

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

NONE

**Section II**  
**Proposed Rules**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:  
59G-4.002 Medicaid Provider Reimbursement Schedules

**PURPOSE AND EFFECT:** The purpose of the amendment to Rule 59G-4.002 is to incorporate by reference the Florida Medicaid provider reimbursement schedules and billing codes. **SUMMARY:** The amendment records effective dates for reimbursement schedules and billing codes for certain Florida Medicaid services. In addition, the title of the rule will be changed to Provider Reimbursement Schedules and Billing Codes.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

**RULEMAKING AUTHORITY:** 409.919 FS.  
**LAW IMPLEMENTED:** 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

**DATE AND TIME:** February 3, 2016, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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: Monique Johnson. 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:** Monique Johnson, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4212, e-mail: Monique.Johnson@ahca.myflorida.com

Comments will be received until 5:00 p.m., on February 4, 2016.

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

59G-4.002 ~~Medicaid~~ Medicaid Provider Reimbursement Schedules and Billing Codes.

(1) This rule applies to all providers of Florida Medicaid services who are enrolled in or registered with the Florida Medicaid program.

(2) Florida Medicaid reimbursement for services is categorized based on a fee schedule, cost report, or contract. The billing codes in each fee schedule are applicable to Florida Medicaid’s fee-for-service and managed care delivery systems. However, the rates listed on the individual fee schedules only apply to services rendered through the fee-for-service delivery system, unless otherwise specified by law in Chapter 409, Florida Statutes (F.S.). The following fee schedules and billing codes are incorporated by reference:

(3) Florida Medicaid services fee schedules.

(a) Effective July 1, 2015:

1. Independent Laboratory Services Fee Schedule

2. Physician Laboratory Services Fee Schedule

(b) Effective May 1, 2015:

1. Physician Injectable Medications Oncology Medications Fee Schedule

2. Physician Injectable Medications Non-Oncology Medications Fee Schedule

3. Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Fee Schedule

(c) Effective January 1, 2015:

1. Advanced Registered Nurse Practitioner Fee Schedule

2. Ambulance Transportation Services Fee Schedule

3. Ambulatory Surgical Center Services Fee Schedule

4. Assistive Care Services Fee Schedule

5. Behavioral Analysis Fee Schedule

- 6. Behavioral Health Overlay Services Fee Schedule
- 7. Birthing Center Fee Schedule
- 8. Child Health Services Targeted Case Management Services Fee Schedule
- 9. Chiropractic Fee Schedule
- 10. Community Behavioral Health Services Fee Schedule
- 11. County Health Department Certified Match Program Fee Schedule
- 12. Dental General Fee Schedule
- 13. Dental Injectables Fee Schedule
- 14. Dialysis Services Fee Schedule
- 15. Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients Fee Schedule
- 16. Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Medicaid Recipients Under the Age of 21 Years
- 17. Early Intervention Services Fee Schedule
- 18. Hearing Services Fee Schedule
- 19. Home Health Visit Services Fee Schedule
- 20. Hospice Services Fee Schedule
- 21. Licensed Midwife Fee Schedule
- 22. Medicaid Certified School Match Program Fee Schedule
- 23. Medical Foster Care Services Fee Schedule
- 24. Mental Health Targeted Case Management Services Fee Schedule
- 25. Occupational Therapy Services Fee Schedule
- 26. Optometric Fee Schedule
- 27. Oral and Maxillofacial Surgery Fee Schedule
- 28. Outpatient Hospital Laboratory Fee Schedule
- 29. Personal Care Services Fee Schedule
- 30. Physical Therapy Services Fee Schedule
- 31. Physician Anesthesia Fee Schedule
- 32. Physician Assistant Fee Schedule
- 33. Physician Evaluation and Management Fee Schedule
- 34. Physician Lab Fee Schedule
- 35. Physician Medical Service Fee Schedule
- 36. Physician Pediatric Surgery Fee Schedule
- 37. Physician Radiology Fee Schedule
- 38. Physician Surgical Fee Schedule
- 39. Podiatry Fee Schedule
- 40. Portable X-Ray Fee Schedule
- 41. Prescribed Pediatric Extended Care Services Fee Schedule
- 42. Private Duty Nursing Services Fee Schedule
- 43. Registered Nurse First Assistant Fee Schedule
- 44. Respiratory Therapy Services Fee Schedule
- 45. Specialized Therapeutic Services Fee Schedule
- 46. Speech-Language Pathology Services Fee Schedule

- 47. Targeted Case Management for Children at Risk of Abuse and Neglect Services Fee Schedule
- 48. Visual Services Fee Schedule
- (4) Florida Medicaid billing codes, effective January 1, 2015.
  - (a) Child Health Check-up Services
  - (b) County Health Department Services
  - (c) Dental General Services
  - (d) Federally Qualified Health Center and Rural Health Clinic Services
  - (e) Hospital Outpatient Services
  - (f) Intermediate Care Facility Services
  - (g) Non-Emergency Transportation Services
  - (h) Nursing Facility Services
  - (i) Statewide Inpatient Psychiatric Program Services
- (5) The fee schedules and billing codes are available from the Florida Medicaid fiscal agent's Web site at <http://portal.flmmis.com/flPublic>, and available at [DOS place holder Ref-\_\_\_\_\_, to be assigned at adoption].
  - ~~(1) Medicaid providers who render advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, registered nurse first assistant, and visual services are reimbursed according to the following fee schedules, which are incorporated by reference below:~~
    - ~~(a) Advanced Registered Nurse Practitioner Fee Schedule, Effective July 1, 2012~~
    - ~~(b) Advanced Registered Nurse Practitioner Fee Schedule, Effective January 1, 2013~~
    - ~~(c) Advanced Registered Nurse Practitioner Fee Schedule, Effective July 1, 2013~~
    - ~~(d) Birthing Center Fee Schedule, Effective July 1, 2012~~
    - ~~(e) Birthing Center Fee Schedule, Effective January 1, 2013~~
    - ~~(f) Birthing Center Fee Schedule, Effective July 1, 2013~~
    - ~~(g) Chiropractic Services Fee Schedule, Effective July 1, 2012~~
    - ~~(h) Chiropractic Services Fee Schedule, Effective January 1, 2013~~
    - ~~(i) Chiropractic Services Fee Schedule, Effective July 1, 2013~~
    - ~~(j) Dental General Fee Schedule, Effective July 1, 2012~~
    - ~~(k) Dental General Fee Schedule, Effective January 1, 2013~~
    - ~~(l) Dental General Fee Schedule, Effective July 1, 2013~~
    - ~~(m) Dental Injectables Fee Schedule, Effective July 1, 2012~~
    - ~~(n) Dental Injectables Fee Schedule, Effective January 1, 2013~~

