

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:

1T-1.001 Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines, forms, and Grant Award Agreements for the Cultural Endowment Program.

SUBJECT AREA TO BE ADDRESSED: Guidelines, application forms, and Grant Award Agreements for the Cultural Endowment Program.

RULEMAKING AUTHORITY: 265.605(1), 265.701(5), FS.

LAW IMPLEMENTED: 265.285, 265.286, 265.601-603, 265.605-606, 265.701, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carlos A. Rey, Florida Department of State, 500 S. Bronough St., Tallahassee, FL 32399, carlos.rey@dos.myflorida.com, (850)245-6536

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NOS.: RULE TITLES:

1T-1.036 Arts and Cultural Grants

1T-1.040 Fast Track Grants

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines, forms, and Grant Award Agreements for the General Program Support, Specific Cultural Project, Fast Track Grants.

SUBJECT AREA TO BE ADDRESSED: Guidelines, application forms, and Grant Award Agreements for General Program Support, Specific Cultural Project, Fast Track Grants.

RULEMAKING AUTHORITY: 265.286(11), FS.

LAW IMPLEMENTED: 265.286, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN

THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carlos A. Rey, Florida Department of State, 500 S. Bronough St., Tallahassee, FL 32399, (850)245-6536

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:

1T-1.039 Cultural Facilities Program

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines, forms, and Grant Award Agreements Cultural Facilities.

SUBJECT AREA TO BE ADDRESSED: Guidelines, application forms, and Grant Award Agreements for the Cultural Facilities.

RULEMAKING AUTHORITY: 265.701(5), FS.

LAW IMPLEMENTED: 265.701, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carlos A. Rey, Florida Department of State, 500 S. Bronough St., Tallahassee, FL 32399, carlos.rey@dos.myflorida.com, (850)245-6536

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

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-4.620 Health and Safety Checklists

PURPOSE AND EFFECT: The purpose of the rule is to revise certain health and safety standards for providers of the School Readiness Program to ensure alignment with statutory requirements.

SUBJECT AREA TO BE ADDRESSED: School Readiness requirements for health and safety, training and inspections.

RULEMAKING AUTHORITY: 1001.213(2), 1002.82(2)(i),(t),(u),(v) and (w), FS.

LAW IMPLEMENTED: 1002.82(2)(i),(t),(u),(v) and (w), 1002.88(1)(c),(d),(e), (i), (j), (l) and (p), FS.

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

DATE AND TIME: Friday, November 18, 2016, 11:30 a.m. to 1:30 p.m. or until business is concluded, whichever is earlier.

PLACE: via GoToWebinar only. To register for each webinar, please visit:

http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.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 7 days before the workshop/meeting by contacting: Katerina Maroney, School Readiness Policy Supervisor, (850)717-8614. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Katerina Maroney, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8614 or email: Katerina.Maroney@oel.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Will be made available on the Office of Early Learning website prior to the date of the rule development workshop: http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.aspx

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-14.002 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment for a comprehensive review for needed updates and to implement the legislative changes made by 2016-222, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.072, 456.079, 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.033, 456.063, 456.072, 456.079, 461.012, 461.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Anthony B. Spivey, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**Section II
Proposed Rules**

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NOS.: 64B10-11.001, 64B10-11.003
RULE TITLES: Application for Licensure, Reexamination

PURPOSE AND EFFECT: The Board proposes to update rule language and incorporated material.

SUMMARY: To update the language and incorporated material.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.017(2), 468.1685(1), (2), 468.1695(1) FS.

LAW IMPLEMENTED: 456.013, 456.017(2), 468.1685(2), 468.1695(1), 468.1705 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, (850)245-4393

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.001 Application for Licensure.

Any person desiring to be licensed as a nursing home administrator shall apply to the Board of Nursing Home Administrators. The application shall be made on the Application for Nursing Home Administrators Examination and Endorsement/Temporary, form DH-MQA-NHA002, (~~revised 09/16 6/14~~), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-04504>; or the Board's website at <http://floridasnursinghomeadmin.gov/applications/application-licensure-nha.pdf> <http://www.floridahealth.gov/licensing-and-regulation/nursing-home/index.html>.

Rulemaking Authority 468.1685(1), (2), 468.1695(1) FS. Law Implemented 456.013, 468.1685(2), 468.1695(1), 468.1705 FS. History—New 12-26-79, Formerly 21Z-11.01, Amended 1-18-87, 10-2-88, 3-5-89, 3-15-90, 12-3-90, 11-3-92, Formerly 21Z-11.001, 61G12-11.001, Amended 12-4-95, 9-4-96, 7-21-97, Formerly 59T-11.001, Amended 5-15-00, 1-7-04, 2-15-06, 11-9-08, 10-24-10, 2-6-13, 9-10-14, _____.

