

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.018
RULE TITLE: Pilot Commissioners Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Pilot Commissioners Departmental forms.

RULEMAKING AUTHORITY: 310.081, 455.203, 455.213, 455.2179 FS.

LAW IMPLEMENTED: 310.091 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

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

Section II

Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.039
RULE TITLE: Cultural Facilities Program

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete the "calendar year" from dates within the rule and to delete the dates that refer to the forms listed in the rule.

SUMMARY: The Cultural Facilities Guidelines have been revised to remove the year and replace the year with the word "current" in reference to the guidelines and to change the dates on the forms.

The changes to the guidelines and the rule will simplify the process for applicants who apply for the Cultural Facilities Program. The current guidelines and forms are posted to the Division of Cultural Affairs Web site. As a result of the changes to the rule, it will not be necessary for the Division of Cultural Affairs to have the rule and guidelines approved each year.

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: This rule does not apply directly to a business. The rule sets guidelines for administering a grant program. The grant program provides a service to the public by providing funding for Cultural Facilities for which the public has access. The purpose of this amendment is to delete the dates from the guidelines so that the Division of Cultural Affairs is not required to have the rule approved each year just to change the dates. The most current guidelines and forms will be posted to the Division Web site.

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: 265.701(5) FS.

LAW IMPLEMENTED: 265.701 FS.

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

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: Elsie Rogers (850)245-6483. 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: Elsie Rogers, (850)245-6483

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.039 Cultural Facilities Program.

(1) This rule provides the requirements for the Cultural Facilities Program administered by the Division of Cultural Affairs (Division). All grant applicants must meet the requirements set forth in the current 2013-2014 guidelines <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>, which are available from the Division at www.Florida-arts.org and are hereby incorporated by reference. The program guidelines contain eligibility requirements, application review procedures, evaluation and funding criteria, ~~grant administration procedures~~, and application forms. All grant awards are subject to the approval of the Secretary of State and Legislative appropriation.

(2) The Cultural Facilities Program Application (Form CA2E147), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247> must be submitted on-line at www.Florida-arts.org, is available from the Division, and is hereby incorporated by reference.

(3) The following forms must be used in the administration of the Cultural Facilities Program and are hereby incorporated by reference and available at www.Florida-arts.org:

(a) Cultural Facilities Report Form (Form CA2E048), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

(b) State Funds Expenditure Log (Form CA2E119), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

(c) Grant Amendment Request (Form CA2E047), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

(d) Grant Award Agreement (Form CA2E038), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

(e) Request for Warrant (Form CA2E001), effective 4/2013 ~~6/2012~~; <http://www.flrules.org/Gateway/reference.asp?No=Ref-01247>.

Rulemaking Authority 265.701(5) FS. Law Implemented 265.701 FS. History—New 7-13-10, Amended 6-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elsie Rogers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 9, 2013

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-10.002
RULE TITLE: Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the process and fee due when an employee leasing company experiences a change in ownership that creates a material change in information required for board review, either for original licensure or pursuant to Section 468.5245, F.S.

SUMMARY: The process and fee due when an employee leasing company experiences a change in ownership that creates a material change in information required for board review, either for original licensure or pursuant to Section 468.5245, F.S. will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.201(2), 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531, 455.201(2) FS.

LAW IMPLEMENTED: 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.002 Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

(1) To enable the Board and the Department to enforce more effectively the prohibition against the unlicensed practice of employee leasing, contained in Section 468.526, F.S., and to enforce other provisions of Part XI of Chapter 468, F.S., licensees shall apply for approval or notify the Board in writing, as appropriate, if the licensee experiences any changes in status listed in subsection (2). Forms DBPR ELC 6 and 7,

effective 11/12 entitled Application for Certificate of Approval for/Notification of Change of Ownership (Asset Purchase) and Application for Certificate of Approval for/Notification of Change of Ownership (Stock Purchase), respectively, are hereby incorporated by reference and available at www.myfloridalicense.com/dbpr/pro/emplo/forms.html.

(2) Licensees experiencing a change in status listed below in the left column shall file or do what is listed in the corresponding right column:

CHANGE IN STATUS

NEEDED ACTION BY COMPANY, GROUP, OR CONTROLLING PERSON

(a) through (c) No change.

(d) Purchase or acquisition of control in which purchasing employee leasing company maintains licensed controlling person from either the purchasing or purchased employee leasing company. Sale or transfer of company stock which causes a change in controlling person(s) or other changes in the information contained in the original application

Within 30 days of purchase or acquisition of control, ~~Form DBPR EL 4510, entitled Application for Licensure As An Employee Leasing Company Controlling Person, effective 03-18-04 and DBPR ELC 6 EL 4511, entitled Application for Certificate of Approval for/Notification of Change of Ownership (Asset Purchase) or DBPR ELC 7, entitled Application for Certificate of Approval for/Notification of Change of Ownership (Stock Purchase), as appropriate, effective 03-18-04, where applicable. The above forms are incorporated by reference and available from the Board office or from the website at www.myflorida.com. Where applicable, Form DBPR ELC 1, entitled Application for Licensure as an Employee Leasing Company Controlling Person and Form DBPR 4512, entitled Historical Sketch.~~

(e) Purchase or acquisition of control in which purchasing employee leasing company does not maintain licensed controlling person from either the purchasing or purchased employee leasing company. Sale or transfer of company stock.

Prior to the purchase or acquisition of control, DBPR ELC 6, entitled Application for Certificate of Approval for/Notification of Change of Ownership (Asset Purchase) or DBPR ELC 7, entitled Application for Certificate of Approval for/Notification of Change of Ownership (Stock Purchase), as appropriate, ~~Change of Ownership application EL 4511, which causes a change in control and, where applicable, Form DBPR ELC 1, entitled Application for Licensure as an Employee Leasing Company Controlling Person~~ controlling person license application for each new controlling person, ~~DBPR EL 4510, and Form DBPR 4512, entitled Historical Sketch form, DBPR EL 4512, where applicable.~~

(f) Sale or transfer of a majority of business assets

Application for Certificate of Approval for Change of Ownership ~~EL 4511, new company application if buyer not already licensed, and fee from buyer — old license does not transfer but remains with seller; unless already licensed, new controlling person license application and fee for each new controlling person.~~

(f)(g) No change.

(g)(h) No change.

(h)(i) Controlling person resigns from Company A and is employed by Company B as controlling person

notification to Board from Company A and controlling person; notification to Board from Company B regarding new controlling person no new application or fee needed from controlling person license goes with controlling person; ~~\$5 transfer fee from controlling person.~~

(3) ~~The notification required in subsection (1) shall be submitted to the executive director by certified mail within 14 days of a change in a licensee's status. Within 30 days of a change in its status, the licensee, or other entity resulting from such change or both, shall submit new applications, new financial or other information, and new or additional fees to the~~

Board's office as needed to comply with Part XI of Chapter 468, F.S., and the rules of this Board, by any form of mail that provides the sender with delivery confirmation.

(4) through (5) No change.

(6) In the event of a change in status of controlling person pursuant to paragraph (2)(g)(h) or (h)(i), as outlined above, the controlling person and all employee leasing companies

~~involved the company to which the controlling person has moved shall submit notifications to the Board of the acceptance of the controlling person's transfer, along with a \$25 fee for the change of company name on the individual's license.~~

(7) No change.

(8) In the event of a purchase or acquisition of control pursuant to paragraphs (2)(d) or (e), above, the controlling persons in the purchased employee leasing company must demonstrate that workers compensation coverage is/was in effect during the purchase or acquisition of control and at all time subsequent thereto for the employees of the entity purchased or over which control was acquired by providing a certificate of coverage from an insurance carrier that is admitted in the State of Florida naming the new owner or owners as the insured.

Rulemaking Specific Authority 455.201(2), 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531, 455.201(2) FS. Law Implemented 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. History--New 1-27-93, Amended 5-20-93, Formerly 21EE-10.002, Amended 10-24-93, 8-17-94, 11-9-95, 5-21-96, 11-24-96, 3-18-97, 3-1-05, 10-23-05, 12-31-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 27, 2012

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-818.002	Definitions
62-818.003	General Requirements and Eligibility Standards
62-818.007	Project Evaluation Criteria
62-818.009	Project Approval
62-818.011	Preparation and Acceptance of the Management Plan
62-818.014	Modification to Expand the Project Boundary
62-818.016	Consideration of Recipient's Request for Land Exchanges

PURPOSE AND EFFECT: Chapter 2011-142, Laws of Florida, transferred Florida Communities Trust ("FCT") from the Department of Community Affairs to the Department of Environmental Protection ("DEP"). As a result of that transfer, FCT rules were transferred to Chapter 62. Now, FCT is engaging in rulemaking for its terms and procedures to conform to DEP terms and procedures, specifically those related to appraisals and environmental site assessments. These revisions are necessary to achieve a more consistent, effective, and streamlined approach to implement the FCT program.

SUMMARY: The proposed rule amendments will amend terms and definitions to conform to current DEP terms and definitions. Specifically, definitions and procedures for appraisal related items will refer to Rule Chapter 18-1, which mandates how DEP handles appraisal services and reviews. Additionally, FCT will now utilize the term "grant agreement" rather than "grant contract" and will reference "maximum amount" rather than "maximum approved purchase price."

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 FCT rules are provided free of charge to the public and applicants following the FCT rules would not incur additional economic impact. Therefore, because the goal of the proposed amendments is to streamline FCT procedures, the Agency determined the proposed amendments would not impose an adverse economic impact or regulatory increases.

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: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristen L. Coons, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, telephone (850)245-2862, email: Kristen.Coons@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-818.002 Definitions.

(1) through (2) No change.

(3) "Applicant" means an eligible Local Government entity(ies) or Nonprofit Environmental Organization entity(ies) which submit an Application(s) or Partnership Application(s) for Florida Forever funds through the Trust. An Applicant who has been approved for funding by the Trust and who has executed a Grant ~~Agreement Contract~~ with the Trust shall also be referred to as a Recipient.

(4) through (10) No change.

(11) "Florida Forever Funds" means proceeds from the Florida Forever Trust Fund created by Section 259.1051, F.S., and distributed to the Department of ~~Environmental Protection~~ pursuant to Sections 259.105(3)(c) and 380.5115, F.S., for the purpose of providing Acquisition Awards through the Florida Communities Trust Florida Forever Program.