- ~~(o) Dental Injectables Fee Schedule, Effective July 1, 2013~~
- ~~(p) Dental Oral/Maxillofacial Surgery Fee Schedule, Effective July 1, 2012~~
- ~~(q) Dental Oral/Maxillofacial Surgery Fee Schedule, Effective January 1, 2013~~
- ~~(r) Dental Oral/Maxillofacial Surgery Fee Schedule, July 1, 2013~~
- ~~(s) Hearing Services Fee Schedule, Effective July 1, 2012~~
- ~~(t) Hearing Services Fee Schedule, Effective January 1, 2013~~
- ~~(u) Hearing Services Fee Schedule, Effective July 1, 2013~~
- ~~(v) Licensed Midwife Fee Schedule, Effective July 1, 2012~~
- ~~(w) Licensed Midwife Fee Schedule, Effective January 1, 2013~~
- ~~(x) Licensed Midwife Fee Schedule, Effective July 1, 2013~~
- ~~(y) Optometric Services Fee Schedule, Effective July 1, 2012~~
- ~~(z) Optometric Services Fee Schedule, Effective January 1, 2013~~
- ~~(aa) Optometric Services Fee Schedule, Effective July 1, 2013~~
- ~~(bb) Outpatient Hospital Laboratory Fee Schedule, Effective January 1, 2013~~
- ~~(cc) Physician Anesthesia Fee Schedule, Effective July 1, 2012~~
- ~~(dd) Physician Anesthesia Fee Schedule, Effective January 1, 2013~~
- ~~(ee) Physician Anesthesia Fee Schedule, Effective July 1, 2013~~
- ~~(ff) Physician Assistant Fee Schedule, Effective July 1, 2012~~
- ~~(gg) Physician Assistant Fee Schedule, Effective January 1, 2013~~
- ~~(hh) Physician Assistant Fee Schedule, Effective July 1, 2013~~
- ~~(ii) Physician Durable Medical Equipment Fee Schedule, Effective January July 1, 2013~~
- ~~(jj) Physician Evaluation and Management Fee Schedule, Effective July 1, 2012~~
- ~~(kk) Physician Evaluation and Management Fee Schedule, Effective January 1, 2013~~
- ~~(ll) Physician Evaluation and Management Fee Schedule, Effective July 1, 2013~~
- ~~(mm) Physician Immunization Fee Schedule, Effective July 1, 2012~~
- ~~(nn) Physician Immunization Fee Schedule, Effective January 1, 2013~~
- ~~(oo) Physician Immunization Fee Schedule, Effective July 1, 2013~~
- ~~(pp) Physician Laboratory Services Fee Schedule, Effective July 1, 2012~~
- ~~(qq) Physician Laboratory Services Fee Schedule, Effective January 1, 2013~~
- ~~(rr) Physician Laboratory Services Fee Schedule, Effective July 1, 2013~~
- ~~(ss) Physician Medical Fee Schedule, Effective July 1, 2012~~
- ~~(tt) Physician Medical Fee Schedule, Effective January 1, 2013~~
- ~~(uu) Physician Medical Fee Schedule, Effective July 1, 2013~~
- ~~(vv) Physician Pediatric Surgery Fee Schedule, Effective July 1, 2012~~
- ~~(ww) Physician Pediatric Surgery Fee Schedule, Effective January 1, 2013~~
- ~~(xx) Physician Pediatric Surgery Fee Schedule, Effective July 1, 2013~~
- ~~(yy) Physician Primary Care Rate Increase Fee Schedule, Effective January 1, 2013~~
- ~~(zz) Physician Primary Care Rate Increase Fee Schedule, Effective July 1, 2013~~
- ~~(aaa) Physician Radiology Services Fee Schedule, Effective July 1, 2012~~
- ~~(bbb) Physician Radiology Services Fee Schedule, Effective January 1, 2013~~
- ~~(ccc) Physician Radiology Services Fee Schedule, Effective July 1, 2013~~
- ~~(ddd) Physician Surgical Fee Schedule, Effective July 1, 2012~~
- ~~(eee) Physician Surgical Fee Schedule, Effective January 1, 2013~~
- ~~(fff) Physician Surgical Fee Schedule, Effective July 1, 2013~~
- ~~(ggg) Podiatry Fee Schedule, Effective July 1, 2012~~
- ~~(hhh) Podiatry Fee Schedule, Effective January 1, 2013~~
- ~~(iii) Podiatry Fee Schedule, Effective July 1, 2013~~
- ~~(jjj) Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule, Effective July 1, 2012~~
- ~~(kkk) Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule, Effective January 1, 2013~~
- ~~(lll) Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule, Effective July 1, 2013~~
- ~~(mmm) Regional Perinatal Intensive Care Centers (RPICC) Obstetrical Services Fee Schedule, Effective July 1, 2012~~
- ~~(nnn) Regional Perinatal Intensive Care Centers (RPICC) Obstetrical Services Fee Schedule, Effective January 1, 2013~~

~~(ooo) Regional Perinatal Intensive Care Centers (RPICC) Obstetrical Services Fee Schedule, Effective July 1, 2013~~

~~(ppp) Registered Nurse First Assistant Fee Schedule, Effective July 1, 2012~~

~~(qqq) Registered Nurse First Assistant Fee Schedule, Effective January 1, 2013~~

~~(rrr) Registered Nurse First Assistant Fee Schedule, Effective July 1, 2013~~

~~(sss) Visual Services Fee Schedule, Effective July 1, 2012~~

~~(ttt) Visual Services Fee Schedule, Effective January 1, 2013 and~~

~~(uuu) Visual Services Fee Schedule, Effective July 1, 2013~~

~~(2) The fee schedules are available from the Medicaid fiscal agent's Web site at <http://mymedicaid-florida.com>. Select Public Information for Providers, then Provider Support, and then Fee Schedules.~~

~~Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, 1-31-11, 7-16-13, 5-21-14,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Erica Floyd-Thomas

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 22, 2014

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-9.002  
RULE TITLE: Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes

PURPOSE AND EFFECT: The purpose of this proposed rule revision is to clarify that federal authorizations other than permits also are acceptable as indication of federal authorization to take and/or possess migratory birds or their nests. The effect of this proposed rule revision is to expand the types of federal authorizations that may be used to satisfy the rule requirements for such authorizations.

SUMMARY: Migratory birds are protected by federal and state law. The U. S. Fish and Wildlife Service can allow the take of such species by issuing a permit or other forms of authorization (e.g., a depredation order, policy statement, etc.). This rule authorizes the FWC executive director to also issue permits to take migratory birds by issuing a permit, but the rule specifies that such a permit is only valid if the holder also

has a federal permit. As previously noted, federal authorization for take may be in some form other than a permit. The proposed rule revision allows these other forms of authorization to satisfy the rule requirement for federal authorization.

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

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

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

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution  
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting April 13-14, 2016, 8:30 a.m. – 5:00 p.m., each day

PLACE: Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.002 Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes.

(1) The executive director may issue permits authorizing the taking or possession of wildlife or freshwater fish or their nests or eggs for scientific, educational, exhibition, propagation, management or other justifiable purposes. Such permits shall be subject to such terms, conditions and restrictions as may be prescribed therein, provided that no such permits shall be operative as to migratory birds unless the holder thereof has a permit or other authorization from the U.S. Fish and Wildlife Service permitting the taking, exhibiting, or possession of such birds, their nests or eggs. Failure to abide by all terms and conditions stipulated in any written permit issued by the executive director shall be a violation of this section.

(2) – (4) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.02, Amended 12-25-95, 4-1-96, Formerly 39-9.002, Amended 7-1-02, 3-21-10, \_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2016

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-12.004  
RULE TITLE: Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements

PURPOSE AND EFFECT: The purpose of this proposed rule revision is to correct references the rule makes to other rules that have changed rule numbers or been eliminated.

SUMMARY: Some of the rule numbers for rules referred to by this rule have changed. Additionally, some rules referred to

by this rule have been eliminated. References to such rules are corrected by the proposed revisions.

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

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

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

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution  
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission’s regular meeting April 13-14, 2016, 8:30 a.m. – 5:00 p.m., each day

PLACE: Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.004 Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements.