64B10-11.003 Reexamination.

(1) An applicant must obtain passing scores on both examinations required for licensure as specified in subsection 64B10-11.002(1), F.A.C., within one (1) year of the date of application. Any applicant desiring to retake one (1) or both of the required examinations must reapply to the Board and pay the fee required by subsection 64B10-12.006(2), F.A.C.

(2) Application for reexamination shall be made on the Application for Nursing Home Administrators Re-Examination, Form DH-MQA 1129, (~~revised 09/16 06/14~~), hereby adopted and incorporated by reference, and which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-05469> or the Board's website at <http://floridasnursinghomeadmin.gov/applications/app-reexam-nha.pdf> <http://floridasnursinghomeadmin.gov/resources>.

(3) If the applicant fails to achieve passing scores on both examinations within the stated one (1)-year period, the applicant must reapply for licensure as specified in Rule

64B10-11.001, F.A.C., pay all required fees, and meet all then-current licensing requirements.

Rulemaking Authority 456.017(2), 468.1685(1) FS. Law Implemented 456.017(2) FS. History—New 12-26-79, Amended 3-1-82, 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92, Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended 5-15-00, 11-6-02, 2-15-06, 4-22-09, 10-11-10, 2-6-13, 9-10-14, 7-8-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 14, 2016

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

NONE

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that on October 12, 2016, the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, received a petition for waiver of Rule 61A-3.054, F.A.C., titled Party-Type Supplies, implements Sections 565.04 and 565.045, Florida Statutes from Publix Supermarkets, Inc. The Petitioner is seeking to waive the requirement that these statutes place limitations on the items available to be sold by certain licensees. Petitioner requests a waiver of Rule 61A-3.054, F.A.C., in order to sell sunscreen, lip balm, sunglasses, balloons, and gift cards in its package store locations. Petitioner also appears to seeks temporary variance to sell mosquito repellent.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Business Regulation,

Agency Clerk's Office, 2601 Blair Stone Road, Tallahassee, FL 32399-2202, (850)717-1183, AGC.Filings@myfloridalicense.com.

Please refer all comments to: Daniel McGinn, Esq., Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2202, (850)717-1588, Daniel.McGinn@myfloridalicense.com. VW #: 2016-233 DBPR Ref #: 2016-049959.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 25, 2016, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), Florida Administrative Code, from Dumpling House located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under a different ownership and on the same premise.

The Petition for this variance was published in Vol. 42/209 on October 26, 2016. The Order for this Petition was signed and approved on November 1, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all the handwash sink are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing

sign. The dishwashing, food preparation and food storage areas within Centerplate @ Phase III Kitchen (NOS5807961) and Centerplate @ PHSDR V Kitchen (NOS5811092) must be maintained in a clean and sanitary manner. This area must also be available to Dumpling House during all hours of operation. If the ownership of Centerplate @ Phase III Kitchen (NOS5807961), Centerplate @ PHSDR V Kitchen (NOS5811092) or Dumpling House (Walker Hospitality Inc.) changes, a signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Rd., Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 25, 2016, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), Florida Administrative Code, Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), Florida Administrative Code, from Sushi Haru located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and food storage areas with another food service establishment under a different ownership and on the same premise.

The Petition for this variance was published in Vol. 42/209 on October 26, 2016. The Order for this Petition was signed and approved on November 1, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner

ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all the handwash sink are provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign. The dishwashing, food preparation and food storage areas within Centerplate @ Phase III Kitchen (NOS5807961) and Centerplate @ PHSDR V Kitchen (NOS5811092) must be maintained in a clean and sanitary manner. This area must also be available to Sushi Haru during all hours of operation. If the ownership of Centerplate @ Phase III Kitchen (NOS5807961), Centerplate @ PHSDR V Kitchen (NOS5811092) or Sushi Haru (Walker Hospitality Inc.) changes, a signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Rd., Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 1, 2016, the Division issued an order. The Final Order was in response to a Petition for an emergency permanent Variance from Wellington G Condominium, filed September 26, 2016, and advertised on September 29, 2016, in Vol. 42, No. 190, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.4.4, A.S.M.E. A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading an emergency car top exit because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2016-225).