(12) No change.

(13) "Future Land Use Map" means a map or map series included within the future land use element of a local comprehensive plan that meets the requirements of Section 163.3177(6), F.S. ~~subsection 9J-5.006(4), F.A.C.~~

(14) "Governing Board" means that ~~five-member~~ six member governing body described in Sections 380.504 and 380.505, F.S.; the powers of the Trust are vested in its Governing Board members, pursuant to Section 380.505, F.S.

(15) "Grant Agreement Contract", formerly known as the "Grant Contract" "~~Conceptual Approval Agreement~~", means a written contract between the Trust and the Recipient setting forth the requirements and responsibilities for Acquisition and management of the Project Site.

(16) through (19) No change.

(20) "Local Comprehensive Plan" means a plan that meets the requirements of Sections 163.3177, 163.3178, 163.3180, ~~and~~ 163.3191, 163.3245 and 163.3248, F.S., and has been found to be in compliance in accordance with Section 163.3184, F.S.

(21) through (22) No change.

(23) "Major Military Installation" includes the following areas designated by the United States Military: Avon Park Air Force Range, Camp Blanding Joint Training Center, Eglin Air Force Base & Hurlburt Field including Outlying ~~Out-Lying~~ Field Camp Rudder and Duke, Homestead Air Force Reserve Base, MacDill Air Force Base, Naval Air Station Jacksonville including Outlying ~~Out-Lying~~ Field Whitehouse, Naval Air Station Key West (Boca Chica), Patrick Air Force Base, Tyndall Air Force Base, Naval Station Mayport, Naval Air Station Pensacola (Pensacola Complex) including Outlying ~~Out-Lying~~ Field Saufley and Site 8 and Naval Air Station Whiting Field including Outlying ~~Out-Lying~~ Field Pace, Spencer, Harold, Santa Rosa, Choctaw and Holley.

(24) through (35) No change.

(36) "Reasonable Assurance" means the Applicant's ability to demonstrate to the Trust that there is a substantial likelihood that the project will be successfully implemented and managed in accordance with the Application and the Grant Agreement Contract, and may include the Trust's inquiry into: the Applicant's current and prospective financial condition; the Applicant's history in acquiring, developing and managing similar projects; the Applicant's financial commitment to the subject project as evidenced by the amount and type of any Match in the form of monies or real estate; and the character and background of the Applicant's partners, directors, officers, managers, project administrators, controlling shareholders (if applicable), and appointed or elected officials.

(37) "Recipient" means an Applicant that has been approved for funding by the Trust and who has executed a Grant Agreement Contract with the Trust for an Award.

(38) through (40) No change.

(41) "Reimbursement Acquisition" means the entire Project Site or remaining portion of the Project Site will be acquired by the Applicant through a voluntarily-negotiated transaction after the application deadline and within the terms of the Grant Agreement Contract.

(42) No change.

(43) "Trust" means the Florida Communities Trust, a nonregulatory agency and instrumentality, which is a public body corporate and politic, created within the Department of ~~Environmental Protection~~ pursuant to Chapter 380, Part III, F.S., or the Governing Board of the Florida Communities Trust.

(44) through (46) No change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02, 2-7-05, 2-19-07, 2-8-10, Formerly 9K-7.002, Amended.

62-818.003 General Requirements and Eligibility Standards.

The following constitutes the general procedures for the Florida Forever Program of the Florida Communities Trust (FCT).

(1) Application Form. Application Form FCT-5 (eff. 2-8-10), incorporated herein by reference, is prescribed for use with these rules. Applications for funding must be submitted on Application Form FCT-5. Applicants may only submit one Application Form per Project Site. A copy, or instructions for receiving the Application Form in an electronic format, may be obtained by writing to the Florida Communities Trust, 3900 Commonwealth Boulevard, MS #115, Tallahassee, FL 32399-3000, ~~or~~ by calling (850)245-2669, or via www.flrules.org/Gateway/reference.asp?No=Ref-02354.

(2) through (4) No change.

(5) Current Applications: If any Applicant has three or more active Grant Agreements Contracts at the time of the project selection meeting, the Applicant shall not be funded for additional grant Applications until the Applicant has closed out one or more of the active Grant Agreements Contracts so that there are no more than two active Grant Agreements Contracts.

(6) through (10) No change.

(11) Site Management. Each Applicant is required to provide a Management Plan as outlined in this rule chapter. To ensure that future management funds will be available for the management of the site in perpetuity pursuant to Section 259.105, F.S., and Chapter 380, Part III, F.S., the Applicant shall be required to provide the Trust with Reasonable Assurance that they have the financial resources, background, qualifications and competence to manage the Project Site in perpetuity in a reasonable and professional manner that is consistent with the approved Management Plan. Where the

Application or Partnership Application does not include at least one Local Government, the Trust shall: require the Recipient to establish an endowment or other fund in an amount equal to ten percent of the project cost to insure that the Project Site shall be reasonably and professionally managed in perpetuity; require a guaranty or pledge by a Local Government, the Water Management District, the Florida ~~Forest Service Division of Forestry~~, the Florida Fish and Wildlife Conservation Commission, or the Florida Department of ~~Environmental Protection (DEP)~~ which shall require the Local Government, the Water Management District or the State agency to take over the responsibility for management of the Project Site in the event the Nonprofit Environmental Organization is unable to; and require such other assurances as the governing board may deem necessary to adequately protect the public interest.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.505-.515 FS. History—New 5-27-01, Amended 5-20-02, 2-7-05, 2-19-07, 2-8-10, 4-6-11, Formerly 9K-7.003, Amended _____.

62-818.004 Submission of Application and Application Materials.

(1) Applications must be submitted by mail or delivery to the Florida Communities Trust, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #115, Tallahassee, FL 32399-3000. To be timely submitted, Applications must be received on or before the published Application deadline.

(2) through (8) No change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.508, 380.510 FS. History—New 5-27-01, Amended 5-20-02, 2-7-05, 2-19-07, 2-8-10, Formerly 9K-7.004, Amended _____.

62-818.007 Project Evaluation Criteria.

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and in Application Form FCT-5 (eff. 2-8-10), incorporated herein by reference. Trust staff will be responsible for evaluating Applications and recommending point scores to the Governing Board. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application for scoring recommendations to the Governing Board. Personnel from other state agencies, regional planning councils, water management districts, and other public and private groups may assist the Trust staff in project evaluation as requested by Trust staff on an application-by-application basis. Unless otherwise noted, an Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state “No” in the response to the criterion.

(1) through (2)(e) No change.

(f) Water quality. The Project Site provides for the protection or enhancement of water quality (points may be awarded based on the following criteria):

1. No change.

2. The Project Site is adjacent to and will protect Outstanding Florida Waters as designated by the Department of ~~Environmental Protection~~ (5 points);

3. No change.

(2)(g) through (3) No change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 5-27-01, Amended 5-20-02, 2-7-05, 2-19-07, 2-8-10, Formerly 9K-7.007, Amended _____.

62-818.009 Project Approval.

(1) Following the ranking and selection of Applications described above but prior to approval, the Trust staff shall conduct site visits or other investigations. If such visits or investigations reveal undisclosed facts or erroneous evaluation conclusions, the Trust staff shall adjust the final score and ranking accordingly. The Trust shall impose conditions based on Applicant representations and findings from site visits and other investigations. Applicants will be advised of the conditions prior to Trust approval and completion of the Grant Agreement Contract. Any conditions imposed on the Applicant must be met prior to receiving Project Plan approval. Further, the Trust shall have the right to alter the ranking of Applications based on the site visit or investigation findings.

(2) through (3) No change.

(4) The established time frame for funding approval shall be for a period not to exceed 12 months. Approval shall be evidenced by a fully executed Grant Agreement Contract between the Trust and the Recipient. When the established time frame has expired and an approved project has not received Project Plan approval, the project shall be terminated and Trust funds committed to the project shall then be committed to other approved Applications. The Trust may extend the Grant Agreement Contract beyond the established timeframe if the Recipient demonstrates that significant progress is being made toward Project Plan approval or that extenuating circumstances warrant an extension of time. All requests for extensions shall be made in writing to the Trust, prior to the expiration of the established timeframe, fully explaining the reason for the delay and why the extension is necessary.

(5) The time period of the Grant Agreement Contract and extensions shall not exceed a total of 24 months; unless, however, the Trust extends an Award beyond 24 months when the Recipient demonstrates that significant progress is being made toward closing the project or that extenuating circumstances warrant an extension of time.

(6) The Trust may unilaterally terminate the Grant Agreement Contract prior to the established time frame, if it is determined by the Trust that no significant progress is being made toward the Acquisition of the Project Site or other

circumstances are present which would, in all likelihood, preclude or prevent the successful Acquisition of the Project Site within the established time frame.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History–New 6-25-01, Amended 5-20-02, 2-7-05, 4-6-11, Formerly 9K-7.009, Amended_____.

62-818.011 Preparation and Acceptance of the Management Plan.

(1) Prior to release of Florida Forever Funds for a project, the Recipients shall submit a Management Plan for approval by the Trust. Phased Projects or additions to Trust funded projects shall be combined into existing Management Plans. The Management Plan shall explain how the Project Site will be managed to further the purposes of the project and meet the terms and conditions of the Grant Agreement Contract.

(2) The Trust shall approve the Management Plan upon confirmation that it is consistent with the purposes of the Application and the terms and conditions of the Grant Agreement Contract.

(3) No change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History–New 6-25-01, Amended 5-20-02, 2-7-05, 2-19-07, 2-8-10, Formerly 9K-7.011, Amended_____.

62-818.014 Modification to Expand the Project Boundary.

Modification to expand the boundary of a Project Site selected for approval will be considered by the Trust on a case-by-case basis. Requests to modify the project boundary shall be submitted to the Trust within 12 months of the approval of the Grant Agreement Contract. Requests for boundary amendments received after said deadline shall not be considered unless an exception is granted by the Trust based upon the demonstration of good cause. Good cause shall be based on whether the boundary modification is necessary to the successful development and management of the Project Site. The following procedures are established to guide the submission and review of boundary modification requests.