(1) through (10) No change.

(11) Taxidermy operations and mounting requirements:

(a) Any person engaged in taxidermy shall tag all carcasses (whole specimens), untanned hides, and uncured

animal parts of fish and wildlife, possessed or received with the name of the person taking or acquiring such fish or wildlife, the person’s address, and date taken or acquired. As an alternative to individual tagging, persons engaged in taxidermy may choose to use a log book and numbering system. The log book shall contain the name of the person taking or acquiring such fish or wildlife, the person’s address and the date taken or acquired. The carcass, untagged hide, or uncured animal part shall be assigned a number, which shall be affixed to the specimen so as to be readily identifiable and traceable to the log book information. The log book shall be kept on premises for inspection by Commission personnel.

(b) After fish or wildlife carcasses, hides, and parts have been cured or mounted, tagging or maintaining a log account is required only for the following:

1. All nongame migratory birds as listed in the Federal Migratory Bird Treaty Act and as adopted by Rule 68A-16.001 ~~68A-13.002~~, F.A.C.

2. All species listed by the Commission as Endangered or Threatened, and any Species of Special Concern for which there is no bag limit or open season established by the Commission or other state agency.

3. All furbearing animals or non-game mammals for which there is no established open season.

4. All alligators not tagged with CITES tags.

5. All fawn deer.

(c) Persons engaged in taxidermy shall not possess nor mount fish and wildlife carcasses listed in subparagraphs 68A-12.004(11)(b)1.-5., F.A.C., nor their parts (except for road-killed fox) without a permit from the Commission, except as provided herein. The procedure for obtaining permits for mounting shall be as follows:

1. Persons wishing to possess or mount such specimens or have such services performed, shall make application by letter to the Commission for such permit.

2. A dated copy of the letter of application shall be kept with the specimen, or the specimen shall be numbered and traceable to the letter of application kept in a log book.

3. The letter of application shall include a description of the specimen, an explanation of how the specimen was acquired, and the date of application.

4. The specimen shall not be maintained for over 90 days without a permit from the Commission.

5. Specimens for which permits are not issued for mounting shall be buried, incinerated, or otherwise disposed of as directed by Commission law enforcement personnel.

(d) The criteria for evaluation and issuance of permits for the mounting of protected species as listed in subparagraphs 68A-12.004(11)(b)1.-5., F.A.C., shall be as follows:

1. For nongame migratory birds – Permits are issued only for educational display purposes to schools, nonprofit

educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.

2. For listed species referenced in Rules 68A-27.003; ~~68A-27.004~~ and 68A-27.005, F.A.C. – Permits are issued only in accordance with the requirements of subsections 68A-27.003~~2~~, 68A-27.005 and 68A-27.007, F.A.C.

3. For furbearing wildlife or nongame mammals – Permits are issued only when the specimen was legally acquired. No permit shall be required for road-killed fox.

4. For alligators – Permits for the mounting of untagged alligators are issued only for educational display purposes to schools or nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.

5. For fawn deer – Permits for the mounting of fawn deer for possession by private individuals or businesses are issued only where the fawn was legally acquired or for educational display in schools, nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.

(e) No permit shall be required for the mounting of carcasses, green hides, or uncured parts of:

1. Frozen or preserved specimens of game birds, game mammals, or furbearing animals that were legally taken during the open season.

2. Specimens of game mammals except black bear, game birds, fox squirrel, otter, bobcat or mink that were killed on roads or highways.

(12) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-5-84, Formerly 39-12.04, Amended 5-10-87, 6-8-87, 4-20-94, 8-7-97, Formerly 39-12.004, Amended 7-29-15, \_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: January 11, 2016

**FISH AND WILDLIFE CONSERVATION  
 COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:        RULE TITLE:

68A-16.003        Non-listed Inactive Migratory Bird Nests

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to eliminate the need for a permit to take inactive (meaning with no birds or eggs) nests or parts of such nests of birds not listed as endangered or threatened.

SUMMARY: Migratory birds and their active nests are protected from certain activities, including take, by the federal Migratory Bird Treaty Act (MBTA). That Act, including its protective provisions, also is incorporated into the Florida Fish and Wildlife Conservation Commission’s (FWC) rules in Chapter 16, F.A.C. Federal policy clarifying application of the MBTA to nest destruction indicates that no federal permit or other authorization is needed to destroy an inactive nest. FWC rules do not currently include language making this distinction between active and inactive nest. This proposed rule provides that language.

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

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

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

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

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

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

DATE AND TIME: During the Commission’s regular meeting April 13-14, 2016, 8:30 a.m. – 5:00 p.m., each day

PLACE: Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-16.003 Non-Listed Inactive Migratory Bird Nests

For birds not listed in Chapter 68A-27, F.A.C., no permit is required to take (remove, relocate, or destroy) nests or any parts thereof which are inactive and do not contain eggs or flightless young, except as specified in FWC approved management plans or guidelines for such species. The nest must be removed, relocated, or destroyed when no birds are physically present. The nest materials may not be possessed but may be donated to an entity in possession of state and/or federal permits or other authorizations, or relocated to an alternate nesting platform or destroyed by burial, trash disposal or incineration, in accordance with state, county or local rules and ordinances. Any take (removal, relocation or destruction) should be reported to the FWC Inactive Bird Nest Take registry within 2 business days. The registry and additional information are available at MyFWC.com. Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2016

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-25.002  
 RULE TITLE: General Provisions for Taking Possession and Sale of Reptiles

PURPOSE AND EFFECT: The purpose of this proposed rule revision is to provide certain protections for some reptile species that are being reclassified to an unlisted status. The effect of this proposed rule revision is to prohibit the take and possession of Peninsula ribbon snakes, red rat snakes, and striped mud turtles from the Lower Keys.

SUMMARY: The Commission found that Peninsula ribbon snakes, red rat snakes, and striped mud turtles from the Lower Keys did not meet the criteria for listing as State-designated Threatened species. Therefore, the Peninsula ribbon snake and striped mud turtle are being removed from the Florida Endangered and Threatened Species List, and the red rat snake is being removed from the State’s Species of Special Concern List. However, these species need protection of intention take and possession to prevent possible exploitation that would cause them to meet listing criteria in the future. The proposed rule revisions provide those protections.

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

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

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

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

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

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

DATE AND TIME: During the Commission’s regular meeting April 13-14, 2016, 8:30 a.m. – 5:00 p.m., each day  
 PLACE: Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) through (5) No change.

(6) Turtles.

(a) Take and possession – For turtles not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession:

~~1. No person shall take, transport, or possess any turtle listed in Rule 68A 27.005, F.A.C. (alligator snapping turtle (*Macrochelys temminckii*), Barbour’s map turtle (*Graptemys barbouri*) or Suwannee cooter (*Pseudemys suwanniensis*), their eggs, or parts thereof except as provided in Rule 68A-27.005, F.A.C.~~

~~2. For turtles not listed in Chapter 68A 27, F.A.C., the following restrictions control the take or possession:~~

~~1a. No person shall take more than one turtle per day unless authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C.~~

~~2b. Turtle eggs may not be taken from the wild.~~

~~3e. Turtles may only be taken by hand, baited hooks, minnow seine nets or dip nets.~~

~~4d. No person shall take Escambia map turtles (*Graptemys ernsti*), cooters (*Pseudemys* spp.), striped mud turtles (*Kinosternon baurii*) or snapping turtles (*Chelydra* spp.) from the wild.~~

~~5e. No softshell turtles (*Apalone* spp.) may be taken from the wild during the period May 1 to July 31.~~

~~6f. No person shall possess more than two Escambia map turtles (*Graptemys ernsti*), two diamond-backed terrapins (*Malaclemys terrapin*), two box turtles (*Terrapene carolina*), or two loggerhead musk turtles (*Sternotherus minor*).~~



7g. The Commission recognizes aquaculture as an alternative to commercial harvest of wild populations of freshwater turtles. An owner, manager, agents or director of an aquaculture facility certified by the Florida Department of Agriculture and Consumer Services pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C., may harvest freshwater turtles as brood stock for scientific or commercial aquaculture as authorized by permit from the executive director limiting the location of harvest activities, duration of harvest activities, species of turtles to be harvested, number and size of turtles to be harvested to prevent overharvest of freshwater turtles.