A copy of the Order or additional information may be obtained by contacting: Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, dhr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-33.006: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees

NOTICE IS HEREBY GIVEN that on October 19, 2016, the Board of Accountancy, received a petition for variance or waiver filed by Donna L. Young, seeking a variance or waiver of paragraph 61H1-33.006(2)(b), Florida Administrative Code, that requires for each Florida certified public accountant, who became delinquent and desires to return his/her license to active status shall satisfy the requirements of his/her most recent biennium plus 120 additional CPE hours in the following manner: at least 30 hours of Accounting/Auditing, at least 4 hours in Ethics, no more than 20 hours in behavioral, for a total of 200 hours.

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits

NOTICE IS HEREBY GIVEN that on November 2, 2016, the Board of Dentistry, received a petition for variance or waiver filed by Shaina Thorp, Esquire, on behalf of Jennifer Depew, seeking a variance or waiver of subparagraph 64B5-14.003(3)(a)4., Florida Administrative Code, which requires that the applicant for a Pediatric Conscious Sedation Permit demonstrates that he/she graduated within 24 months prior to application for the permit, from an accredited post-doctoral pediatric residency.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jennifer Wenhold, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board of Dentistry within 14 days of publication of this notice.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Library and Information Services
The Division of Library and Information Services announces public meetings to which all persons are invited.

DATES, TIMES AND LOCATIONS:

Unless otherwise noted, all times are Eastern.
November 14, 2016, 9:30 a.m., Delray Beach
November 14, 2016, 3:30 p.m., Pembroke Pines
November 15, 2016, 10:30 a.m., Fort Myers
November 16, 2016, 9:30 a.m., Plant City
November 16, 2016, 3:30 p.m., Casselberry
November 17, 2016, 9:30 a.m., Jacksonville
November 17, 2016, 3:30 p.m., Lake City
November 18, 2016, 10:30 a.m. Central, Chipley

Visit our website for specific location information.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Focus groups will discuss Library Services and Technology Act funded programs in Florida and the future needs of Florida libraries.

For more information, contact: David Beach at (850)245-6630 or david.beach@dos.myflorida.com.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least five (5) days prior to the meeting by contacting: David Beach at (850)245-6630 or david.beach@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: November 17, 2016, 5:30 p.m., Open House; 6:00 p.m., Presentation

PLACE: Holiday Inn Titusville – Kennedy Space Center (Indian River Room A) 4715 Helen Hauser Blvd., Titusville, Florida 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Financial Management No. 436123-1-52-01 Project Description: State Road (SR) 405/Columbia Blvd. at Sisson Road Intersection Widening.

The improvements will require the construction of a traffic separator along Sisson road for approximately 200 feet beyond the intersection. This project will also require right of way acquisition along the east side of Sisson Road. The limits of

this project are from the beginning of the eastbound left turn lane to 200 feet east of the intersection along SR 405 and along Sisson Road north of SR 405 for approximately 1,100 feet. The project is funded for construction December 2019.

A copy of the agenda may be obtained by contacting: Robert Neil or a flyer will be distributed at the meeting.

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: Robert Neil, PE at SRD, Inc., (813)621-3250 or via e-mail at rneil@srdeng.com at least seven days prior to the meeting. 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: Mr. Jerald Marks, the FDOT Project Manager at (386)943-5161 or e-mail at jerald.marks@dot.state.fl.us AND/OR Mr. Robert Neil, PE at SRD, Inc., (813)621-3250 or via e-mail at rneil@srdeng.com.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: November 10, 2016, 4:00 p.m. – 6:00 p.m.

PLACE: FDOT District Two Urban Office, Training Facility, 2198 Edison Avenue, Jacksonville, FL 32204

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Department of Transportation (FDOT) will conduct a Public Hearing pursuant to Section 339.135(4)(c), Florida Statutes, to consider the Department’s (District Two and Florida’s Turnpike Enterprise) Tentative Five-Year Work Program for Fiscal Years 2017/2018 through 2021/2022, and to consider the necessity of making any changes to the Work Program. All persons are invited to attend and be heard.

The Jacksonville Hearing will begin with an Open House at 4:00 p.m. Then, at 5:30 p.m. the Department will present a brief presentation followed by a public comment period. Projects in the following counties will be discussed: Baker, Clay, Duval, Nassau, Putnam, and St. Johns.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

If you cannot make the hearing, please visit our website at www.d2wpph.com to get information and submit comments. Comments will be received by the Department at the hearing, our website www.d2wpph.com or by mail until November 30, 2016. Written comments should be addressed to: Mr. Greg Evans, FDOT District Two Secretary, 1109 S. Marion Avenue, Mail Station 2000, Lake City, FL 32025-5874 or 1(800)749-2967, Ext. 7800 or email: Greg.Evans@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874. 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 TRANSPORTATION

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

DATE AND TIME: November 10, 2016, 4:30 p.m. – 6:30 p.m.

