – Natural gas conservation cost recovery

Docket No. 130007-EI – Environmental cost recovery clause

DATE AND TIME: November 4-6, 2013, 9:30 a.m. (EST). The hearing may be adjourned early if all testimony is concluded.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2014 through December 2014;
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2013 through December 2013;
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2012 through December 2012, which are to be based on actual data for that period;
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2014 through December 2014;

5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2012 through December 2012.

6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2014 through December 2014, including nuclear costs.

7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2013 through December 2013, including nuclear costs.

8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2012 through December 2012, which are to be based on actual data for that period, including nuclear costs.

9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2014 through December 2014.

10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2013 through December 2013.

11. Determination of the Final Conservation True-up Amounts for the period January 2012 through December 2012 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period.

12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2014 through December 2014.

13. Determination of Actual/Estimated Purchased Gas True-Up Amounts for the period January 2013 through December 2013.

14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2012 through December 2012.

15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2014 through December 2014.

16. Determination of the Estimated Actual Environmental Cost Recovery True-Up Amounts for the period January 2013 through December 2013.

17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2012 through December 2012, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 28-106, F.A.C., and 25-22, F.A.C.

Emergency Cancellation of Hearing

If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found

on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 130001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No. 130002-EG – Energy conservation cost recovery clause

Docket No. 130003-GU – Purchased gas adjustment (PGA) true-up

Docket No. 130004-GU – Natural gas conservation cost recovery

Docket No. 130007-EI – Environmental cost recovery clause

DATE AND TIME: October 17, 2013, 9:30 a.m. (EST)

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

Emergency Cancellation of Prehearing

If a named storm or other disaster requires cancellation of the prehearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the prehearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the prehearing at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's Commission on Community Service (Volunteer Florida) announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2013, 1:00 p.m. until all business is complete

PLACE: 1(888)670-3525, passcode 3822432866#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Committee meetings at times noted below:

Communications, 9:00 a.m. – 10:00 a.m.; Emergency Management & Volunteer Services, 10:00 a.m. – 11:00 a.m.; Legislative, 1:00 p.m. – 2:00 p.m.; National Service Programs, 2:00 p.m. – 3:00 p.m.

A copy of the agenda may be obtained by contacting: Nicole Elliott at (850)414-0092 or nicole@volunteerflorida.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 3 days before the workshop/meeting by contacting: Nicole Elliott at (850)414-0092 or nicole@volunteerflorida.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Nicole Elliott at (850)414-0092 or nicole@volunteerflorida.org.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's Agency on Bay Management announces a public meeting to which all persons are invited.

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

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Suzanne Cooper, (727)570-5151, ext. 32. 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: Suzanne Cooper, (727)570-5151, ext. 32.

METROPOLITAN PLANNING ORGANIZATIONS

Collier Metropolitan Planning Organization

The Collier Metropolitan Planning Organization (MPO) announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2013, 2:00 p.m.

PLACE: Collier County Government Center, 3299 East Tamiami Trail, Building F, IT Training Room, 5th Floor, Naples, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Local Coordinating Board for the Transportation Disadvantaged special meeting. This special meeting will be held for the adoption of the 2014 Transportation Disadvantaged Service Plan (TDSP) Major Update after discussion of any comments received during the public comment period held from September 19, 2013 through October 18, 2013.

A copy of the agenda may be obtained by contacting: MPO Principal Planner, Lorraine Lantz at (239)252-5779 or lorrainelantz@colliergov.net. The agenda will be posted on our website at www.colliermmpo.net one week prior to the meeting date. On our website select the calendar then select the meeting date to view the agenda.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: MPO Principal Planner, Lorraine Lantz at (239)252-5779 or lorrainelantz@colliergov.net. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

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

DATE AND TIME: October 10, 2013, 1:00 p.m. (EST)

PLACE: District Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Governing Board Meeting – to consider District business.

Other Meetings to be held on Thursday, October 10, 2013:

12:00 Noon, District Lands Committee

1:05 p.m., Public Hearing on Consideration of Regulatory Matters

1:10 p.m., Public Hearing on Consideration of Land Acquisition Matters

A copy of the agenda may be obtained by contacting: Savannah White, NFWFMD, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet: (www.nwfwmd.state.fl.us)). Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Department of Business and Professional Regulation, The Florida Building Commission, "THE COMMISSION", announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 17, 2013, 10:00 a.m.