(b) Transport – No person shall transport more than one turtle or any turtle eggs unless authorized by one of the following:

1. A permit from the executive director as provided in Rule 68A-9.002, F.A.C. An individual transporting turtles under the authority of this permit shall possess a copy of the permit.

2. An aquaculture facility certification issued by the Florida Department of Agriculture and Consumer Services under Section 597.004, F.S. and Chapter 5L-3, F.A.C. An individual transporting turtles under the authority of this certification shall possess a copy of such certificate.

3. A license for sale or exhibition of wildlife under Section 379.3761, F.S. An individual transporting more than one turtle under the authority of this license shall possess a copy of such license.

4. Documentation of the source and supplier of the turtles, indicating the purchase date; quantity and species of turtles acquired; name and complete address of supplier; and license identification number of supplier where applicable.

(c) Sale – No person shall buy, sell, or possess for sale turtles, their eggs or parts thereof, that have been taken from the wild.

(7) through (9) No change.

(10) No person shall take or possess Peninsula ribbon snakes (*Thamnophis sauritus sackenii*) or red rat snakes (*Pantherophis guttatus*) from the Lower Keys population.

~~(11)(10)~~ No person shall buy, sell or possess for sale any Florida pine snake (*Pituophis melanoleucus mugitus*), nor shall any person possess more than one Florida pine snake, except that said restrictions shall not apply to amelanistic (= “albino”) specimens.

(12)(11) Reptiles may be taken throughout the year in any manner not conflicting with other provisions of these rules.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-

30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08, 7-20-09, 8-19-14, \_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 11, 2016

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-26.002      RULE TITLE: Regulations Relating to the Taking of Amphibians

PURPOSE AND EFFECT: The purpose of this proposed rule revision is to provide certain protections for some amphibian species that are being reclassified to an unlisted status. The effect of this proposed rule revision is to prohibit the take and possession of gopher frogs and Pine Barrens treefrogs.

SUMMARY: The Commission found that gopher frogs and Pine Barrens treefrogs did not meet the criteria for listing as State-designated Threatened species. Therefore, these species are being removed from the State’s Species of Special Concern List. However, these species need protection from intentional take and possession to prevent possible exploitation that would cause them to meet listing criteria in the future. The proposed rule revisions provide those protections.

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

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

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

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution  
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission’s regular meeting April 13-14, 2016, 8:30 a.m. – 5:00 p.m., each day

PLACE: Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

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: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600. 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: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-26.002 Regulations Relating to the Taking of Amphibians.

(1)(a) Except as prohibited in (1)(b) below, frogs Frogs may be taken by gigs, clubs, blow guns, hook and line, firearms or manually. Frogs may be taken throughout the year including non-daylight hours except that they may only be taken by firearm during daylight hours.

(b) No intentional take by any means or possession is allowed of the gopher frog (*Lithobates capito*) or the Pine Barrens treefrog (*Hyla andersonii*) except as authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C., relating to the permitting to take wildlife or freshwater fish for justifiable purposes.

(2) Amphibians other than frogs may be taken throughout the year in any manner not conflicting with other provisions of these rules and regulations except that when seines, nets or traps are used, the provisions of Chapter 68A-23, F.A.C., relating to the taking of bait minnows and other freshwater fish shall apply.

(3) Any person taking for sale or selling frogs shall be licensed as provided by Section 379.363, F.S.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.363 FS. History–New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-26.02, 39-26.002, Amended 3-25-12,\_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2016

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.005  
 RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose and effect of this rule revision are to implement species status changes found warranted by the Commission and to remove language referring to a moratorium that is no longer in effect.

SUMMARY: The Commission’s imperiled species rules were significantly revised in 2010, and as a result, all then listed species that had not had their status recently reviewed were evaluated against the listing criteria. Based on these evaluations, staff made listing status recommendations to the Commission. The Commission approved these recommendation in June 2011. However, as specified by rule, any listing status changes were not to be implemented until a

management plan for the species was approved. The Imperiled Species Management Plan (ISMP) covering these species is being approved concurrently with this rule revision. This revision includes reclassifying 23 species from Species of Special Concern to State designated Threatened and adding them to the Florida Endangered and Threatened Species List, and reclassifying 13 species from Species of Special Concern to unlisted and removing them from the list. Additionally, the revision removes language referring to a moratorium that is no longer in effect.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution

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

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

**DATE AND TIME:** During the Commission's regular meeting April 13-14, 2016, 8:30 a.m. – 5:00 p.m., each day

**PLACE:** Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

~~(1) During the moratorium created in subsection 68A-27.0012(4), F.A.C.: Management plans will be developed for the species listed in this rule and the species will be evaluated under the listing criteria in subsection 68A-27.001(3), F.A.C., for listing as a State designated Threatened species. If the Commission determines that the species warrants listing as a State designated Threatened species, final Commission action on the listing shall include removing reference to the species from this rule. If the species evaluation demonstrates the species does not qualify for listing as a State designated Threatened species, the Commission will remove the species from this rule upon completion of a management plan. After a biological status review is conducted and a management plan is approved, the Commission will decide whether a species should remain listed when the species is determined to be data deficient pursuant to the Guidelines for Using the IUCN Red List Categories and Criteria.~~

~~(1)(2)~~ The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

~~(2)(a)~~ No person shall take, possess, transport, or sell any species of special concern included in this subsection or parts thereof or their nests or eggs except as authorized by permit from the executive director, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species. For purposes of this section, the definition of the word take in Rule 68A-1.004, F.A.C., applies.

~~(a)(b)~~ Fish:

1. Bluenose shiner (*Pteronotropis welaka*);
2. Harlequin darter (*Etheostoma histrio*);
3. Lake Eustis pupfish (*Cyprinodon hubbsi*);
4. Rivulus (*Rivulus marmoratus*);
5. Saltmarsh topminnow (*Fundulus jenkinsi*);
6. ~~Southern tessellated darter (*Etheostoma olmstedii maculaticeps*).~~

~~(c)~~ Amphibians:

1. Florida bog frog (*Lithobates okaloosae*);
2. Georgia blind salamander (*Haideotriton wallacei*);
3. Gopher frog (*Lithobates capito*);
4. Pine Barrens treefrog (*Hyla andersonii*).