PLACE: Advent Christian Village, Phillips Center, 23736 Park Center Drive, Live Oak, FL 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 212724-2, otherwise known as County Road 250 Bridge Replacement over in Suwannee and Lafayette Counties, Florida. The existing bridge has two 12” wide travel lanes with no shoulders. The replacement bridge will be located adjacent to and on the south side of the existing bridge and provide two 12’ wide travel lanes with 10” wide shoulders.

Public participation is sought without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874. 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).

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

The Wekiva River Basin Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 5, 2016, 2:30 p.m.

PLACE: East Central Florida Regional Planning Council, 455 N. Garland Avenue, 2nd Floor Conference Room, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The quarterly meeting of the Wekiva River Basin Commission.

A copy of the agenda may be obtained by contacting: Pegge Parker at pparker@ecfrpc.org or (407)245-0300, Ext. 300.

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: Pegge Parker at pparker@ecfrpc.org or (407)245-0300, Ext. 300.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: November 16, 2016, 10:30 a.m.

PLACE: 4000 Gateway Centre Blvd. Suite 100, Pinellas Park, Florida 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The regular business of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: John Meyer, johnm@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: John Meyer, johnm@tbrpc.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: John Meyer, johnm@tbrpc.org.

REGIONAL PLANNING COUNCILS

Apalachee Regional Planning Council

The Apalachee Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 17, 2016, 10:30 a.m., ET

PLACE: ARPC Conference Room, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular bi-monthly business of the Apalachee Regional Planning Council.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, (850)488-6211, Ext. 103, JWatson@thearpc.com.

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

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-8.041 Minimum Flows

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

DATE AND TIME: CANCELLATION of November 7, 2016, 1:00 p.m. – 5:00 p.m. teleconference

PLACE: N/A

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF CANCELLATION - This is to announce that the teleconference meeting on November 7, 2016, has been cancelled and will not be rescheduled. The scientific peer review panelists for the proposed Minimum Flow for the Rainbow River System have determined that there is no need for this teleconference. Information reviewed, supporting documents, and comments and documents produced by the peer review panel, as well as comments from stakeholders, are accessible using the following link: <https://swfwmd.discussion.community/categories>.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, Attention: Kym Rouse Holzward, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211, or Kym.Holzward@swfwmd.state.fl.us, or will be accessible at <https://swfwmd.discussion.community/categories>.

AGENCY FOR HEALTH CARE ADMINISTRATION

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

DATE AND TIME: Thursday, November 17, 2016, 8:00 a.m. – 11:00 a.m.

PLACE: Safety Harbor Resort and Spa 105 North Bayshore Drive Safety Harbor, FL 34695

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Telehealth Advisory Council will meet to make recommendations intended to increase the use and accessibility of services provided via telehealth.

A copy of the agenda may be obtained by contacting: Dana Watson, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop 16, Tallahassee, FL 32308-5403.

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: Dana Watson at (850)412-3784. 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: Dana Watson at (850)412-3784.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Probable Cause Panel of the Board of Massage Therapy announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 7, 2016, 10:00 a.m., ET

PLACE: 1(888)670-3525, Participant Passcode: 2597709961

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Amber.Greene at Amber.Greene@flhealth.gov.

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: Amber.Greene at Amber.Greene@flhealth.gov. 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: Amber.Greene at Amber.Greene@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE NOS.:RULE TITLES:

- 64C-7.001 Definitions
- 64C-7.002 Collection Procedures for Newborn Screening
- 64C-7.0026 Administration of Newborn Hearing Screening
- 64C-7.005 Reporting of Newborn Screening Test Results
- 64C-7.012 Charging for Newborn Screening Services
- 64C-7.013 Criteria for Dietary Treatment Products

64C-7.027 Requirements for Newborn Screening Referral Centers

The Division of Children’s Medical Services announces a workshop to which all persons are invited.

DATE AND TIME: November 17, 2016, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Department of Health, 4025 Esplanade Way, Room 301, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of Rules 64C-7.001, 64C-7.002, 64C-7.0026, 64C-7.0027, 64C-7.005, 64C-7.012, & 64C-7.013, Florida Administrative Code (F.A.C.) Definitions, Collection Procedures for Newborn Screening, Requirements for Newborn Screening Referral Centers, Administration of Newborn Hearing Screening, Reporting of Newborn Screening Test Results, Charging for Newborn Screening Services, and Criteria for Dietary Treatment Products.