(1) A written request for boundary modification must be submitted and contain the items listed below. The request must be transmitted with an original signature cover letter on the Recipient’s letterhead, signed by the appropriate authorized representative named in the Grant Agreement Contract, and include a statement binding the Recipient to fulfill the commitments made in the request for boundary modification.

(a) through (e) No change.

(2) through (4) No change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History–New 2-8-10, Formerly 9K-7.014, Amended_____.

62-818.016 Consideration of Recipient’s Request for Land Exchanges.

The Declaration of Restrictive Covenants for Trust Project Sites limits the use of the property to conservation, outdoor recreation, and other related activities. However, Recipients occasionally receive requests from adjacent property owners for land exchanges to expand the adjacent development in return for other lands adjacent to the park.

When evaluating these requests, the following process must be followed.

(1) through (2)(e). No change.

(f) Separate appraisals for each parcel (to be paid by the entity proposing the exchange and commissioned by the Recipient). The appraisal shall be completed according to the Department Uniform Standards of Professional Appraisal Practice (USPAP) and FCT standards by an approved DEP appraiser, after consultation with Department FCT appraisal staff. The parcel(s) to be provided by the Recipient/Trust shall be appraised as if it did not have any development restrictions on it;

(g) through (h) No change.

(3) No change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History–New 2-8-10, Formerly 9K-7.016, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Grandin, Director, Division of State Lands

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 28, 2013, Vol. 39/18

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-819.002	Definitions
62-819.006	Certified Survey
62-819.007	Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price
62-819.009	Negotiation of Offers and Counteroffers
62-819.012	Examination for Hazardous Materials Contamination

PURPOSE AND EFFECT: Chapter 2011-142, Laws of Florida, transferred Florida Communities Trust (“FCT”) from the Department of Community Affairs to the Department of Environmental Protection (“DEP”). As a result of that transfer, FCT rules were transferred to Chapter 62. Now, FCT is engaging in rulemaking for its terms and procedures to conform to DEP terms and procedures, specifically those

related to appraisals and environmental site assessments. These revisions are necessary to achieve a more consistent, effective, and streamlined approach to implement the FCT program.

SUMMARY: The proposed rule amendments will amend terms and definitions to conform to current DEP terms and definitions. Specifically, definitions and procedures for appraisal related items will refer to Rule Chapter 18-1, which mandates how DEP handles appraisal services and reviews.

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 FCT rules are provided free of charge to the public and applicants following the FCT rules would not incur additional economic impact. Therefore, because the goal of the proposed amendments is to streamline FCT procedures, the Agency determined the proposed amendments would not impose an adverse economic impact or regulatory increases.

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: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristen L. Coons, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, telephone (850)245-2862

THE FULL TEXT OF THE PROPOSED RULE IS:

62-819.002 Definitions.

The definitions set forth in Rule 62-818.002, F.A.C., shall apply as used in this rule chapter and are incorporated herein by reference. Additionally, the following definitions shall apply as used in this rule chapter:

- (1) No change.
- (2) “Appraisal” or “Appraisal Services” has the same meaning as provided in Rule 18-1.002, F.A.C. means the services provided by Florida certified or licensed Appraisers pursuant to Section 475.611(1), F.S.
- (3) No change.

~~(4) “Appraiser” means any person who is certified or licensed by the State pursuant to Chapter 475, Part II, F.S., and whose certification or license is current, valid and active.~~

~~(4)(5) “Approved Appraisal” has the same meaning as provided in Rule 18-1.002, F.A.C. means an Appraisal that has been reviewed and approved by the Trust for use in determining the Maximum Approved Purchase Price.~~

(6) through (10) renumbered (5) through (9) No change.

~~(10)(H) “Market Value” has the same meaning as provided in Rule 18-1.002, F.A.C., as defined in the Uniform Standards of Professional Appraisal Practice (as promulgated by the Appraisal Standards Board of The Appraisal Foundation), means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming that the price is not affected by undue stimulus.~~

~~(12) “Maximum Approved Purchase Price” means the maximum purchase price that the Trust can participate in as determined by Appraisals performed on a Project Site that have been reviewed and approved by the Trust.~~

(13) through (18) renumbered (11) through (16) No change.

~~(17)(49) “Uniform Standards of Professional Appraisal Practice” (“USPAP”) has the same meaning as provided in Rule 18-1.002, F.A.C. means the most recent standards approved and adopted by the Appraisals Standards Board of The Appraisal Foundation.~~

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Amended 5-20-02, 2-19-07, Formerly 9K-8.002, Amended _____.

62-819.006 Certified Survey.

(1) At least 30 days prior to closing, a Certified Survey must be submitted to the Trust for final approval to rectify acreage and title issues against the title commitment, the negotiated Purchase Agreement and the Appraisal(s) used to determine the maximum amount. ~~Maximum Approved Purchase Price.~~

(2) through (5) No change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Formerly 9K-8.006, Amended _____.

~~62-819.007 Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price.~~

Appraisal services shall be obtained through the Department in accordance with the procedures and requirements provided in Chapter 18-1, F.A.C., except as follows:

- (1) No change.

~~(2) Techniques and methods used by the Appraiser shall substantially conform to the Uniform Standards of Professional Appraisal Practice (USPAP), as defined in Chapter 475, Part II, F.S., as well as Trust appraisal instructions and format.~~

~~(3) The party responsible for Acquisition activities shall provide to the Appraiser all pertinent title information developed in the title report, a specification of the rights to be acquired, a list of items, if any, considered to be nonecompensable, required appraisal forms or formats, and the most recent survey, if available.~~

~~(2)(4) The party responsible for Acquisition activities shall obtain at least one Appraisal by an Approved Appraiser for each ownership in a Project Site estimated to be valued less than \$1,000,000.00 \$500,000. For each ownership in a Project Site estimated to be valued at or greater than \$1,000,000.00 \$500,000, the party responsible for Acquisition activities shall obtain at least two Appraisals by Approved Appraisers.~~

~~(5) Determination of Maximum Approved Purchase Price.~~

~~(a) For purposes of calculating the Trust and the Recipient shares of the purchase price paid for real property, a Maximum Approved Purchase Price shall be determined. The Grant Contract will describe financial participation by the Trust and the Recipient on a percentage basis. The Trust considers that the maximum purchase price in which it will participate shall be the Maximum Approved Purchase Price or purchase price, whichever is less. If the Recipient or its Agent negotiates a purchase price higher than the Maximum Approved Purchase Price, the Recipient shall pay all the purchase price amount over the Maximum Approved Purchase Price, in addition to the Match percentage share of the Maximum Approved Purchase Price.~~

~~(b) Appraisals of all properties shall be reviewed by a review Appraiser who is employed by or under contract to the Trust. The review Appraiser must certify to the Trust that the Appraisals have been conducted substantially in accordance with this rule chapter and with correct Appraisal standards and methods, and must certify the appraised value(s) of the subject real property. This certified value shall also be referred to as "the Maximum Approved Purchase Price."~~

~~(c) The Maximum Approved Purchase Price shall be the value indicated in a single reviewed and approved Appraisal if only one Appraisal is required. If two Appraisals are obtained and approved when only one is required by this rule chapter, the Maximum Approved Purchase Price shall be the higher of the two values indicated in the Appraisals.~~

~~(d) If two Appraisals are required and their values do not differ significantly, the Maximum Approved Purchase Price shall be the higher value indicated in the two Appraisals. The two Appraisals shall be considered to differ significantly if the higher of the two values exceeds 120 percent of the lower value.~~

~~(e) When two Appraisals required under subsection (4) above differ significantly, the following steps shall be taken:~~

~~1. The review Appraiser shall request that the two Appraisers review the differences in their respective reports to attempt to rectify their value conclusions so that the two value conclusions are not significantly different;~~

~~2. A third Appraisal shall be obtained if the two Appraisals differ significantly and cannot be rectified as in the above paragraph unless a decision is made by the Trust to negotiate an Acquisition price of no more than 120 percent of the lower of the two reviewed and approved Appraisals.~~

~~3. If a third Appraisal is obtained and reviewed and approved, the Maximum Approved Purchase Price shall be the value contained in the higher of the two closest Appraisals, so long as the two closest Appraisals do not differ significantly. If the two closest Appraisals differ significantly, 120 percent of the lower of the two Appraisals shall be the Maximum Approved Purchase Price.~~

~~(6) The Trust shall compare the Maximum Approved Purchase Price with the cost to purchase the land as estimated in the Application. If that estimated cost is greater than the Maximum Approved Purchase Price, the Trust shall reduce the amount of the Award by a letter of notice to the Recipient.~~

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.501-515 FS. History—New 5-27-01, Amended 5-20-02, 2-8-05, 2-19-07, 2-9-10, Formerly 9K-8.007, Amended _____.

62-819.009 Negotiation of Offers and Counteroffers.

(1) through (2) No change.

(3) The Trust desires that the party responsible for negotiations negotiate the purchase price at or below the maximum amount. ~~Maximum Approved Purchase Price.~~

(4) No change.

(5) When the party responsible for negotiations initiates Acquisition negotiations prior to the receipt of the required number of Appraisal reports reviewed and approved in accordance with this rule chapter, that party assumes all risk and responsibility that may arise out of a negotiated purchase price that exceeds the maximum amount. ~~Maximum Approved Purchase Price~~ or other review standards set forth in this rule chapter.

(6) through (9) No change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.501-515 FS. History—New 5-27-01, Formerly 9K-8.009, Amended _____.

62-819.012 Examination for Hazardous Materials Contamination.

(1) through (4) No change.