~~(b)(d)~~ Reptiles:

1. Alligator snapping turtle (*Macrochelys temminckii*);
2. ~~Barbour's map turtle (*Graptemys barbouri*);~~
3. Florida Keys mole skink (*Eumeces egregius egregius*);
4. Florida pine snake (*Pituophis melanoleucus mugitus*);

~~5. Red rat snake (*Elaphe guttata*); lower Keys population only;~~

~~6. Suwannee cooter (*Pseudemys suwanniensis*).~~

~~(c)(e) Birds:~~

~~1. American oystercatcher (*Haematopus palliatus*);~~

~~2. Black skimmer (*Rynchops niger*);~~

~~3. Brown pelican (*Pelecanus occidentalis*);~~

~~4. Burrowing owl (*Athene cunicularia*);~~

~~5. Limpkin (*Aramus guarauna*);~~

~~6. Little blue heron (*Egretta caerulea*);~~

~~7. Marian's marsh wren (*Cistothorus palustris marianae*);~~

~~8. Osprey (*Pandion haliaetus*); Monroe County population only;~~

~~9. Reddish egret (*Egretta rufescens*);~~

~~10. Roseate spoonbill (*Platalea ajaja*);~~

~~11. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*);~~

~~12. Snowy egret (*Egretta thula*);~~

~~13. Tricolored heron (*Egretta tricolor*);~~

~~14. Wakulla seaside sparrow (*Ammodramus maritimus juncicola*);~~

~~15. White ibis (*Eudocimus albus*);~~

~~16. Worthington's marsh wren (*Cistothorus palustris griseus*).~~

~~(d)(f) Mammals:~~

~~1. Eastern chipmunk (*Tamias striatus*);~~

~~2. Florida mouse (*Podomys floridanus*);~~

~~3. Homosassa shrew (*Sorex longirostris eonis*);~~

~~4. Sanibel Island rice rat (*Oryzomys palustris sanibeli*);~~

~~5. Sherman's fox squirrel (*Sciurus niger shermani*);~~

~~6. Sherman's short tailed shrew (*Blarina carolinensis shermani*).~~

~~(g) Mollusks:~~

~~Florida treesnail (*Liguus fasciatus*)~~

~~(e)(h) Crustaceans:~~

~~1. Black Creek crayfish, also known as Spotted royal crayfish (*Procambarus pictus*);~~

~~2. Panama City crayfish (*Procambarus econfinae*);~~

~~3. Santa Fe Cave crayfish (*Procambarus erythrops*).~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, 6-1-06, 11-8-07, 11-8-10, 9-19-12, \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED

AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2016

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:

68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species

PURPOSE AND EFFECT: The purposes of this proposed rule revision are to add a human safety factor to intentional take considerations, modify permitting standard language, and clarify where intentional take of marine organisms is addressed. The effect of this rule revision is improved human safety, more consistent permitting standards, and more clarity with regard to intentional take of marine organisms.

SUMMARY: The Commission's imperiled species rules were significantly revised in 2010. One of the objectives was to reduce the complexity of the imperiled species management system by creating a listing process with just one classification. As a result, all species then classified as Endangered or Threatened that were not also Federally listed were reclassified as State-designated Threatened. However, to avoid any perception of a loss of protection, the permitting standards for those species were to be maintained in Rule 68A-27.007, F.A.C. until the species were covered by a management plan. The Imperiled Species Management Plan (ISMP) covering these species is being approved concurrently with this rule revision. The ISMP does not recommend a different permitting standard for these species than that used for most State-designated Threatened species. Therefore, the permit standard language specifically for these species is being removed from the rule.

Additionally, human safety is being added as a factor that may be considered when evaluating an application for the intentional take of a State-designated Threatened species.

Finally, the permitting for the intentional take of marine organisms as defined in Chapter 68B-8, F.A.C. is regulated

according to that chapter and not by Chapter 68A-27, F.A.C. The rule revision clarifies this distinction.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution

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

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

**DATE AND TIME:** During the Commission’s regular meeting April 13-14, 2016, 8:30 a.m. – 5:00 p.m., each day

**PLACE:** Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

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

68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species.

(1) No change.

(2) The permit requirements for the taking of a State-designated Threatened species are as follows:

(a) Intentional take: The Commission may issue permits authorizing intentional take of Florida State-designated Threatened species for scientific or conservation purposes which will benefit the survival potential of the species except for species that have a permitting standard for intentional take in Rule 68A-27.003, F.A.C., and then that standard will apply. For purposes of this rule, a scientific or conservation purpose shall mean activities that further the conservation or survival of the species, including collection of scientific data needed for conservation or management of the species. The following factors shall be considered in determining whether there is a scientific or conservation purpose which will benefit the survival potential of the species;

1. Whether the purpose for which the permit required is adequate to justify removing specimens of the species if removed from the wild;

2. The probable direct or indirect effect which issuing the permit would have on the wild population of the species sought to be taken;

3. Whether the permit would conflict with any program intended to enhance the survival of the species sought to be taken;

4. Whether the purpose of the permit would likely reduce the threat of extinction for the species sought to be taken;

5. The opinions or views of scientists or other persons or organizations having expertise concerning the species sought to be taken;

6. Whether the expertise, facilities, or other resources available to the applicant are adequate to successfully accomplish the objective stated in the application; and-

7. Human safety.

(b) Incidental take: The Commission may issue permits authorizing incidental take of State-designated Threatened species upon a conclusion that the following permitting standards have been met: the standards for species that have a permitting standard for incidental take ~~when contained~~ in Rule 68A-27.003, F.A.C.; take precedence; ~~for blackmouth shiner, striped mud turtle, Florida mastiff bat, and pillar coral, a permit may be issued if the permitted activity clearly enhances the survival potential of the species;~~ for all other State-designated Threatened species, the permit may be issued when there is a scientific or conservation benefit and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species. Factors which shall be considered in determining whether a permit may be granted are:

1. The objectives of a federal recovery plan or a state management plan for the species sought to be taken;

2. The foreseeable long range impact over time if take of the species is authorized;

- 3. The impacts to other fish and wildlife species if take is authorized;
- 4. The extent of injury, harm or loss of the species;
- 5. Whether the incidental take could reasonably be avoided, minimized or mitigated by the permit applicant;
- 6. Human safety; and
- 7. Other factors relevant to the conservation and management of the species.

(c) Land management activities that benefit wildlife and that are not inconsistent with Management Plans for species as defined in this rule chapter are authorized and do not require a permit authorizing incidental take despite any other provision of this section.

(d) Agriculture, as defined in Section 570.02, F.S., conducted in accordance with Chapter 5I-8, F.A.C., and the wildlife best management practices (BMPs) adopted in Rule 5I-8.001, F.A.C., by the Department of Agriculture and Consumer Service pursuant to Section 570.94, F.S., is authorized and does not require a permit authorizing incidental take despite any other provision of this section or Rule 68A-27.005, F.A.C.

(e) Wildlands fire suppression actions necessary to ensure public safety during emergency circumstances, including but not limited to, setting counterfires, removing fences and other obstacles, digging trenches, cutting firelines, or using water from public and private sources are authorized and do not require a permit authorizing incidental take despite any other provision of this section.

(f) ~~Intentional~~ Fake of a marine organism as defined in Chapter 68B-8, F.A.C., and identified as a Florida Endangered and Threatened Species will be permitted pursuant to the provisions of Chapter 68B-8, F.A.C.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-8-10, Amended 10-9-13, 1-19-15, \_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2016

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-27.0012  
 RULE TITLE: Procedures for Listing and Removing Species from Florida’s Endangered and Threatened Species List

PURPOSE AND EFFECT: The purpose and effect of this proposed rule revision is to remove a subsection of the rule referring to a moratorium that is no longer in effect.