A copy of the agenda may be obtained by contacting: Dusty Edwards, BSN, RN, Program Director at Dusty.Edwards@FLHealth.gov or (850)245-4674.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Dusty Edwards at the contact information above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA HOUSING FINANCE CORPORATION

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

DATE AND TIME: Friday, November 18, 2016, 2:00 p.m.

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

The meeting will be accessible via phone #: 1(888)339-2688, Participant Code #: 536 258 43

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop will be held to solicit comments and suggestions from interested persons relative to Florida Housing’s proposed Request for Applications (RFA) 2016-116 offering an estimated \$6,628,500 of Housing Credit financing for the Preservation of existing affordable multifamily housing developments. The agenda for the workshop will be posted to the website prior to the workshop. A WebBoard notice will be issued when this information is available.

A copy of the agenda may be obtained by contacting: Jean Salmonsens at (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Salmonsens at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Orange County Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: November 17, 2016, 11:30 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100 Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace, (407)282-3944.

SUNSHINE STATE ONE CALL OF FLORIDA

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

DATES AND TIMES: Thursday, November 17, 2016, 1:00 p.m. – 5:00 p.m. and Friday, November 18, 2016, 8:30 a.m. – 5:00 p.m.

PLACE: 11 Plantation Road, DeBary, Florida 32713

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting Notice.

Sunshine 811 announces their Committee and Board of Directors meetings to which all interested persons are invited to participate.

Committee Meetings, Thursday, November 17, 2016, 1:00 p.m. – 5:00 p.m.

- Lunch provided at the call center for meeting participants and Sunshine 811 employees beginning at 12:00 Noon.

Board of Directors Meeting, Friday, November 18, 2016, 8:30 a.m. – 5:00 p.m.

A copy of the agenda may be obtained by contacting: AGENDA FOR November 17 & 18, 2016: www.sunshine811.com/agenda

RS&H - JACKSONVILLE

The Florida Department of Transportation (FDOT) announces an Alternatives public meeting concerning the State Road

(S.R.) 79 Project Development & Environment (PD&E) Study from S.R. 8 (I-10) to the Alabama State line to which all persons are invited.

DATE AND TIME: Thursday, November 10, 2016, 5:30 p.m. – 6:30 p.m. CT

PLACE: Northside Assembly of God, 1009 Rangeline Street, Bonifay, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will be held in an open-house format and will include an informational video. FDOT representatives will be available to discuss proposed improvements, answer questions, and receive comments. Maps, drawings and other project information will be on display.

The primary focus of this meeting is to present the alternatives that are currently being considered for the segment of the project from I-10 to just north of the city of Bonifay.

The intent of the study is to investigate capacity improvements that include: widening from a two-lane to a four-lane roadway, a potential by-pass around the city of Bonifay, and potential one-way pairs within the city of Bonifay. The study will also examine all major intersections regarding safety and operational improvements.

A copy of the agenda may be obtained by contacting: FDOT General Consultant Project Manager, Kimberly Stephens, P.E., at (850)415-9015.

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 seven days before the workshop/meeting by contacting the FDOT General Consultant Project Manager, Kimberly Stephens, P.E., at (850)415-9015.

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: Ian Satter, District Public Information Director, toll-free at 1(888)638-0250, extension 1205 or via email at ian.satter@dot.state.fl.us.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Dentistry

NOTICE IS HEREBY GIVEN that the Board of Dentistry has received the petition for declaratory statement from Susan B. Collingwood, Esquire, on behalf of Madhu K. Nair, D.M.D., filed on October 12, 2016. The petition seeks the agency’s opinion as to the applicability of Section 466.003(3), Florida Statutes, as it applies to the petitioner.

The Petitioner seeks a Declaratory Statement from the Board with regard to Section 466.003(3), Florida Statutes, and asks if his Florida teaching permit became inactive, would Petitioner’s expert peer-to-peer consultation with other licensed dentists (not located in Florida), about radiological studies taken on those dentists’ patients (not located in Florida), concerning the final diagnosis and treatment of which patients the dentist retains while Petitioner is physically located in Florida, constitutes the practice of dentistry. Petitioner also asks if his Florida teaching permit became inactive, would Petitioner’s expert peer-to-peer consultation with other licensed dentists (located in Florida), about radiological studies taken on those dentists’ patients (located in Florida), concerning the final diagnosis and treatment of which patients the dentist retains while Petitioner is physically located in Florida, constitutes the practice of dentistry. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Jennifer Wenhold, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 or by email at info@floridasdentistry.gov.