PLACE: Gaylord Palms Resort and Convention Center, 6000 W. Osceola Parkway, Kissimmee, Florida 34746, (407)586-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Chairpersons of the Florida Building Commission's Committees will meet to consider, evaluate and make recommendations regarding suggested Commission funded research topics for the Commission's consideration, and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Mo Madani or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772 or call (850)487-1824, refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

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, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or 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: http://www.floridabuilding.org/fbc/meetings/1_meetings.htm, contact Mr. Mo Madani or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, call (850)487-1824 or visit our website at www.floridabuilding.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, "THE COMMISSION", Education Program Oversight Committee, announces a public meeting to which all persons are invited.

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

PLACE: Meetings to be conducted using communications media technology; you must access webinar for video only and teleconference number for audio only.

To join the online meeting (Now from mobile devices!)

1. Go to <https://suncom.webex.com/suncom/j.php?ED=240553667&UID=1649636732&RT=MiMxMQ%3D%3D>
2. 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".

Teleconference is required for this webinar. Provide your phone number when you join the meeting to receive a call back. Alternatively, you can call toll-free, 1(888)6703525 (US), attendee access code: 606 232 6940.

Public point of access: 1940 North Monroe Street, Room 90, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss "accreditor" and "course" applications for recommendation to the Florida Building Commission; discuss proposed changes to Rule 61G20-6.002, F.A.C., for recommendation to the Florida Building Commission, receive presentation on updates to the Building Code Information System (BCIS) and general subject matters.

A copy of the agenda may be obtained by contacting: Ms. Ila Jones, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation Affairs, 1940 North Monroe Street, Tallahassee, Florida 32399-0772 or call (850)487-1824.

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, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or 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. Ila Jones, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax (850)414-8436, website: www.floridabuilding.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Recreation & Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2013, 7:00 p.m. EDT

PLACE: The Navy SEAL Museum, 3300 North Highway A1A, Fort Pierce, Florida 34949-8520

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation of the proposed unit management plan update for Avalon State Park.

A copy of the agenda may be obtained by contacting: Steve Eibl, Park Manager, Avalon State Park, 905 Shorewinds Drive, Fort Pierce, Florida 34949-1549, (772)468-4007, fax (772)460-3646 or email Steven.Eibl@dep.state.fl.us. A copy of the draft plan and agenda are available before the date of the public hearing online at <http://sharepoint.dep.state.fl.us/PublicNotices>.

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: Steve Eibl, Park Manager, Avalon State Park, 905 Shorewinds Drive, Fort Pierce, Florida 34949-1549, (772)468-4007, fax (772)460-3646 or email Steven.Eibl@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Steve Eibl, Park Manager, Avalon State Park, 905 Shorewinds Drive, Fort Pierce, Florida 34949-1549, (772)468-4007, fax (772) 460-3646 or email Steven.Eibl@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Recreation & Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 9, 2013, 9:00 a.m. EDT

PLACE: Ocean Harbour North Condominium Clubhouse, 5151 North Highway A1A, Fort Pierce, Florida 34949

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Presentation and discussion of the proposed unit management plan update for Avalon State Park with the advisory group members.

A copy of the agenda may be obtained by contacting: Steve Eibl, Park Manager, Avalon State Park, 905 Shorewinds Drive, Fort Pierce, Florida 34949-1549, (772)468-4007, fax (772)460-3646 or email Steven.Eibl@dep.state.fl.us. A copy of the draft plan and agenda are available before the date of the public hearing online at <http://sharepoint.dep.state.fl.us/PublicNotices>.

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: Steve Eibl, Park Manager, Avalon State Park, 905 Shorewinds Drive, Fort Pierce, Florida 34949-1549, (772)468-4007, fax (772)460-3646 or email Steven.Eibl@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Steve Eibl, Park Manager, Avalon State Park, 905 Shorewinds Drive, Fort Pierce, Florida 34949-1549, (772)468-4007, fax (772)460-3646 or email Steven.Eibl@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Opticianry

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

DATE AND TIME: October 10, 2013, 6:00 p.m.