SUMMARY: A two-year moratorium on new request for listing or removal of species from the Florida Endangered and Threatened Species List, except for emergency actions, was created when this rule was revised in November 2010. That moratorium has expired and the subsection referring to it is being removed to keep the rule language concise and accurate.

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

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

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

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution  
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission’s regular meeting April 13-14, 2016, 8:30 a.m. – 5:00 p.m., each day

PLACE: Wyndham Grand Jupiter at Harbourside Place, 122 Soundings Way, Jupiter, FL 33458

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.0012 Procedures for Listing and Removing Species from Florida’s Endangered and Threatened Species List.

- (1) No change.
- (2) State-designated Threatened Species.
  - (a) Except as provided in subsection (1) above, these procedures shall not apply to:
    - 1. Federally-designated Endangered and Threatened species,
    - 2. Species not native to Florida,
    - 3. Harvested species that are monitored through periodic stock assessments or other techniques and are the subject of any rule in Title 68, F.A.C., that allows harvest,
    - 4. Species whose occurrence in Florida is only accidental,
    - 5. Species that ~~are~~ not within the Commission’s constitutional authority.
  - (b) through (e) No change.
- (3) No change.

~~(4) There is a moratorium for two years after the effective date of this rule on new requests for listing or removal of species to or from the State designated Threatened Species list, except for emergency actions, in order to facilitate development of management plans for species currently on this list.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-23-99, Formerly 39-27.0012, Amended 7-1-03, 5-26-05, 11-8-10, 11-14-11, \_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas H. Eason, Ph.D., Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2016

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NO.: 69I-44.021      RULE TITLE: Claim for Funds Paid to the Chief Financial Officer pursuant to Section 43.19, 732.107, 733.816 or 744.534, Florida Statutes.

PURPOSE AND EFFECT: Rule 69I-44.021, F.A.C., is being repealed since it was superseded by the enactment of subsection 717.124(8), F.S., in 2013.

SUMMARY: Rule 69I-44.021, F.A.C., is repealed.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an economic analysis of the potential impact of the proposed rule and determined that there will be no adverse economic impact or regulatory increases that would require legislative ratification.

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

RULEMAKING AUTHORITY: 17.29, 624.308(1), 717.138 FS.

LAW IMPLEMENTED: 17.05(1), 17.29, 43.19, 92.525, 215.965, 717.124, 732.107, 733.816, 744.534 FS.

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

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

DATE AND TIME: February 10, 2016, 10:00 a.m.

PLACE: Room B103, Fletcher Building, 101 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Phillip Carlton, Asst. Chief, Accounting & Auditing, Bureau of Unclaimed Property, telephone: (850)413-5570, email: Phillip.Carlton@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phillip Carlton, Asst. Chief, Accounting & Auditing, Bureau of Unclaimed Property, address: 200 E Gaines St., Tallahassee, FL 32399, telephone: (850)413-5570, email: Phillip.Carlton@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-44.021 Claim for Funds Paid to the Chief Financial Officer pursuant to Section 43.19, 732.107, 733.816 or 744.534, Florida Statutes.

Rulemaking Authority 17.29, 624.308(1), 717.138 FS. Law Implemented 17.05(1), 17.29, 43.19, 92.525, 215.965, 717.124, 732.107, 733.816, 744.534 FS. History—New 11-22-09, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Phillip Carlton

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2016

### Section III

## Notice of Changes, Corrections and Withdrawals

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:  
 5E-13.031 District or County Use of Funds  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph

120.54(3)(d)1., F.S., published in Vol. 41 No. 230, November 30, 2015 issue of the Florida Administrative Register.

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-13.031 District or County Use of Funds.

(1) through (3) No change.

(4) Proceeds from the sale or rental of property purchased with local funds may ~~Upon prior approval from the Department, proceeds from sale or rental of property purchased with local funds can~~ be deposited and credited to the local funds account after the Department has:

(a) Reviewed documentation submitted to the Department by the District or County that identifies the type of property, condition of the property, and amount for which the property was sold or rented; and

(b) Verified that the proceeds of the sale or rental have been received and allocated to the local arthropod control program and documented on the “Arthropod Control Budget Amendment.” (FDACS-13613, Rev. 07/13), as adopted in section 5E-13.027(2).

(5) through (7) No change.

Rulemaking Authority 388.361, F.S. Law Implemented 388.231, 388.281, F.S. History—New 1-1-77, Formerly 10D-54.31, 10D-54.031, Amended 3-14-94, 6-10-04, 5-21-14, \_\_\_\_\_.

### FISH AND WILDLIFE CONSERVATION COMMISSION

#### Marine Fisheries

RULE NO.: RULE TITLE:  
 68B-42.006 Commercial Season, Harvest Limits  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 42 No. 7, January 12, 2016 issue of the Florida Administrative Register.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.R.: January 11, 2016

### FISH AND WILDLIFE CONSERVATION COMMISSION

#### Marine Fisheries

RULE NOS.: RULE TITLES:  
 68B-42.0036 Closed Areas  
 68B-42.005 Recreational Bag Limit  
 68B-42.006 Commercial Season, Harvest Limits  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 42 No. 7, January 12, 2016 issue of the Florida Administrative Register.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.R.: January 11, 2016



**Section IV  
Emergency Rules**

NONE

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on January 06, 2016, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ramada Baymeadows. Petitioner seeks a temporary variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2016-001).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on January 12, 2016, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Stonewall Bar. Petitioner seeks an emergency permanent variance of the requirements of ASME A17.1, Section 5.2.1.7.2, as adopted by subsection 61C-5.001(1), F.A.C., which requires that if a separate machinery space is provided it shall be enclosed to a height of not less than 2000 mm (79 inches) which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle

Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2016-005).

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

**DEPARTMENT OF HEALTH**

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.009 Standard of Care for Office Surgery

The Board of Medicine hereby gives notice that on January 12, 2016, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed by Clifford P. Clark, III, M.D., on September 16, 2015, seeking a waiver or variance from Rule 64B8-9.009, F.A.C., with regard to the limitation on the amount of supernatant fat that can be removed during liposuction procedures in office surgery settings. The Notice was published in Volume 41, No. 205, of the Florida Administrative Register, on October 21, 2015. The Board, at its meetings held on December 4, 2015, voted to deny the Petition for Waiver finding that the Petitioner failed to cite to any administrative rule in his petition and appeared to seek a waiver from a statutory provision. The Board is precluded from waiving or granting variances to statutory provisions.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

**DEPARTMENT OF HEALTH**

Board of Medicine

RULE NO.: RULE TITLE:

64B8-8.0012 Probation Variables

The Board of Medicine hereby gives notice that on January 12, 2016, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver or Variance was filed on behalf of Bruce Hal Berman, M.D., on October 30, 2015, seeking a waiver from Rule 64B8- 8.0012., F.A.C., with regard to the requirement that Petitioner's monitoring physician during the probationary period be a licensee under Chapter 458, F.S. The Notice was published in Volume 41, No. 213, of the Florida Administrative Register, on November 2, 2015. The Board, at its meeting held on December 4, 2015, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support  
 RULE NO.: RULE TITLE:

64J-1.0201 EMS Instructor Qualifications

NOTICE IS HEREBY GIVEN that on January 12, 2016, the Department of Health received a petition for emergency variance or wavier from Chipola College for a Lead EMS Instructor who does not have the appropriate degree as required by rule. The request for variance is for Mr. Jamison Rodgers to be granted a variance through January 1, 2018 to secure his Associates Degree. Interested persons or other agencies may submit comments on this petition for variance within 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rickey Stone, 4052 Bald Cypress Way, Bin A22, Tallahassee, Florida 32399-1722, (850)245-4704, rickey.stone@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

NOTICE IS HEREBY GIVEN that on January 12, 2016, the Florida Housing Finance Corporation received a petition for Hallmark-Florida GP, LLC., requesting a waiver of paragraphs 67-21.003(8)(k) and (l) and Part C of the Non-Competitive Application Instructions, requesting to submit one Application and one Application Fee for a 24 Property Multifamily Mortgage Revenue Bond Portfolio.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kate Flemming, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

The Florida Consumers' Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, February 11, 2016, 10:00 a.m.  
 PLACE: Call-in number: 1(888)670-3525, participant code: 4220265671

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 General meeting of the Florida Consumers' Council.