(5) In the event an adverse environmental assessment is reported on a site after approval of the Project Plan for the site, the Trust shall assess ~~confer with the appropriate staff of the Department for assistance in assessing~~ the risk to the State. Because the Board of Trustees will have an executory interest in the Project Site, the Trust shall have the right to refuse to deliver funds for closing if the Trust determines ~~and the~~

~~Department determine~~ the hazardous materials contamination presents a liability to the State that outweighs the benefits to be derived from the Acquisition of the Project Site. If it is determined by the Trust ~~and the Department of Environmental Protection~~ that a delay in, or termination of the Acquisition is necessary, the Trust shall immediately notify the Recipient. The party responsible for negotiations shall immediately notify all other parties to the Purchase Agreement of the action taken and the basis for the action.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Amended 2-8-05, Formerly 9K-8.012, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Susan Grandin, Director, Division of State Lands
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 28, 2013, Vol. 39/18

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-821.002	Definitions
62-821.004	Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price
62-821.006	Negotiation of Offers and Counteroffers
62-821.009	Certified Survey
62-821.010	Examination for Hazardous Materials Contamination

PURPOSE AND EFFECT: Chapter 2011-142, Laws of Florida, transferred Florida Communities Trust (“FCT”) from the Department of Community Affairs to the Department of Environmental Protection (“DEP”). As a result of that transfer, FCT rules were transferred to Chapter 62. Now, FCT is engaging in rulemaking for its terms and procedures to conform to DEP terms and procedures, specifically those related to appraisals and environmental site assessments. These revisions are necessary to achieve a more consistent, effective, and streamlined approach to implement the FCT program.

SUMMARY: The proposed rule amendments will amend terms and definitions to conform to current DEP terms and definitions. Specifically, definitions and procedures for appraisal related items will refer to Rule Chapter 18-1, which mandates how DEP handles appraisal services and reviews.

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 FCT rules are provided free of charge to the public and applicants following the FCT rules would not incur additional economic impact. Therefore, because the goal of the proposed amendments is to streamline FCT procedures, the Agency determined the proposed amendments would not impose an adverse economic impact or regulatory increases.

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: 380.507(11), 380.5105(2) FS. LAW IMPLEMENTED: 259.105, 380.501-.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristen L. Coons, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, telephone (850)245-2862, email: Kristen.Coons@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-821.002 Definitions.

The definitions set forth in Rule 62-820.002, F.A.C., shall apply as used in this rule chapter and are incorporated herein by reference. Additionally, the following definitions shall apply as used in this rule chapter:

(1) ~~“Appraisal” or “Appraisal Services” has the same meaning as provided in Rule 18-1.002, F.A.C. means the services provided by Florida certified or licensed Appraisers pursuant to Section 475.611(1), F.S.~~

(2) No change.

~~(3) “Appraiser” means any person who is certified or licensed by the State pursuant to Chapter 475, Part II, F.S., and whose certification or license is current, valid and active.~~

~~(3)(4) “Approved Appraisal” has the same meaning as provided in Rule 18-1.002, F.A.C. means an Appraisal that has been reviewed and approved by the Trust for use in determining the Maximum Approved Purchase Price.~~

(5) through (9) renumbered (4) through (8) No change.

~~(9)(40) “Market Value” has the same meaning as provided in Rule 18-1.002, F.A.C., as defined in the Uniform Standards of Professional Appraisal Practice (as promulgated by the~~

Appraisal Standards Board of The Appraisal Foundation), means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming that the price is not affected by undue stimulus.

(11) “Maximum Approved Purchase Price” means the maximum purchase price that the Trust can participate in as determined by Appraisals performed on a Project Site that have been reviewed and approved by the Trust.

(12) through (16) renumbered (10) through (14) No change.

(15)(17) “Uniform Standards of Professional Appraisal Practice” has the same meaning as provided in Rule 18-1.002, F.A.C. means the “Uniform Title Standards” in effect as of the effective date of this rule approved and adopted by the Appraisals Standards Board of The Appraisal Foundation.

Rulemaking Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 11-25-08, Formerly 9K-10.002, Amended _____.

62-821.004 Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price.

(1) Appraisal services shall be obtained through the Department in accordance with the procedures and requirements provided in Chapter 18-1, F.A.C. The Trust shall contract with the Approved Appraiser(s) according to contract requirements of the Trust.

(2) Techniques and methods used by the Appraiser shall substantially conform to the Uniform Standards of Professional Appraisal Practice (USPAP), as defined in Chapter 475, Part II, F.S., as well as Trust appraisal instructions and format.

(3) The Trust shall provide to the Appraiser all pertinent title information developed in the title report, a specification of the rights to be acquired, a list of items, if any, considered to be noncompensable, required appraisal forms or formats, and the most recent survey, if available.

(4) The Trust shall obtain at least one Appraisal by an Approved Appraiser for each ownership in a Project Site estimated to be valued less than \$500,000. For each ownership in a Project Site estimated to be valued at or greater than \$500,000, the Trust shall obtain at least two Appraisals by Approved Appraisers.

(5) Determination of Maximum Approved Purchase Price.

(a) For purposes of calculating the Trust and the Recipient shares of the purchase price paid for real property, a Maximum Approved Purchase Price shall be determined. The Grant Contract will describe financial participation by the Trust and the Recipient on a percentage basis. The Trust considers that the maximum purchase price in which it will participate shall be the Maximum Approved Purchase Price or purchase price, whichever is less. If the Recipient decides to pay a purchase price higher than the Maximum Approved Purchase Price, the

Recipient shall pay all the purchase price amount over the Maximum Approved Purchase Price, in addition to the Match percentage share of the Maximum Approved Purchase Price.

(b) Appraisals shall be reviewed by a review Appraiser who is employed by or under contract to the Trust. The review Appraiser must certify to the Trust that the Appraisals have been conducted substantially in accordance with this rule chapter and with correct Appraisal standards and methods, and must certify the appraised value(s) of the subject real property. This certified value shall also be referred to as “the Maximum Approved Purchase Price.”

(c) The Maximum Approved Purchase Price shall be the value indicated in a single reviewed and approved Appraisal if only one Appraisal is required. If two Appraisals are obtained and approved when only one is required by this rule chapter, the Maximum Approved Purchase Price shall be the higher of the two values indicated in the Appraisals.

(d) If two Appraisals are required and their values do not differ significantly, the Maximum Approved Purchase Price shall be the higher value indicated in the two Appraisals. The two Appraisals shall be considered to differ significantly if the higher of the two values exceeds 120 percent of the lower value.

(e) When two Appraisals required under subsection (4) above differ significantly, the following steps shall be taken:

1. The review Appraiser shall request that the two Appraisers review the differences in their respective reports to attempt to rectify their value conclusions so that the two value conclusions are not significantly different;

2. A third Appraisal shall be obtained if the two Appraisals differ significantly and cannot be rectified as in the above paragraph unless a decision is made by the Trust to negotiate an Acquisition price of no more than 120 percent of the lower of the two reviewed and approved Appraisals; and

3. If a third Appraisal is obtained and reviewed and approved, the Maximum Approved Purchase Price shall be the value contained in the higher of the two closest Appraisals, so long as the two closest Appraisals do not differ significantly. If the two closest Appraisals differ significantly, 120 percent of the lower of the two Appraisals shall be the Maximum Approved Purchase Price.

(6) The Trust shall compare the Maximum Approved Purchase Price with the cost to purchase the land as estimated in the Application. If that estimated cost is greater than the Maximum Approved Purchase Price, the Trust shall reduce the amount of the Award by a letter of notice to the Recipient.

Rulemaking Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 11-25-08, Formerly 9K-10.004, Amended _____.

62-821.006 Negotiation of Offers and Counteroffers.

(1) It shall be the goal of the Trust and the Recipient that the Acquisition of the real property be negotiated at the best price and terms that can be negotiated in the interest of the

project's public purpose, with preference given to a purchase price at or below the ~~maximum amount~~ ~~Maximum Approved Purchase Price~~. The objective of all purchase negotiations shall be to obtain, at the lowest possible price, the appropriate interest in real property free of encumbrances, conditions, restrictions and reservations that would impede the purposes or management of the Project Site. In the course of negotiations the Trust may discuss the advantages of a Donation and bargain sale. If the real property to be acquired is not already surveyed and the acreage of the site is not known, the Owner shall be advised of the benefits of obtaining a safe upland line survey, as opposed to a mean high water or ordinary high water survey, for calculating the acreage of the site.

(2) through (7) No change.

Rulemaking Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Formerly 9K-10.006, Amended_____.

62-821.009 Certified Survey.

(1) At least 30 days prior to closing, a Certified Survey must be submitted to the Trust for final approval to rectify acreage and title issues against the title commitment, the negotiated Purchase Agreement and the Appraisal(s) used to determine the ~~maximum amount~~ ~~Maximum Approved Purchase Price~~.

(2) through (4) No change.

Rulemaking Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Formerly 9K-10.009, Amended_____.

62-821.010 Examination for Hazardous Materials Contamination.

(1) through (4) No change.

(5) In the event an adverse environmental assessment is reported on a site, the Trust will assess ~~may confer with the appropriate staff of the Department for assistance in assessing~~ the risk to the State. Because the Board of Trustees will have an executory interest in the Project Site, the Trust shall have the right to refuse to deliver funds for closing if the Trust ~~and the Department~~ determines ~~determine~~ the hazardous materials contamination presents a liability to the State that outweighs the benefits to be derived from the Acquisition of the Project Site. If it is determined by the Trust ~~and the Department~~ that a delay in, or termination of the Acquisition is necessary, the Trust shall immediately notify the Recipient. The Trust shall immediately notify all other parties to the Purchase Agreement of the action taken and the basis for the action.

Rulemaking Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Formerly 9K-10.010, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Grandin, Director, Division of State Lands, State of Florida Department of Environmental Protection

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 28, 2013, Vol. 39/18

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-30.002
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendments to clarify language, to update existing penalties, and to set forth additional violations and appropriate penalties.

SUMMARY: The proposed rule amendments are necessary to clarify language, to update existing penalties, and to set forth additional violations and appropriate penalties in regard to disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.072(2), 456.073(4), 456.079(1), (3), (4), 480.035(7) FS.

LAW IMPLEMENTED: 456.072(2), 456.073(4), 456.079(1), (3), (4), 480.046, 480.047 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B7-30.002 follows. See Florida Administrative Code for present text)

64B7-30.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant, apprentice, or licensee whom it regulates under Chapter 480, F.S., has committed any of the acts set forth in Sections 480.0485, 480.046, 480.047 and 456.072, F.S., and/or 64B7 F.A.C., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines after consideration of the aggravating and mitigating factors set forth in subsection (4) of this rule. Discipline may include any of the following: letter of concern, reprimand, license with conditions, probation, suspension, revocation and/or fines.