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

Notice of Disposition of Petition for Administrative Determination has been filed 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

PASCO-PINELLAS AREA AGENCY ON AGING

AREA AGENCY ON AGING OF PASCO/PINELLAS

Contingent upon the availability of funds, the Area Agency on Aging of Pasco-Pinellas, Inc. for Planning and Service Area 5 (Pasco and Pinellas Counties), will be contracting and is soliciting sealed proposals for Older Americans Act (OAA) services for the period January 1, 2017 - December 31, 2019. Services are to be provided to eligible residents based upon age. For services in both Pasco and Pinellas Counties, proposals are being solicited for Title IIIB, Case Management; Title IIIE Screening and Assessment; and Title IIIE Education and Training. The aforementioned services will be used to stabilize approximately 110 caregiver households as well as a waitlist of over 300 individuals.

Specifications for proposals may be on Thursday, November 10th, 2016, 10:00 a.m. and at: <http://www.agingcarefl.org/2016oaamrpf>

Letters of Intent are mandatory and due by Tuesday, November 15th, 2016 and by 12:00 PM. Failure to submit a letter of intent is a fatal criteria whereas an application for services will not be accepted. Letters of Intent shall be submitted to:

Area Agency on Aging of Pasco-Pinellas, Inc.
Attn: Jason Martino, Director of Planning
9549 Koger Blvd., Ste. 100, Gadsden Bldg.
St. Petersburg, FL 33702

Sealed proposals are due by 3:00 p.m., on Monday, November 21, 2016 with a formal opening immediately following. The Area Agency on Aging reserves the right to reject any and all proposals not complying with specifications and requested information. If you have questions, please contact Jason Martino at (727)570-9696, ext. 272.

Section XII
Miscellaneous

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development
Final Order No. DEO-16-212
In the Matter of
TOWN OF JENNINGS,
Final Order No. DEO-16-212
Petitioner.

DEO Case No. 16-114

FINAL ORDER DISMISSING AMENDED PETITION FOR
ADMINISTRATIVE HEARING

This matter is before the Department of Economic Opportunity (“Department”) based on an amended petition submitted by the Town of Jennings (“Jennings”). The petition seeks a formal administrative hearing involving a disputed issue of fact surrounding Jennings’ application under the Florida Small Cities Community Development Block Grant (CDBG) Program for the federal fiscal year 2015 Small Cities CDBG cycle for housing rehabilitation. The Department finds and concludes as follows:

Findings of Fact

On March 12, 2016, the Department commenced an application cycle accepting applications from eligible governments to participate in the federal fiscal year 2015 Small Cities CDBG Program for housing rehabilitation. The application cycle closed on April 25, 2016. Jennings timely submitted an application on April 25, 2016. Jennings was seeking \$600,000.00 to improve its water and sewer systems.

1. As part of the evaluation process, the Department reviewed Jennings’ public hearing advertisements and determined that the second public hearing advertisement did not meet the requirements of Rule 73C-23, Florida Administrative Code.

2. Namely, Rule 73C-23.0041(5)(c)2.a., Florida Administrative Code, states:

After an Application for Funding has been drafted, citizens shall be given the opportunity to express their views regarding the proposed application. The opportunity shall include the following:

a. A notice for a second public hearing shall be published in a local newspaper at least five days prior to and no more than 20 days before the date of the second public hearing. The notice shall include a summary of the draft application and the date, time and address of a public hearing on the draft application. The summary shall include the following:

(I) A description of the activities that will be undertaken with CDBG funding;

(II) A budget that lists the specific CDBG dollar amounts that will be allocated for each activity;

(III) The national objective that will be met by each activity, except administration and engineering; and,

(IV) For Neighborhood Revitalization, Commercial Revitalization and Economic Development Projects, the

specific locations of the proposed activities, including street names or road numbers (e.g., County Road 50).

The notice shall also state where and when, other than at the public hearing, a copy of the draft application will be available for citizen review and how citizens can submit written comments on the draft application. Failure to include all of the required information in the public hearing notice shall result in the application being rejected as provided in Section 290.0475(6), Florida Statutes.

(emphasis added.)

3. As Rule 73C-23, Florida Administrative Code, indicates, section 290.0475(6), Florida Statutes, indeed states that an application is ineligible for funding if the local government is not in compliance with the Department's rule regarding citizen participation.

4. Jennings' second public hearing advertisement failed to include *"where and when, other than at the public hearing, a copy of the draft application will be available for citizen review and how citizens can submit written comments on the draft application."*

5. On June 3, 2016, the Department notified Jennings that since it did not comply with the citizen participation requirements of Rule 73C-23, Florida Administrative Code, its application could not be considered and was rejected.