A copy of the agenda may be obtained by contacting: Tom Steckler, Director, Division of Consumer Services, (850)410-3800.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tom Steckler at (850)410-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Indian River State College announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 10, 2016, 10:00 a.m.

PLACE: Treasure Coast Public Safety Training Complex, 4600 Kirby Loop Road, Fort Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 This public meeting for the Region XI Council will provide updates on training classes and any other issues involving the Region.

A copy of the agenda may be obtained by contacting the Treasure Coast Public Safety Training Complex, 4600 Kirby Loop Road, Fort Pierce, FL 34981.

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, February 10, 2016, 9:00 a.m.; Thursday, February 11, 2016, 9:00 a.m.; Wednesday, February 17, 2016, 9:00 a.m.; Thursday February 18, 2016, 9:00 a.m.; Wednesday, February 24, 2016, 9:00 a.m.; Thursday, February 25, 2016, 9:00 a.m..

PLACE: Florida Commission on Offender Review, 4070 Esplanade Way, Tallahassee, FL 32399-2450

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

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

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

agency at least 5 days before the workshop/meeting by contacting: Florida Commission on Offender Review at [ada@fcor.state.fl.us](mailto:ada@fcor.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

DATE AND TIME: Wednesday, January 20, 2016, 10:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Public meeting to discuss regulatory matters.

All or part of these meetings will be video-conferenced in order to permit maximum participation from the South Florida Water Management District Service Centers located at:

- Lower West Coast Service Center, 2301 McGregor Blvd., Fort Myers, FL 33901
- Okeechobee Service Center, 3800 NW 16th Boulevard, Okeechobee, FL 34972
- Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809

The meeting will also be webcast.

Agendas are available 7 days prior to the meeting date. You may obtain a copy of the agenda by going to our website at: [www.sfwmd.gov](http://www.sfwmd.gov). Hold the mouse pointer over the “Topics” tab, scroll down to “Permits” and click. Under “Upcoming Events” on the right-hand column, click the “Monthly Regulatory Meetings” link. Or, subscribe to ePermitting/eNoticing: [www.sfwmd.gov/epermitting](http://www.sfwmd.gov/epermitting).

For additional information, you may also call our information line: (561)682-6207 or Florida toll-free: 1(800)432-2045, ext. 6207.

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: District Clerk’s Office, (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF THE LOTTERY**

The Department of the Lottery announces the following public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, January 27, 2016, 1:30 p.m., Eastern Time; Thursday, January 28, 2016, 9:30 a.m., Eastern Time, and continuing from day to day thereafter as may be required

PLACE: Florida Lottery Headquarters, 250 Marriott Drive, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Evaluation Team to discuss and evaluate the Replies submitted in response to Invitation to Negotiate (ITN), Project Number 066-14/15: Lottery Gaming System and Related Commodities & Services; and to develop a schedule for future Evaluation Team meetings and other matters relevant to the above-referenced ITN. The Evaluation Team may make a determination to continue this meeting at a future date and time should it deem necessary to do so.

For more information, please visit the Vendor Bid System (VBS) at: [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu). A copy of the agenda may be obtained from: Summer Silvestri at (850)487-7710 or at the Department of the Lottery’s website: [www.flalottery.com](http://www.flalottery.com).

Any person requiring a special accommodation because of a disability at this public meeting should contact the individual identified above at (850)487-7710 (voice) or through the Florida Relay Service at 1(800)955-8771 (TDD), at least 24 hours prior to the meeting.

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

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

The Department of Elder Affairs, Alzheimer’s Disease Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2016, 1:35 p.m. – 3:45 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of Alzheimer’s Disease Committee Initiatives.

A copy of the agenda may be obtained by contacting: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone No.: (850)414-2000, Email address: [griffithkb@elderaffairs.org](mailto:griffithkb@elderaffairs.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 72 hours before the workshop/meeting by contacting: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone No.: (850)414-2000, E-mail address: griffithk@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone No.: (850)414-2000, Email address: griffithkb@elderaffairs.org.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

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

**DATE AND TIME:** January 27, 2016, 10:00 a.m. - until completion

**PLACE:** Meeting to be conducted using communications media technology, specifically teleconference and webinar: To join the online meeting (Now from mobile devices!) GoToMeeting® Online Meetings Made Easy® is a newly contracted vendor. Please note the access is different than previous meetings.

1. Please join my meeting, January 27, 2016, 10:00 a.m., Eastern Daylight Time

<https://global.gotomeeting.com/join/342433869>

2. To call in using your telephone in the United States (toll-free): 1(866)899-4679

Access Code: 342-433-869

Audio PIN: Shown after joining the meeting, Meeting ID: 342-433-869

Public point of access: Office of Codes and Standards, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider and discuss the following Declaratory Statement: DS2015-154 by David John, P.E. of Stan Weaver & Company, Categorizing Mandatory Requirements for Commercial Code Compliance; and other business on behalf of the Commission as per agenda.

A copy of the agenda may be obtained by contacting: Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at: <http://floridabuilding.org/c/default.aspx>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, phone: (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at: <http://floridabuilding.org/c/default.aspx>.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DATE AND TIME:** January 21, 2016, 9:00 a.m.

**PLACE:** Marion County Growth Management, 2710 East Silver Springs Boulevard, Ocala, FL 34470

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This is a public meeting to present an overview of the department's approach for addressing onsite sewage treatment disposal system loadings to Silver Springs. The department will also provide an update of activities and projects outlined in the Silver Springs Basin Management Action Plan.

A copy of the agenda may be obtained by contacting: Ms. 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, Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

**DEPARTMENT OF HEALTH**

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-18.001 General Provisions

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

DATE AND TIME: January 27, 2016, 9:00 a.m., ET until done, but no later than 11:00 a.m.

PLACE: Florida Department of Health, 4025 Esplanade Way, Tallahassee FL, 32399

Public may participate by toll-free telephone: 1(888)670-3525; enter participant passcode: 1571174526#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a biannual general meeting of the Environmental Health Professional Advisory Board.

A copy of the agenda may be obtained by contacting: Mrs. Robin Eychaner, FL Dept. of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Mail Bin A08, Tallahassee, FL 32399-1710, by email: Robin.Eychaner@flhealth.gov or by telephone: (850)245-4444, ext. 2457.

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

#### FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission announces public meetings to which all persons are invited.

DATES AND TIMES: February 10, 2016, 8:30 a.m.; February 11, 2016, 8:30 a.m.

PLACE: Florida Public Safety Institute, 75 College Drive, Havana, Florida 32333

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues. The meeting may include fact-finding field trips to Commission-managed areas or facilities and to other areas to learn about management, and enforcement activities.