(2) If the offense is for fraud or making a false or fraudulent representation, the recommended penalties are:

(a) Licensee:

1. First offense: \$10,000 fine;

2. Second offense: \$10,000 fine and suspension;

3. Subsequent offense: \$10,000 fine and revocation.

(b) Applicant:

1. First offense: \$10,000 fine and a denial of licensure;

2. Subsequent offense: \$10,000 fine, denial of licensure, and prohibition on reapplication for 2 to 5 yrs.

(c) Massage Establishment:

1. \$10,000, revocation of the license, and prohibition of reapplication by the holder of the license for a period of 2 yrs.

2. In addition, if owned by a Licensed Massage Therapist:

a. First offense: \$10,000 fine and suspension of owner's massage therapy license.

b. Subsequent offense: \$10,000 fine and revocation of the owner's massage therapy license.

(3) Disciplinary Guidelines.

VIOLATION	PENALTY RANGE		
	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
(a) 480.046(1)(a) or 456.072(1)(h) <u>Bribery</u> <u>Fraudulent misrepresentation</u> <u>Licensed through error of Department or Board</u>	\$1000 fine and suspension or denial of licensure \$10,000 fine Revocation	Revocation \$10,000 fine and suspension	\$10,000 fine and revocation
(b) 480.046(1)(b) or 456.072(1)(f)	Discipline consistent with penalty or actions imposed in other jurisdiction or denial of licensure		

(c) 480.046(1)(c) or 456.072(1)(c) <u>Misdemeanors</u>	<u>\$250 fine</u>	<u>\$500 fine and probation</u>	<u>\$500 fine and suspension</u>
<u>Felonies</u>	<u>\$500 fine and probation</u>	<u>\$500 fine and suspension</u>	<u>\$1,000 fine and suspension</u>
<u>Crimes relating to assault, battery, abuse or which otherwise cause bodily harm, prostitution or solicitation for prostitution</u>	<u>\$1,000 fine and revocation</u>		
<u>Crimes relating to fraud</u>	<u>\$10,000 fine</u>	<u>\$10,000 fine and suspension</u>	<u>\$10,000 fine and revocation</u>
(d) 480.046(1)(d)	<u>\$500 fine and reprimand</u>	<u>\$750 fine and probation</u>	<u>\$1,000 fine and suspension</u>
(e) 480.046(1)(e) or 456.072(1)(j)	<u>\$1,000 fine and suspension</u>	<u>\$1,000 fine and suspension for a minimum of 2 years</u>	<u>Revocation</u>
(f) 480.046(1)(f) or 456.072(1)(a) or (m)	<u>\$1,000 fine and reprimand</u>	<u>\$1,000 fine and probation</u>	<u>Revocation</u>
<u>Fraudulent misrepresentations</u>	<u>\$10,000 fine</u>	<u>\$10,000 fine and suspension</u>	<u>\$10,000 fine and revocation</u>
(g) 480.046(1)(g) or 456.072(1)(z)	<u>Suspension until PRN evaluation and contract if recommended, suspension stayed while compliant</u>	<u>Suspension until compliant</u>	<u>Revocation</u>
(h) 480.046(1)(h)	<u>\$1,000 fine and probation</u>	<u>\$1,000 fine and suspension</u>	<u>Revocation</u>
(i) 480.046(1)(i) or 456.072(1)(o)	<u>\$1,000 fine and probation</u>	<u>\$1,000 fine and suspension</u>	<u>Revocation</u>
(j) 480.046(1)(j) or 456.072(1)(p)	<u>\$500 fine and probation</u>	<u>\$1,000 fine and suspension</u>	<u>Revocation</u>
(k) 480.046(1)(k) or 456.072(1)(q)	<u>Suspension until compliant</u>	<u>Revocation</u>	
(l) 480.046(1)(l)	<u>\$500 fine and suspension</u>	<u>\$1,000 fine and suspension</u>	<u>Revocation</u>
(m) 480.046(1)(m)	<u>\$250 fine and reprimand</u>	<u>\$1,000 fine and suspension</u>	<u>Revocation</u>
(n) 480.046(1)(n) 1. <u>Establishment license delinquent</u> 2. <u>Establishment license suspended – site owned by massage therapist</u>	<u>\$100 fine for the first month and \$50 for each succeeding month or part thereof and reprimand</u> <u>Suspension of owner’s massage therapy license</u>	<u>Revocation of licensed owner’s massage therapy license</u>	
(o) 480.046(1)(o) or 456.072(1)(b) or (dd)	<u>Unless an offense is specifically set forth in this subsection</u> <u>\$250 fine</u>	<u>\$250 fine and probation</u>	
1. 480.0465	<u>Reprimand, \$500 fine</u>	<u>Revocation</u>	
2. 480.0485	<u>\$2,500 fine and revocation</u>		

3. 456.036(1) <u>Delinquent license</u>	<u>\$100 fine for first month and \$50 for each succeeding first month or part thereof and reprimand</u>		
4. 456.036(1) <u>Suspended or inactive license</u>	<u>Revocation</u>		
5. 480.047(1)(b) <u>Violator's license Delinquent</u>	<u>\$100 fine for first month and \$50 for each succeeding month or part thereof and reprimand</u>		
6. 480.047(1)(b) <u>Violator's license Suspended or inactive</u>	<u>Revocation</u>		
7. 480.047(1)(c)	<u>\$1,000 fine and suspension</u>	<u>\$1,000 fine and suspension for minimum of 2 years</u>	<u>Revocation</u>
8. 480.047(1)(d) <u>Licensee</u> <u>Applicant</u>	<u>\$1,000 fine</u> <u>Denial of licensure</u>	<u>Revocation</u> <u>Denial of licensure and prohibition on reapplication for 2-5 years</u>	
9. 480.047(1)(e)	<u>Revocation</u>		
10. 480.047(1)(f) <u>Licensee</u> <u>Applicant</u>	<u>\$1,000 fine and probation</u> <u>Denial of licensure</u>	<u>\$1,000 fine and suspension</u> <u>Denial of licensure and prohibition on reapplication for 2-5 years</u>	<u>Revocation</u>
11. 480.047(1)(g) <u>Licensee</u> <u>Applicant</u>	<u>\$1,000 fine and probation</u> <u>Denial of licensure</u>	<u>\$1,000 fine and revocation</u> <u>Denial of licensure and prohibition on reapplication for 2-5 years</u>	
12. <u>Failure to respond to continuing education audit</u>	<u>\$500 fine and suspension</u>	<u>\$500 fine and revocation</u>	
13. <u>Any violation of rule 64B7-26.010, F.A.C.</u>	<u>\$2,500 fine and revocation</u>		
(p) 456.072(1)(e)	<u>Letter of Concern</u>	<u>Reprimand and \$250</u>	
(q) 456.072(1)(g)	<u>\$500 fine and suspension</u>	<u>\$1,000 fine and revocation</u>	
(r) 456.072(1)(i)	<u>\$500 fine and reprimand</u>	<u>\$1,000 fine and suspension</u>	
(s) 456.072(1)(k)	<u>\$250 fine</u>	<u>\$500 fine</u>	<u>\$1,000 fine</u>
(t) 456.072(1)(l)	<u>\$500 fine and probation</u>	<u>\$2,000 fine and revocation</u>	
(u) 456.072(1)(n)	<u>\$500 fine and probation</u>	<u>\$1,000 fine and revocation</u>	
(v) 456.072(1)(r)	<u>\$500 fine and probation</u>	<u>\$1,000 fine and revocation</u>	
(w) 456.072(1)(t)	<u>Letter of concern</u>	<u>Reprimand and \$250 fine</u>	
(x) 456.072(1)(v)	<u>\$2,500 fine and revocation</u>		
(y) 456.072(1)(x)	<u>Reprimand, \$250 fine and continuing education</u>	<u>Reprimand, \$500 fine and continuing education</u>	<u>Revocation</u>
(z) 456.072(1)(y)	<u>\$500 fine and probation</u>	<u>\$500 fine and suspension</u>	<u>\$500 fine and revocation</u>
(aa) 456.072(1)(aa)	<u>Suspension until PRN evaluation, contract if recommended under stayed suspension</u>	<u>Suspension until appearance to demonstrate safety to practice with PRN facilitated evaluation</u>	<u>Revocation</u>
(bb) 456.072(1)(bb)	<u>Reprimand and \$500 fine</u>	<u>\$1,000 fine to revocation</u>	
(cc) 456.072(1)(cc)	<u>Reprimand and \$1,000 fine</u>	<u>Revocation</u>	

<u>(dd) 456.072(1)(ff)</u>	<u>Reprimand and \$1,000 fine</u>	<u>Revocation</u>	
<u>(ee) 456.072(1)(hh)</u>	<u>Suspension until compliant up to suspension until compliant with program followed by up to five (5) years probation with conditions</u>	<u>Suspension until compliant with program and up to five (5) years probation with conditions, or revocation, and up to \$2,000 fine</u>	
<u>(ff) 456.072(1)(ii)</u>	<u>Reprimand and \$5,000 fine to revocation</u>		
<u>(gg) 456.072(1)(jj)</u>	<u>Reprimand and \$1,000 fine to revocation</u>		
<u>(hh) 456.072(1)(kk)</u>	<u>Reprimand, \$1,000 fine to revocation</u>		
<u>(ii) 456.072(1)(ll)</u>	<u>Reprimand, and \$10,000 fine to revocation</u>		
<u>(jj) 456.072(1)(nn)</u>	<u>Letter of concern</u>		
<u>(kk) 480.0535(2)(b)</u>	<u>\$500 fine to revocation</u>		

(4) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties for the violations charged. The Board shall consider as aggravating or mitigating factors the following:

- (a) The danger to the public;
 - (b) The length of time since the violation;
 - (c) The number of times the licensee has been previously disciplined by the Board;
 - (d) The length of time licensee has practiced;
 - (e) The actual damage, physical or otherwise, caused by the violation;
 - (f) The deterrent effect of the penalty imposed;
 - (g) The effect of the penalty upon the licensee's livelihood;
 - (h) Any effort of rehabilitation by the licensee;
 - (i) The actual knowledge of the licensee pertaining to the violation;
 - (j) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
 - (k) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
 - (l) Actual negligence of the licensee pertaining to any violation;
 - (m) Penalties imposed for related offenses under subsections (1) and (2) above;
 - (n) Any other mitigating or aggravating circumstances.
- (5) When the Board finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it shall enter an order imposing one or more of the following penalties:
- (a) Refusal to certify, or to certify with restrictions, an application for a license.
 - (b) Suspension or permanent revocation of a license.
 - (c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$10,000 for each Count or separate offense.