6. On June 24, 2016, Jennings filed a two-part petition ("Original Petition"). The first part was a petition for a formal administrative hearing involving a disputed issue of fact, pursuant to section 120.569, Florida Statutes. The second part was a petition for waiver from the citizen participation requirements included in Rule 73C-23, Florida Administrative Code, pursuant to section 120.542, Florida Statutes.

7. On September 22, 2016, the Department issued Final Order No. DEO-16-176 ("Final Order"). In its Final Order, the Department dismissed the petition for administrative hearing and denied the petition for waiver. Jennings' petition for administrative hearing did not state precisely the action Jennings wanted the Department to take with respect to the Department's rejection of Jennings' application. Instead, it merely requested that the Department's decision be referred to the Division of Administrative Hearings (DOAH) for review. Furthermore, Jennings did not timely submit its petition for waiver from Rule 73C-23, Florida Administrative Code. It submitted its petition for waiver nearly two months after it had already failed to comply with the requirements of Rule 73C-23, Florida Administrative Code.

8. On October 17, 2016, Jennings filed a Response to Final Order and Petition for Administrative Hearing Involving Disputed Issues of Facts ("Response"). Included with the Response, Jennings also incorporated an Amended Petition for Administrative Hearing Involving Disputed Issues of Fact and Waiver under Section 120.542, F.S. ("Amended Petition").

9. In its Response, Jennings argued that "[t]he proper vehicle for [the Department] to address any alleged pleading deficiency is through an Order to Show Cause to allow any alleged deficiency to be addressed." To bolster this claim, Jennings cited to Brookwood Extended Care Center of Homestead, LLP v. Agency for Healthcare Administration, 870 So. 2d 834 (Fla. 3d DCA 2003.)

10. Jennings' Original Petition and Amended Petition are identical.

11. As it had previously argued, Jennings claimed that its second public hearing notice fully complied with the citizen participation requirements of Rule 73C-23, Florida Administrative Code.

12. The Department continues to not dispute the contents of Jennings' second public hearing notice.

13. As in the Original Petition, in its Amended Petition, Jennings cites to the language used in its second notice of public hearing, which stated:

A public hearing to provide citizens an opportunity to comment on the application will be held at Town Hall, 1199 Hamilton Avenue, Jennings, FL on Tuesday April 19th, 2016 at 7:00 p.m. A draft copy of the application will be available for review at that time. A final copy of the application will be made available at Town Hall, Monday through Thursday, between the hours of 8:00 a.m. – 5:00 p.m., no more than five days before the application due date. The application will be submitted to DEO on or before the application due date. To obtain additional information concerning the application and the public hearing or to submit written comments on the application, contact George Glover, Town Manager, at (386)938-4131 [or by] email at jenningsmanager@yahoo.com or contact by US postal service at P.O. Box 209, Jennings, FL 32053.

14. In its Amended Petition, as it did before, Jennings again claims that the Department's determination that the second public hearing notice did not comply with the citizen participation requirements included in Rule 73C-23, Florida Administrative Code, is factually disputed. But again, *Jennings does not specifically plead what the factual dispute actually is.* Jennings wrote "[s]aid information fully complies" with the citizen participation requirements included in Rule 73C-23, Florida Administrative Code and did not elaborate any further. Again, both Jennings and the Department agree on what language the second public hearing notice contains. The second public hearing notice did not include "where and when, other than at the public hearing, a copy of the *draft* application will be available for citizen review and how citizens can submit written comments on the draft application." Jennings did not plead any other factual disputes in its Amended Petition.

15. In its Amended Petition, as it did before, Jennings requests that “[its Amended Petition] be referred to the Division of Administrative Hearing so that a Formal Hearing can be conducted to Recommend whether [Jennings’] application at issue herein should be Granted.” Jennings does not plead with specificity what action it wants the Department to take with respect to the Department’s initial rejection of its application from the application cycle.

Conclusions of Law

16. Jennings filed its Amended Petition pursuant to section 120.569, Florida Statutes.

17. With regards to the Amended Petition for administrative hearing involving a disputed issue of fact, section 120.569(2)(c), Florida Statutes, states, in relevant part, that “[u]nless otherwise prohibited by law, a petition for hearing shall include those items required by the uniform rules adopted pursuant to [section 120.54(5)(b)4., Florida Statutes].”

18. One of those uniform rules is Rule 28-106.201(2), Florida Administrative Code, which states:

All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency’s file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency’s determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action.

19. Section 120.569(2)(c), Florida Statutes, states, in relevant part, that “[a] petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed.”