A copy of the agenda may be obtained by contacting: Lisa Zullo, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Mr. Bud Vielhauer, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

#### FISH AND WILDLIFE CONSERVATION COMMISSION

##### Freshwater Fish and Wildlife

The Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: March 10, 2016, 7:00 p.m.

PLACE: Board of County Commissioners Meeting Facility, 210 South Main Street, Trenton, FL 32693

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding considerations for FWC's ten-year Management Plan for the FWC Lead Managed Portions of Fort White Wildlife and Environmental Area (FWWEA).

This hearing is being held exclusively for discussion of the draft Fort White WEA Management Plan. This meeting is not being held to discuss area hunting or fishing regulations. For more information on the process for FWC rule and regulation development go online to: <http://myfwc.com/about/rules-regulations/changes/>.

A Management Prospectus for Fort White WEA and copy of the agenda is available upon request from the Florida Fish and Wildlife Conservation Commission, Land Conservation and Planning Group, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-9982, or by email at Peter.Vandeburgt@myfwc.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 14 days before the workshop/meeting by contacting Peter.Vandeburgt@myfwc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sarah Pierce, (850)487-7063, sarah.pierce@myfwc.com.

#### DEPARTMENT OF ECONOMIC OPPORTUNITY

##### Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2016, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman’s report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

**TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY**

The Treasure Coast Education Research & Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: January 21, 2016, 3:00 p.m.

PLACE: Treasure Coast Research Park, in the UF/IRREC Building, 2199 S. Rock Road, Fort Pierce, FL 34952

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Any matters that may come before the TCERDA Board for their consideration/authorization, including but not limited to minutes, treasurer’s report, etc.

A copy of the agenda may be obtained by contacting: The Treasure Coast Research Park office at (772)467-3017.

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 Treasure Coast Research Park office at (772)467-3107. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or

hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: The Treasure Coast Research Park office at (772)467-3107.

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The FWCJUA Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 10, 2016, 10:00 a.m., ET

PLACE: Contact Kathy Coyne at (941)378-7408 to participate

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Agenda topics include an investment marketplace update; portfolio compliance review; and investment policy & guidelines review.

A copy of the agenda may be obtained by contacting Kathy Coyne or at [www.fwcjua.com](http://www.fwcjua.com).

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The FWCJUA Operations Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 10, 2016, 2:00 p.m., ET

PLACE: Contact Kathy Coyne at (941)378-7408 to participate

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Agenda topics include the 2016 Business Plan & Forecast, disaster recovery matters and a report on operations.

A copy of the agenda may be obtained by contacting Kathy Coyne or at [www.fwcjua.com](http://www.fwcjua.com).

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The FWCJUA Rates & Forms Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 12, 2016, 2:00 p.m., ET

PLACE: Contact Kathy Coyne at (941)378-7408 to participate.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Agenda topics include the 2015 reserves.

A copy of the agenda may be obtained by contacting Kathy Coyne or at [www.fwcjua.com](http://www.fwcjua.com).

**INFINITE SOURCE COMMUNICATIONS GROUP, LLC**

The Florida Department of Transportation (FDOT), District 6 announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 28, 2016, 6:00 p.m.

PLACE: Highland Oaks Park, 20300 NE 24 Avenue, Miami, FL 33180

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Public Information Meeting in the City of Aventura for the State Road (SR) 5/US 1/Biscayne Boulevard Roadway Project

from NE 196 Street to NE 213 Street, FIN Nos. 414624-3-52-01 & 430768-1-52-01.

A copy of the agenda may be obtained by contacting: Public Information Specialist Heather M. Leslie, (305)905-5876, Heather@hmlpublicoutreach.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 Ivette Ruiz-Paz, FDOT, 1000 NW 111 Avenue, Miami, FL 33172, (305)470-5349, ivette.ruiz-paz@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Public Information Specialist Heather M. Leslie at (305)905-5876 or Heather@hmlpublicoutreach.com.

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

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

NOTICE IS HEREBY GIVEN that the Board of Building Code Administrators and Inspectors has issued an order disposing of the petition for declaratory statement filed by Timothy J. Dayton and Regina L. Dayton on September 23, 2015. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 196, of the October 8, 2015, Florida Administrative Register. Petitioner sought an interpretation of p 455.227(1)(i), Florida Statutes, in regard to disciplinary action to be taken. The Board's Order, filed on December 21, 2015, denies the Petition finding that the petition presented lacks the requisite components for the issuance of a declaratory statement and has determined that the Petitioner lacks standing to request the statement sought.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)717-1394, Robyn.Barineau@myfloridalicense.com.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

NOTICE IS HEREBY GIVEN that the Board of Building Code Administrators and Inspectors has issued an order disposing of the petition for declaratory statement filed by James Schock on August 17, 2015. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 176, of the September 10, 2015, Florida Administrative Register. Petitioner seeks a declaratory statement as to what licensing is required to install and inspect sprinklers that are installed under the Florida Building Code - Residential Plumbing Section P2904. The Board's Order, filed on December 21, 2015, declines to answer the Petition for Declaratory Statement because the questions posed may not be answered as they concern a topic beyond the scope of the Board's authority.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)717-1394, Robyn.Barineau@myfloridalicense.com.

### DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from Banco Popular de Puerto Rico on January 1, 2016. The petition seeks the agency's opinion as to the applicability of Section 655.92, Florida Statutes; Section 663.04, Florida Statutes and Section 516.02, Florida Statutes, as they apply to the petitioner.

The petition seeks a declaratory statement from the Office on whether Petitioner's proposed business activities (to expand their geographic footprint of its current credit card business to offer consumer credit cards in the domestic U.S.) requires any licensing or filing with the Office of Financial Regulation.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643 by February 15, 2016.

### DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from John Simonyan – Digital Express on January 4, 2016. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

The petition seeks a declaratory statement from the Office on whether Petitioner’s proposed business activities (of selling Bitcoin through an automated machine while transactions are maintained between the company and the customer, not a third party vendor) fall within Florida’s money transmitting licensing statute Chapter 560, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643 by February 15, 2016.

**Section VIII**

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

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

NONE

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

NONE

**Section IX**

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

NONE

**Section X**

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

NONE

**Section XI**

**Notices Regarding Bids, Proposals and  
Purchasing**

NONE

**Section XII  
Miscellaneous**

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Clean Water State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

City of Treasure Island, Florida

The Florida Department of Environmental Protection (DEP) has determined that the City of Treasure Island’s project involving the rehabilitation of lift stations, influent/discharge pipes, wet wells, pumps, the electrical system and structural repairs is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$1,115,000. The project may qualify for a Clean Water State Revolving Fund (CWSRF) loan comprised of federal or state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered 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: Mahnaz Massoudi, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000, calling (850)245-2960 or by email: Mahnaz.Massoudi@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On January 12, 2016, the State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Angela Dean, R.N., License # RN 9170736. 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. (2015). 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 ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-16-003

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-003 on January 8, 2016, in response to an application submitted by Hidden Beach Homeowners’ Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes. The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.



Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or [Katie.Zimmer@DEO.MyFlorida.com](mailto:Katie.Zimmer@DEO.MyFlorida.com).

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DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development

Final Order No.: DEO-16-004

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-004 on January 8, 2016, in response to an application submitted by Deer Run Homeowners' Association #5, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or [Katie.Zimmer@DEO.MyFlorida.com](mailto:Katie.Zimmer@DEO.MyFlorida.com).

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### 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.

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