- (e) Issuance of a reprimand.
- (f) Placement of the licensee on probation for a period of time and subject to such conditions as the Board may specify. Those conditions shall include requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.
- (g) Corrective action.

(6) The provisions of subsections (1) through (4) above are not intended and shall not be construed to limit the ability of the Board to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(7) The provisions of subsections (1) through (4) above are not intended and shall not be construed to limit the ability of the Board to pursue or recommend the Department pursue collateral, civil or criminal actions when appropriate.

(8) In any proceeding where the Board is authorized to take disciplinary action, the Board will also impose costs of investigation and prosecution as authorized by Section 456.072(4), F.S.

(9) Whenever the Board, in accordance with this rule, imposes a monetary fine against a respondent in an Administrative Complaint, it shall also impose a suspension of the respondent's license until the fine is paid. However, to enable the respondent to pay the monies fine, the Board shall stay the imposition of the suspension for the same time period as specified, in accordance with Rule 64B7-24.016, F.A.C., for payment of the monies fine. If the fine is paid within the specified time, then the order of suspension shall not take effect; if the fine is paid after the order of suspension has taken effect, then the stay shall be lifted.

Rulemaking Authority 456.072(2), 456.073(4), 456.079(1), (3), (4), 480.035(7) FS. Law Implemented 456.072(2), 456.073(4), 456.079(1), (3), (4), 480.046, 480.047 FS. History- New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98, 1-26-00, 10-7-02, 10-12-03, 12-13-05,_____.

NAME OF PERSON ORIGINATING RULE: Board of Massage Therapy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
 DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 4, 2013

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-14.0572 Safety Issues in Courses Offered by
 Florida College System Institutions.

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 28, February 11, 2013 Florida Administrative Register has been continued from March 19, 2013 to May 21, 2013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:
 61G5-31.004 Hair Braiding, Hair Wrapping and
 Body Wrapping Course
 Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 25, February 6, 2013 issue of the Florida Administrative Register.

The correction is needed to correct the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 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 rule will not have a direct or indirect adverse impact on economic growth, private-sector job creation or employment.
- The rule will not have a direct or indirect adverse impact on business competitiveness
- The rule will not directly or indirectly increase regulatory costs.
- The number of individuals and entities likely to be required to comply with the rule is approximately 300.
- There are no costs to the department as it intends to implement the proposed rule within its current workload, with existing staff .
- There are no cost to any other state and local government entities of implementing the proposed rule.
- There will be no cost to the department for enforcing the proposed rule.
- The only additional cost to providers will be to submit a complete copy of the course as it will be presented to the students.

No person or interested party submitted additional information regarding the economic impact at that time.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, Tallahassee, Florida 32399-0783

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:
 12CER13-02 Research and Development Tax
 Credit

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2011-76, Laws of Florida, authorizes the Department of Revenue to promulgate an emergency rule, and to renew such rule, to implement the provisions of the law. The law provides that conditions necessary for an emergency rule and its renewal have been met. Section 17, Chapter 2011-76, Laws of Florida, provides for the administration of the Florida research and development tax credit available to target industry businesses that claim and are allowed a federal credit under

section 41 of the Internal Revenue Code for tax years beginning on or after January 1, 2012, as provided in section 220.196, F.S.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule, and the renewal of such rule, to implement Chapter 2011-76, Laws of Florida, and determined that all conditions necessary for this emergency rule have been met. The law provides for the administration of the Florida research and development tax credit available to target industry businesses that claim and are allowed a federal credit under section 41 of the Internal Revenue Code for tax years beginning on or after January 1, 2012, as provided in Section 220.196, F.S.

SUMMARY: Emergency Rule 12CER13-02, F.A.C. (Research and Development Tax Credit), provides procedures for a target industry business that is allowed and claims a tax credit against federal corporate income tax for qualified research expenses to claim a Florida research and development tax credit against corporate income tax, as provided in Section 220.196, F.S. The emergency rule provides: (1) that the credit is available annually for tax years beginning on or after January 1, 2012; (2) beginning March 20 of each year, a target industry business must file an Allocation for Research and Development Tax Credit for Corporate Income Tax with the Department; (3) that the Florida corporate income tax credit is to be taken in the same tax year as the federal credit for increasing research activities is taken; (4) that a business taking the tax credit must provide a copy of the federal forms regarding the related federal tax credit with the business' Florida corporate income tax return; (5) for the calculation of the Florida tax credit and examples of the calculations required; (6) that the credit is limited to fifty percent of the Florida income tax liability after all other tax credits are applied; (7) that any unused credit may be carried forward up to five tax years; and (8) the recordkeeping requirements for those businesses taking the Florida research and development tax credit.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jennifer Ensley, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7659

THE FULL TEXT OF THE EMERGENCY RULE IS:

12CER13-02 Research and Development Tax Credit.

(1)(a) A research and development tax credit against Florida corporate income tax is provided in Section 220.196, F.S., to a target industry business that claims and is allowed a research credit against federal corporate income tax for qualified research expenses as provided in section 41 of the Internal Revenue Code (26 U.S.C. s. 41). The target business enterprise must be a corporation, as defined in Section 220.03, F.S., and a target industry business, as defined in Section 288.106, F.S.

(b) "Qualified research expenses" include research expenses qualifying for the credit under section 41 of the Internal Revenue Code (26 U.S.C. s. 41) for in-house research expenses incurred in Florida or contract research expenses incurred in Florida. The term "qualified research expenses" does not include research conducted outside Florida or research expenses that do not qualify for a credit under 26 U.S.C. s. 41.

(c) The credit is available annually for tax years beginning on or after January 1, 2012, and is based upon qualified research expenses in Florida allowed under section 41 of the Internal Revenue Code (26 U.S.C. s. 41). Tax credit applications approved for the 2012 calendar year (application date beginning on March 20, 2013), will be based upon qualified research expenses incurred during calendar year 2012 for tax years that begin in 2012.

(2)(a) To receive an annual allocation of the annual funds available for granting tax credits to target industry businesses, an Allocation for Research and Development Tax Credit for Corporate Income Tax (N. 03/13, hereby incorporated by reference, effective 03/13) must be filed with the Department on or after March 20 of each year and on or before December 31 of that same year. The application is available on the Department's website at www.myflorida.com/dor/. When the completed application is submitted online, a confirmation number will be provided to confirm receipt of the application.

(b) Businesses needing assistance with the Allocation for Research and Development Tax Credit for Corporate Income Tax may call the Department at (800) 352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time. Persons with hearing or speech impairments may call the Florida Relay Service at (800) 955-8770 (Voice) and (800) 955-8771 (TTY).

(c) Applications filed with the Department on or after March 20 of each year will be accepted by the Department until December 31 of that year, or until the annual appropriation has been completely allocated, whichever occurs first. Credits will be allocated by the Department in the order in which completed applications are received. Beginning April 1 of each year, the Department will notify eligible taxpayers by letter of the amount of credit that is allocated to them and the tax year in which the target industry business may claim the credit on its Florida corporate income tax return.

(3) A corporation that has received a research credit against federal corporate income tax solely by virtue of its membership in a partnership that has earned a federal credit for increasing research activities may apply for the Florida research and development tax credit. For purposes of 26 U.S.C. s. 41, the research expenses are apportioned among the partners during the taxable year and are treated as paid or incurred directly by the partners rather than by the partnership.

(4) A federal research credit must be taken on the federal return filed by the target industry business for the same tax year in which the Florida research and development credit is taken. The amount taken as a Florida research and

development credit must be added to taxable income prior to computing the Florida corporate income tax due. The Florida research and development credit is limited to fifty percent (50%) of the Florida income tax liability after all other credits are applied in the order provided in Section 220.02(8), F.S. A copy of federal Form 6765 (Credit for Increasing Research Activities) and a copy of federal Form 3800 (General Business Credit) must be attached to the Florida corporate income tax return on which the Florida research and development credit is taken. In the case of a corporate partner of a partnership that has earned a federal credit for increasing research activities, a copy of federal Form 1065, Schedule K-1 (Partner's Share of Income, Deductions, Credits, etc.), and a copy of federal Form 3800 must be attached to the Florida corporate income tax return on which the Florida research and development credit is taken.

(5)(a) Any unused credits may be carried forward up to five (5) tax years. Carryover credits may be used in a subsequent year when the corporate income tax for such year exceeds the credit for such year after applying the other credits and unused carryovers in the order provided in Section 220.02(8), F.S. A taxpayer may not transfer or sell its credit or its right to apply for a credit to another taxpayer.

(b) Example: A taxpayer is allocated a Florida research and development credit of \$30,000 for its tax year beginning in 2012 and all requirements of Section 220.196, F.S., are met for the taxpayer to earn the full \$30,000 allocation. Its Florida corporate income tax liability after all other applicable credits are applied is \$50,000. The \$30,000 Florida research and development credit that the taxpayer is allocated for tax year 2012 is more than 50 percent of its tax liability for tax year 2012. Therefore, the taxpayer is limited to a Florida research and development credit of \$25,000 ($\$50,000 \times .50$) for tax year 2012, and the remaining \$5,000 of Florida research and development credit may be carried forward for up to five tax years.

(6)(a)1. The Florida research and development tax credit is equal to ten percent (10%) of the amount of qualified research expenses incurred in Florida and allowed under section 41 of the Internal Revenue Code (26 U.S.C. s. 41) that exceeds the base amount, defined as the average of the qualified research expenses incurred in Florida for the four tax years preceding the tax year for which the credit is determined.

2. The four taxable years used to compute the base amount must end before the calendar year for which the qualified research expenses are determined. The base years, for the credit based upon the qualified research expenses incurred during calendar year 2012, will end in 2011, 2010, 2009, and 2008.

3. Example: A taxpayer with a fiscal year end of June 30, 2013, that applies for the Florida research and development credit based upon the qualified research expenses incurred during calendar year 2012 will use the following taxable years for its base amount: taxable years ended June 30, 2011; June 30, 2010; June 30, 2009; and June 30, 2008.