20. In the portion of the Amended Petition which addressed its request for a formal administrative hearing, Jennings fails to plead any statement of disputed issues of material fact. Instead, it merely quotes from its second public hearing notice and declared there was a factual dispute. Again, neither Jennings nor the Department dispute the contents of the second public hearing notice. Jennings fails to plead any disputed issues of material fact. As such, Jennings fails to comply with Rule 28-106.201(2)(d), Florida Administrative Code.

21. Furthermore, in its Amended Petition, Jennings fails to plead a statement of relief stating precisely the action petitioner wishes the Department to take with respect to the Department’s decision to reject its application. Instead, Jennings only requests that “[its Amended Petition] be referred to the Division of Administrative Hearing so that a Formal Hearing can be conducted to Recommend [sic] whether [Jennings’] application at issue herein should be Granted.” Jennings does not state precisely what action it wants *the Department* to take with respect to the Department’s rejection of Jennings’ application. As such, Jennings fails to comply Rule 28-106.201(2)(g), Florida Administrative Code.

22. Jennings’ argument in its Response that the Department’s Final Order denying its Original Petition was improper and that an Order to Show Cause should have been issued instead is based upon a misreading of Brookwood Extended Care Center of Homestead, LLP v. Agency for Healthcare Administration, 870 So. 2d 834 (Fla. 3d DCA 2003.)

23. The Court did not hold that agencies must issue order to show causes to allow petitioners an opportunity to correct any deficiencies in the pleadings. Instead, the Court held that section 120.569, Florida Statutes, affords the petitioner at least one opportunity to amend an otherwise deficient petition. *Id.* at 841. As the Court pointed out in Brookwood, section 120.569, Florida Statutes, states that the “[d]ismissal of a petition shall, at least once, be without prejudice to petitioner’s filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.” *Id.*

24. The Court held that even though an agency should determine if the petitioner’s efforts substantially comply with the statutory requirements for a petition, the agency must still deny insufficient petitions. *Id.* at 841.

25. Even viewing Jennings’ Original Petition for substantial compliance, Jennings’ Original Petition was insufficient. Jennings failed to plead any disputed issues of material fact. Jennings failed to plead a statement of relief stating precisely the action petitioner wishes the Department to take with respect to the Department’s decision to reject its application. Jennings did not explain how a waiver from the

citizen participation requirements included in Rule 73C-23 would serve the purposes of section 290.046(4), Florida Statutes. Jennings failed to demonstrate what, if any, other means it had taken to comply with the underlying statute's requirements. Therefore, the Department correctly issued its Final Order and dismissed the Original Petition for formal administrative hearing involving a disputed issue of fact without prejudice and denied the untimely motion for waiver.

26. In its Amended Petition, Jennings fails to plead any statement of disputed issues of material fact. In its Amended Petition, Jennings fails to plead a statement of relief stating precisely the action petitioner wishes the Department to take with respect to the Department's decision to reject its application. Likewise, since the Amended Petition fails in the same way as did the Original Petition, the Amended Petition does not substantially comply with the requirements for such a petition and is insufficient.

Conclusion

Based on the foregoing argument and citation to authority, the Department hereby dismisses Jennings' Amended Petition for formal administrative hearing involving a disputed issue of fact without prejudice.

DONE AND ORDERED in Tallahassee, Florida, this 1st day of November 2016.

/s/
Taylor Teepell, Director
Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF RECEIPT OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX: (850)921-3230
AGENCY.CLERK@DEO.MYFLORIDA.COM

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF RECEIPT OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order Dismissing Amended Petition for Administrative Hearing has been filed with the Agency Clerk of the Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, and that copies have been furnished to the parties listed and in the manner identified below on this 1st day of November, 2016.

/s/
Stephanie Chatham, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, Florida 32399-4128
Telephone: (850)245-7150
Facsimile: (850)921-3230

By Certified US Mail and Email Delivery

Brant Hargrove, Esq.
1291 Cedar Center Drive
Tallahassee, FL, 32301
hargrovelaw@embarqmail.com

By Email Delivery

Hillary Ryan, Esq.
Bureau Chief
Division of Community Development
Department of Economic Opportunity
Tallahassee, Florida 32399
Hillary.Ryan@deo.myflorida.com

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order No. DEO-16-209

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-209 on November 2, 2016, in response to an application submitted by Eastwood Shores Property Owners Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order denied the application for covenant revitalization after determining that the application did not meet 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 Agency.Clerk@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-16-207

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-207 on November 2, 2016, in response to an application submitted by Hidden Oaks Addition Homeowners' Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order denied the application for covenant revitalization after determining that the application did not meet 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 Agency.Clerk@DEO.MyFlorida.com.

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.