PLACE: 1(888)670-3525, conference code: 5805370981

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Reconsideration

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least one week prior to the meeting date.

FLORIDA HOUSING FINANCE CORPORATION

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

DATE AND TIME: Monday, October 7, 2013, 10:00 a.m.

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida, 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The previously scheduled Review Committee for Monday, September 30, 2013, has been rescheduled. The Review Committee meeting will be to discuss the proposals and answer any questions the Review Committee may have regarding the proposals submitted in response to Florida Housing Finance Corporation's Request for Qualifications 2013-01 from qualified Offerors for Housing Counseling Agencies for foreclosure counseling and 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: Della Harrell, (850)488-4197 or della.harrell@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Della Harrell, at Florida Housing Finance Corporation, (850)488-4197. 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 FINANCIAL SERVICES

Division of Treasury

RULE NO.: RULE TITLE:

69C-6.003 The Plan; Prescribed Forms

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

DATE AND TIME: October 29, 2013, 9:30 a.m.

PLACE: The Hermitage Centre, Conference Room 440-C, 1801 Hermitage Bldg., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deferred Compensation Advisory Council Meeting.

A copy of the agenda may be obtained by contacting: Kandi Winters, Chief of Deferred Compensation, (850)413-3401 or Christine Davis, (850)413-3412.

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 hours before the workshop/meeting by contacting: Kandi Winters, (850)413-3401 or Christine Davis, (850)413-3412. 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).

Section VII

Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

NONE

Section XII

Miscellaneous

DEPARTMENT OF TRANSPORTATION

Proposed Site Approval for Arrowhead Heliport

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Arrowhead Heliport, a private airport, in Hillsborough County, at Latitude 28° 6' 18.10" and Longitude 82° 28' 57.60", to be owned and operated by Mr. Earl Stover, 3209 Grenada Way Tampa, FL 33618.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450; (850)414-4514; aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HEALTH**Notice of Emergency Action**

On September 26, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Joseph J. Oakler, P.M.D., PMD # 511618. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH**Board of Nursing****Notice of Emergency Action**

On September 25, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Kenneth Alan Cohen, ARNP, CRNA, CRNA # 148799. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH**Board of Nursing****Notice of Emergency Action**

On September 26, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Paula L. Johnson, L.P.N., PN# 399801. This

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

DEPARTMENT OF HEALTH**Board of Nursing****Notice of Emergency Action**

On September 26, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Tracy Lynn Bennett, L.P.N., PN# 5146135. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH**Board of Nursing****Notice of Emergency Action**

On September 26, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Nichole Eugena Tribble, L.P.N., PN# 5182886. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH**Board of Nursing****Notice of Emergency Action**

On September 26, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Tiffany L. McIntyre, C.N.A., CNA # 171611. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Pharmacy

Notice of Emergency Action

On September 26, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Latoria Denise Jones, R.P.T., RPT # 45081. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Division of Family Health Services

Request for Public Comments on Florida's WIC Program

The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to Cheryl Miller, Department of Health, WIC Program Services, BIN #A-16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726; or by fax: (850)922-3936. Your feedback is essential and is appreciated before October 18, 2013. In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call 1(866)632-9992 (voice) or (202)260-1026 (local). TTY users

can contact USDA through local relay or the Federal Relay at 1(800)877-8339 (TTY) or 1(866)377-8642 (relay voice users). USDA is an equal opportunity provider and employer.

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		Office of Financial
Regulation		Regulation
P.O. Box 8050		The Fletcher Building,
Tallahassee, Florida		Suite 118
32314-8050		101 East Gaines Street
Phone (850)410-9800		Tallahassee, Florida
Fax: (850)410-9548		32399-0379
		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., October 21, 2013):

APPLICATION FOR CONVERSION OF A FEDERAL CREDIT UNION TO A STATE CREDIT UNION

Applicant and Location: Suncoast Schools Federal Credit Union, 6801 East Hillsborough Avenue, Tampa, Hillsborough County, Florida 33680

With Title: Suncoast Credit Union

Received: September 26, 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.