(b)1. Target industry businesses that have not been in existence for at least four tax years prior to the tax year in which the Florida research and development credit is claimed must reduce the amount of the credit by twenty-five percent (25%) for each year of the past four tax years that the corporation did not exist.

2. Example: A calendar year taxpayer is incorporated on January 1, 2009. The taxpayer applies for the Florida research and development credit for its tax year beginning January 1, 2012; its Florida qualified research expenses for calendar year 2012 equal \$250,000. The taxpayer's Florida qualified research expenses for its base amount are as follows:

Tax year 2008: \$0, as Taxpayer did not exist.

Tax year 2009: \$175,000

Tax year 2010: \$200,000

Tax year 2011: \$225,000

The average of the Florida qualified research expenses for the 4 taxable years preceding 2012 equals \$150,000 ($(\$0 + \$175,000 + \$200,000 + \$225,000) \div 4$). The excess Florida qualified research expenses over the base amount equal \$100,000 ($\$250,000 - \$150,000$). The tentative Florida research and development credit is \$10,000 ($\$100,000 \times .10$). However, since the taxpayer was not in existence for at least 4 taxable years immediately preceding tax year 2012, the Florida research and development credit is reduced by 25 percent for each taxable year the taxpayer did not exist. Therefore, the taxpayer's Florida research and development credit for tax year 2012 is reduced by 25 percent to \$7,500 ($\$10,000 - \$2,500$).

(7) Every taxpayer claiming a Florida research and development credit must retain documentation that substantiates and supports the credit, a copy of the letter received from the Department granting the credit, and a schedule reconciling all credit carryovers until tax imposed by Chapter 220, F.S., may no longer be determined and assessed under Section 95.091(3), F.S., or under Section 220.23, F.S. Documentation to substantiate and support the credit includes records or other evidence of the amount of qualified Florida research expenses incurred for in-house research or for contract research expenses, that those expenses qualified under 26 U.S.C. s. 41, and that the federal credit was claimed.

Rulemaking Authority s. 35, Ch. 2011-76, L.O.F. Law Implemented 220.196 FS. History—New 3-5-13.

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

EFFECTIVE DATE: March 5, 2013

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District
 RULE NO.: RULE TITLE:
 40D-22.201: Year-Round Water Conservation Measures
 The Southwest Florida Water Management District hereby gives notice: that on March 5, 2013, it issued an order.
 Petitioner’s Name: Stephen and Polly Greene – tracking No. 13-4142.
 Date Petition Filed: December 17, 2012.
 Subsection No.: i.e., 40D-22.201(4), F.A.C.
 Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation.
 Date Petition Published in the Florida Administrative Register: December 27, 2012.
 General Basis for Agency Decision: Petition granted as Petitioners demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.
 A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, x. 2298, water.variances@watermatters.org.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
 Division of Agricultural Environmental Services
 The Pesticide Registration Evaluation Committee announces a public meeting to which all persons are invited.
 DATE AND TIME: March 7, 2013, 9:00 a.m.
 PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399-1650; (850)617-7940
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.
 A copy of the agenda may be obtained by contacting: the Pesticide Registration Section, (850)617-7940 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.
 For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section; 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida, 32399-1650; (850) 617-7940.

REGIONAL PLANNING COUNCILS
 West Florida Regional Planning Council

The West Florida Regional Planning Council announces a public meeting to which all persons are invited.
 DATE AND TIME: Monday, March 18, 2013, 3:30 p.m.; Executive Committee meeting 3:00 p.m.
 PLACE: Crestview City Hall, 198 North Wilson Street, Crestview, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the West Florida Regional Planning Council.
 A copy of the agenda may be obtained by contacting: WFRPC (800)226-8914 or www.wfrpc.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 2 days before the workshop/meeting by contacting: Terry Joseph, Executive Director, (850)332-7976 ext. 201. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).
 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: Terry Joseph, Executive Director, (850)332-7976 ext. 201

EXPRESSWAY AUTHORITIES
 Orlando-Orange County Expressway Authority
 The Orlando-Orange County Expressway Authority announces a public meeting to which all persons are invited.
 DATE AND TIME: Thursday, March 21, 2013, 6:00 p.m. – 8:00 p.m.
 PLACE: Apopka High School Cafeteria, 555 W. Martin Street, Apopka, FL 32712
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Expressway Authority is planning to build its first section of the Wekiva Parkway. The 4.6-mile project will feature all electronic tolling and an interchange at Kelly Park Road. Construction on this \$224.7 million project is scheduled to begin by late 2014 and finish in 2016. The meeting will be an open-house format where the public will be able to review the 60% complete design plans, obtain other project information and speak with members of the project team.
 A copy of the agenda may be obtained by contacting: Public Information Officer Mary Brooks, Orlando-Orange County Expressway Authority, 4974 ORL Tower Road, Orlando, FL 32807, at (407)694-5505 or via email: info@wekivaparkway.com.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Public Information Officer Mary Brooks, Orlando-Orange County Expressway Authority, 4974 ORL Tower Road, Orlando, FL 32807, at (407)694-5505 or via email: info@wekivaparkway.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Public Information Officer Mary Brooks, Orlando-Orange County Expressway Authority, 4974 ORL Tower Road, Orlando, FL 32807, at (407)694-5505 or via email: info@wekivaparkway.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:

- 61-30.101: Definitions
- 61-30.102: License Requirements
- 61-30.103: Examination
- 61-30.301: Delinquent License
- 61-30.302: Inactive, Active Status
- 61-30.401: License Renewal
- 61-30.402: Continuing Education Requirements for Biennial Renewal
- 61-30.403: Discretionary Hardship Reinstatement of Null or Void Licenses
- 61-30.501: Provider Approval, Prelicensure and Continuing Education
- 61-30.502: Provider Requirements, Prelicensure and Continuing Education
- 61-30.503: Course Approval, Prelicensure and Continuing Education
- 61-30.602: Disciplinary Guidelines
- 61-30.603: Notice of Noncompliance
- 61-30.604: Citations
- 61-30.605: Mediation
- 61-30.801: Standards of Practice, General
- 61-30.802: Standards of Practice, Structure
- 61-30.803: Standards of Practice, Electrical Systems
- 61-30.804: Standards of Practice, HVAC Systems
- 61-30.805: Standards of Practice, Roof Covering
- 61-30.806: Standards of Practice, Plumbing Systems
- 61-30.807: Standards of Practice, Interior Components
- 61-30.810: Standards of Practice, Exterior Components
- 61-30.811: Standards of Practice, Site Conditions that Affect the Structure
- 61-30.812: Standards of Practice, General Limitations and Exclusions

The Department of Business and Professional Regulation announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, March 21, 2013, 10:00 a.m. – 2:00 p.m.

PLACE: The telephone conference call number is (888)670-3525 and the participant passcode is 7489217568#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing regarding proposed language for Chapter 61-30, F.A.C.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Home Inspector Licensing Program, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

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: Richard Morrison, Executive Director, Home Inspector Licensing Program, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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: Richard Morrison, Executive Director, Home Inspector Licensing Program, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

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

DATE AND TIME: Monday, March 18, 2013, 2:30 p.m. or soonest thereafter.

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

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

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

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

agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

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

DATE AND TIME: Tuesday, March 19, 2013, 8:30 a.m.; meeting will reconvene on Wednesday, March 20, 2013, 8:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at lori.crawford@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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 ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2013, 10:00 a.m.

PLACE: Marion County Library Headquarters, Meeting Room C, 2720 East Silver Springs Boulevard, Ocala, FL 34470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the second technical meeting to discuss the Silver Springs Basin Management Action Plan (BMAP). Material presented at this meeting will provide an overview of how the

contributing area for Silver Springs may be delineated. It will include presentations about models used to estimate time of travel and estimate vulnerability of the aquifer to contamination.

A copy of the agenda may be obtained by contacting: Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

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: Ms. Mary Paulic, (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2013, 1:30 p.m. (CST).

PLACE: FL Dept. of Environmental Protection, Northwest District Office, Room 502, 160 West Government St., Pensacola, Florida, 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting to discuss technical issues related to the annual review of the Bayou Chico Basin Management Action Plan (BMAP). The primary topic of discussion during this meeting will be the progress in the BMAP development process.

A copy of the agenda may be obtained by contacting: Mr. Stephen Cioccia, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, or by e-mail at stephen.cioccia@dep.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 5 days before the workshop/meeting by contacting: Steve.Cioccia at (850)245-8513. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Nursing

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

DATE AND TIME: Monday, March 18, 2013, 3:00 p.m. EST

PLACE: Department of Health, Tallahassee at Meet Me number (888)670-3525, code 4764781998

GENERAL SUBJECT MATTER TO BE CONSIDERED: Centennial Committee Planning Discussion.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Nursing

The Board of Nursing and Council on Certified Nursing Assistants announces public meetings to which all persons are invited.

DATES: Wednesday – Friday, April 3-5, 2013

PLACE: Sawgrass Marriott, 1000 PGA Tour Blvd., Ponte Vedra Beach, FL 32082; (904)285-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wednesday, 8:30 a.m., CNA Council meets to discuss general business; Wednesday, 2:00 p.m., Credentials Committee; Wednesday, 2:00 p.m., Education Committee; Thursday, 8:30 a.m., CNA discipline; Thursday, 1:00 p.m., RN, LPN, ARNP discipline and general business; Friday, 8:30 a.m., General business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL. 32399-3252. To view the public agenda materials visit: <http://www.doh.state.fl.us/mqa/nursing/nur-meeting.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board, (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATE AND TIME: Thursday, March 21, 2013, 2:00 p.m. – 4:00 p.m.

PLACE: Conference call number (888)670-3525, conference code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy website: http://www.doh.state.fl.us/mqa/pharmacy/ph_meeting.html under "Agendas and Notices" 7 days prior to the meeting date. You may also contact: the Board of Pharmacy, (850)245-4292.

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 Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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: The Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254, or (850)245-4292.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

The Agency for Persons with Disabilities, Area 14, Family Care Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2013, 12:00 Noon

PLACE: 404 Imperial Blvd., Lakeland, FL. 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: monthly meeting.

A copy of the agenda may be obtained by contacting: APD, Area 14, (863)413-3360

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: APD, Area 14, (863)413-3360. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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: APD, Area 14, (863)413-3360.

REYNOLDS, SMITH & HILLS, INC.

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

DATE AND TIME: Thursday, March 14, 2013, 5:00 p.m. – 6:30 p.m.

PLACE: Hardee County Agri-Civic Center, 515 Civic Center Drive, Wauchula, Florida 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) will host a public meeting to update interested persons about the progress of the design phase for widening US 17 from the DeSoto County line to Sweetwater Road (County Road 634) in Hardee County. This meeting will be held in an open house format on Thursday, March 14, 2013, 5:00 p.m. – 6:30 p.m. at the Hardee County Agri-Civic Center located at 515 Civic Center Drive in the city of Wauchula, Florida.

A copy of the agenda may be obtained by contacting: N/A

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 24 hours before the workshop/meeting by contacting: Chris Dailey at (813)289-5550 or chris.dailey@rsandh.com. This meeting is being held in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons with disabilities who may require special accommodations at the meeting under the Americans with Disabilities Act of 1990 or persons who require translation services (free of charge) should contact Robin Parrish, District One Title VI Coordinator, at (863)519-2675 or by e-mail at robin.parrish@dot.state.fl.us prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Chris Dailey at (813)289-5550 or chris.dailey@rsandh.com.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Pari-Mutuel Wagering

NOTICE IS HEREBY GIVEN that on February 21, 2013, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner Investment Corporation of Palm Beach in DBPR Case No. 2013007595 (DS 2013-010). The petition seeks the agency's opinion as to the applicability of Chapter 550, F.S., as it applies to the petitioner. Petitioner seeks a determination as to whether Section 550.615(10), F.S., requires that the "Interface Fees" it is charged, when accepting a wager on another live pari-mutuel facility that uses a different totalisator company than petitioner, be paid entirely by the guest facility, the host facility, or equally split between the guest and host facilities, as well as the monthly \$950 monthly license fee the Thoroughbred Racing Protective Bureau (TRPB) proposes to implement as a condition for accessing the Thoroughbred Racing Associations of North America host racing pools. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 (phone: (850)921-0342).

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Pari-Mutuel Wagering

NOTICE IS HEREBY GIVEN that on February 25, 2013, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner West Flagler Associates, LTD, in DBPR Case No. 2013008605 (DS 2013-012). The petition seeks the agency's opinion as to the applicability of Chapter 551, F.S., as it applies to the petitioner.

Petitioner seeks a determination as to whether Sections 551.102(4), 551.104(4)(c), & 551.114, F.S., or other provisions of Florida law require a licensed slot machine operator to conduct a full schedule of live pari-mutuel performances at the same location in which slot machine gaming will be conducted in order to receive or renew an annual slot machine license. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 (850)921-0342).

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

Florida State University

Notice to Professional Consultants

Florida State University, State of Florida, announces that professional services for minor projects are required in the discipline of mechanical/electrical/plumbing (MEP) engineering services for minor projects, and/or commissioning or retro-commissioning for minor and major projects. Minor projects are specific projects for construction, renovation, alterations or additions that have a basic construction budget estimated to be \$2,000,000 or less; or studies for which the fee for professional services is \$200,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis. In addition, firms are encouraged to include their professional qualifications for commissioning and retro-commissioning. The University may,

at it's option, select firms only for MEP work or for a combination of MEP and Commissioning services. The University intends to award multiple contracts for the upcoming fiscal year through June 30, 2014. At the option of the University and the consultant, the contract may be renewed for up to two additional one year periods.

INSTRUCTIONS: Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm. Attach to each letter of application:

1. A completed Florida State University "Professional Qualifications Supplement," August, 2003. Applications on any other form, on versions dated prior to August, 2003 or exceeding the 40 page limit will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application material will not be returned.

Submittals must be received at the above location, by 2:00 p.m., local time, on Wednesday, April 6, 2013. Facsimile (FAX) submittals are not acceptable and will not be considered.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained through our website, www.facilities.fsu.edu/fdc, or by contacting: Lynetta Mills, Facilities Design & Construction, 109 Mendenhall Building A, 969 Learning Way, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, fax (850)644-8351.

For further information on campus service projects, contact: Bill Lamb at the address and phone number above.

The plans and specifications for campus service projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

DEPARTMENT OF EDUCATION

University of North Florida

ITB 13-24 Soccer Field Drainage Improvements

NOTICE TO CONTRACTORS

ITB 13-24 Soccer Field Drainage Improvements

The University of North Florida Board of Trustees, a public body corporate, is soliciting bids to contractors for drainage improvements needed for the soccer field at the University of North Florida, 1 UNF Drive, Jacksonville, FL 32224.

The University of North Florida is seeking bids from qualified contractors to provide the removal and proper disposal of the existing soccer field turf, the existing irrigation system and the removal of existing soils to the grades shown. The scope includes construction of a new under-drain system, placing and compacting select backfill materials, installing a new irrigation system and providing a new greens mix and turf, all per construction plans. The base bid shall include an allowance amount, as specified on the plans, to reroute electrical conduit per plans.

Contractors desiring to be considered must have current demonstrable experience and certifications at the time of bid opening in accordance with the specifications in the ITB 13-24 bid documents.

The preliminary schedule for this ITB:

Advertisement	March 6, 2013
Mandatory Pre-Bid Meeting	March 19, 2013, 9:00 a.m.
Deadline for questions	March 25, 2013
Response to questions	March 28, 2013
Bids due	April 3, 2013, 3:00 p.m.

Minority business participation is strongly recommended and supported by the University of North Florida.

A performance and payment bond for 100 percent of the amount of the bid will be required of the successful contractor for any project with a cost that exceeds \$100,000.

As required by §287.133, Fla. Stat., a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Contractor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither contractor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

Full sets of bidding documents and descriptive project information may be obtained online at the UNF Purchasing department website: http://www.unf.edu/anf/purchasing/Bids_and_Notices.aspx.

Submit three complete copies of your bid response in full accordance with the requirements of the bid document to: University of North Florida Purchasing Department, Hicks Hall, Suite 2950, 1 UNF Drive, Jacksonville, Florida 32224. Sealed bids must be received no later than 3:00 p.m. Eastern Standard Time on April 3, 2013. Facsimile (fax) or email submittals are not acceptable and will not be considered.

**Section XII
Miscellaneous**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Revolving Fund Program
NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTICE
IMMOKALEE, FLORIDA**

The Department of Environmental Protection has determined that the Immokalee Water and Sewer District proposed project to rehabilitate wastewater collection facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$2,264,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bob Ballard, State Revolving Fund Program, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8401.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Revolving Fund Program
NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTICE
IMMOKALEE, FLORIDA**

The Department of Environmental Protection has determined that the Immokalee Water and Sewer District proposed project to construct reclaimed water facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$3,423,500. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bob Ballard, State Revolving Fund Program, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8401.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Revolving Fund Program**

NOTICE OF AVAILABILITY
 FLORIDA CATEGORICAL EXCLUSION NOTICE
 BLOUNTSTOWN, FLORIDA

The Department of Environmental Protection has determined that the City of Blountstown's proposed project to rehabilitate wastewater collection facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$2,000,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bob Ballard, State Revolving Fund Program, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8401.

DEPARTMENT OF HEALTH
 Board of Medicine

Emergency Action

On March 4, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Charlotte E. Hovey, M.D., License # ME 78689. 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 Medicine

Emergency Action

On March 4, 2013, State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Albert Esmailzadeh, M.D. License # ME 97134. 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
 Emergency Action

On March 4, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Angela K. Duvall Moore, R.N. License # RN 3419672. 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

Emergency Action

On March 4, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Margaret McGowin Heins, R.N. License # RN 9184211. 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

Emergency Action

On March 4, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Angela Mercedes Vargas, R.N. License # RN 9251507. 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

Emergency Action

On March 4, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Yolanda K. Knight, C.N.A. License # CNA 132177. 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

Emergency Action

On March 4, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of John Stephen White, R.P.T. License # RPT 296. 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 FINANCIAL SERVICES

FSC – Financial Institution Regulation

Financial Institutions

NOTICE OF FILINGS

Financial Services Commission

Office of Financial Regulation

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

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel’s Office
Tallahassee, Florida 32314-8050		The Fletcher Building,
		Suite 526
Phone (850) 410-9800		101 East Gaines Street
Fax: (850) 410-9548		Tallahassee, Florida
		32399-0379
		Phone: (850)410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 27, 2013):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Pro Financial Holdings, Inc. (ProBank); Tallahassee, Florida.

Proposed Purchasers: John Thomas Burnette, James Chad Kittrell, John William McNeill and Kimberly Ann Rivers.

Received: March 4, 2013

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

FINAL ORDER NO. DEO-13-017

STATE OF FLORIDA

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION

ADOPTED BY MONROE COUNTY, FLORIDA,
ORDINANCE NO. 003-2013

FINAL ORDER

APPROVING MONROE COUNTY ORDINANCE NO.
003-2013

OFF-STREET PARKING STANDARDS

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat. (2012), approving land development regulations adopted by Monroe County, Florida, Ordinance No. 003-2013 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Monroe County on January 16, 2013, and rendered to the Department on February 4, 2013.

3. The Ordinance amends Section 114-67(c) of the Monroe County Code to revise the minimum required number of parking spaces for single-family dwelling units, mobile homes, restaurants, and gasoline/service stations, and conforms language inconsistent with the County’s recently adopted multi-family parking standards.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11) and § 380.0552(9), Fla. Stat.

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

6. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principle in § 380.0552(7), Fla. Stat.:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

8. The Ordinance is consistent with Policies 101.16.1 and 301.8.2 of the Monroe County Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Monroe County Ordinance No. 003-2013 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

 /s/
 William Killingsworth, Director
 Division of Community Development
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE

REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the methods indicated this 5th day of March, 2013.

_____/s/_____

Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128
Telephone: (850)717-8531

Key West, FL 33040

Christine Hurley, Director
Monroe County Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, FL 33050

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO Tallahassee
Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee

By U.S. Mail:
The Honorable George Neugent
Mayor, Monroe County
500 Whitehead Street
Key West, FL 33040

Amy Heavilin
Clerk to the Board of County Commissioners
500 Whitehead Street

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.
