## Section I

## Notice of Development of Proposed Rules and Negotiated Rulemaking

## DEPARTMENT OF EDUCATION

## **State Board of Education**

RULE NO.: RULE TITLE:

6A-3.003 Certification as to Specifications of School

Buses

PURPOSE AND EFFECT: To remove the requirement for manufacturers, dealers or distributors to file specifications, including blueprints, when requested by the Department of Education, with the Deputy Commissioner of Finance and Operations, for each model of school bus chassis and body intended to transport students. This requirement is not necessary, as the rule requires the manufacturer, distributor or dealer to file a certified statement that any school bus chassis or body sold meets all safety standards and specifications prescribed for school buses for use in Florida. In addition, to incorporate the National School Transportation Specifications and Procedures, Florida School Bus Specifications and language related to school bus specifications and pilot testing from rule 6A-3.0291, F.A.C., which will be repealed.

SUBJECT AREA TO BE ADDRESSED: Specifications of School Buses.

RULEMAKING AUTHORITY: 1001.02(1), 1006.25, FS. LAW IMPLEMENTED: 1006.25, 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: Mark Eggers, Assistant Deputy Commissioner, Finance and Operations, Florida Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399, 850-245-0351. To request a rule development workshop, please contact: Cathy Schroeder, Director, Office of Executive Management, Department of Education, (850)245-9661 or email cathy.schroeder@fldoe.org go to https://app1.fldoe.org/rules/default.aspx.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Available at https://app1.fldoe.org/rules/default.aspx.

## Section II Proposed Rules

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

**RULE NO.: RULE TITLE:** 

59G-4.295 Specialized Therapeutic Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.295, Florida Administrative Code (F.A.C.) is to incorporate by reference the Florida Medicaid Therapeutic Group Care Services Coverage Policy,

SUMMARY: The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information. The amendment also revises the rule title to Therapeutic Group Care Services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 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, 409.961 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 FS.

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

DATE AND TIME: June 14, 2017, 2:30 p.m. to 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, 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: LaKera Reddick. 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: Lakera Reddick, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4206, e-mail: LaKera.Reddick@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at http://ahca.myflorida.com/Medicaid/review/index.shtml.

Official comments to be entered into the rule record will be received until 5:00 p.m. on June 15, 2017 and may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

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

59G-4.295 Specialized Therapeutic Group Care Services.

- (1) This rule applies to all providers <u>rendering Florida</u> <u>Medicaid</u> <u>of specialized</u> therapeutic <u>group care</u> services <u>to recipients</u> <u>who are enrolled in the Florida Medicaid program</u>.
- (2) All providers of specialized therapeutic services must be in compliance with the provisions of the Florida Medicaid Specialized Therapeutic Group Care Services Coverage Policy and Limitations Handbook, March 2014, available at http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_, incorporated by reference. The <u>policy</u> <del>handbook</del> is available on the Agency for Health Care Administration's Medicaid fiscal agent's Web site http://ahca.myflorida.com/Medicaid/review/index.shtml, and at [DOS place holder Ref- ] www.mvmedicaidflorida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Services Contact Center at 1(800) 289 7799 and selecting Option 7.
- (3) The following forms are included in the Florida Medicaid Specialized Therapeutic Services Coverage and Limitations Handbook and are incorporated by reference: Authorization for Comprehensive Behavioral Health Assessment, AHCA Form 5000 3511, Revised March 2014; Comprehensive Behavioral Health Assessment Agency and Practitioner Self Certification, AHCA Form 5000 3512, Revised March 2014; Specialized Therapeutic Foster Care Provider Agency Self Certification, AHCA Form 5000 3513, Revised March 2014; Authorization for Specialized Therapeutic Foster Care, AHCA Form 5000 3514, Revised March 2014; Authorization for Crisis Intervention, AHCA Form 5000 3515, Revised March 2014; Provider Agency Acknowledgement for Therapeutic Group Care Services,

AHCA Form 5000 3519, Revised March 2014; and Authorization for Therapeutic Group Care Services, AHCA Form 5000-3521, Revised March 2014. These forms are available by photocopying them from the Florida Medicaid Specialized Therapeutic Services Coverage and Limitations Handbook.

Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 FS. History—New 3-13-14, Amended\_\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: LaKera Reddick

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin Senior

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2017

## Section III Notice of Changes, Corrections and Withdrawals

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

## **Division of Licensing**

RULE NO.: RULE TITLE:

5N-1.134: Schools or Training Facilities, License Application; Exemptions

### 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. 43 No. 53, March 17, 2017 issue of the Florida Administrative Register.

5N-1.134 Schools or Training Facilities, License Application; Exemptions.

(1) Schools or Training Facilities. All persons or business entities desiring to operate a security officer school or training facility, or recovery agent school or training facility, shall make application for licensure as required by Sections 493.6304 and 493.6406, F.S., using Form DACS-16003, Application For Class "DS" Security Officer Office School or Training Traing Facility License and Class "RS" Recovery Agent School or Training Facility License, revised (04/2017), which is hereby incorporated by reference and can be obtained at <a href="https://www.flrules.org/Gateway/reference.asp?No=Ref-">https://www.flrules.org/Gateway/reference.asp?No=Ref-</a>, or from the Division of Licensing at the addresses listed in Rule 5N-1.100 of this chapter. A license for a school or training facility is valid only for the training site, facility, or branch office named on the license unless transferred pursuant to

subsection (2) of this rule. <del>In addition to the application, the following shall be submitted before license approval is granted:</del>

(a) A statement providing the date that instruction will commence, the street address or physical location, and city of the primary building in which the classes will be conducted.

(b) A statement of the ownership structure of the proposed school which charges a tuition or fee, including names and addresses of all directors, and corporate status or partnership alignment. Corporations must submit a copy of the current articles of incorporation issued by the Department of State, Division of Corporations;

- (c) A statement confirming the adoption of the minimum curriculum as required by subsection 5N 1.140(1), F.A.C.;
- (d) A statement confirming that each instructor is qualified as required by Rule 5N-1.138, F.A.C.;
- (e) A description of the proposed system for the handling of students' records and transcripts, and a copy of the current school-student contract format if tuition or a fee is charged;
- (f) Non refundable application and license fees for each training site, facility or branch office where classes are to be conducted. See Rule 5N 1.116, F.A.C., for fees.
- (2) In the event a licensed school or training facility changes location, the licensee shall submit notification to the Division, in writing, within 10 days of such change by providing the date that instruction will commence, the street address or physical location, and city of the primary building in which classes will be conducted updated information as required in paragraph (1)(a) above. Within 30 days of receipt of the submission, the Division will provide an updated license recognizing the new location. The Division will examine the submission to determine if it is in continued compliance with the requirements of the law and these rules and shall conduct inspections to assist the school in meeting compliance as necessary.
  - (3) Exemptions.
- (a) Public educational facilities which are a part of the State University System, or are operated by a community college board of trustees under statutory authority and rules of the State Board of Education, or by a district school board, and area vocational schools shall be exempt from all requirements of this rule except the filing of Form DACS-16003, Application For Class "DS" Security Officer Office School or Training Traing Facility License and Class "RS" Recovery Agent School or Training Facility License, revised (04/2017).
  - (b) No change.

Rulemaking Authority 493.6103, 493.6304(3), 493.6406(3) FS. Law Implemented 493.6304, 493.6406 FS. History–New 10-1-91, Amended 2-18-93, 7-6-93, 7-31-96, Formerly 1C-3.134, Amended 7-27-04, 5-21-14, 1-16-17,\_\_\_\_\_\_\_.

Changes to incorporated material were made to appropriately reference citations within the application, and within the companion rule text.

## 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-4.010: Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on May 19, 2017, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2009 FDA Food Code, paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2009 FDA Food Code from Body Sadeh Group Inc. located in Panama City Beach. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees and the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers and employees and to utilize the mopsink located within another business under a different ownership.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com,

Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

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

On May 1, 2017 the Division of Hotels and Restaurants received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Joe's P Box Lunch located in Hialeah. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle. The Petition for this variance was published in Vol. 43/85 on May 2, 2017. The Order for this Petition was signed and approved on May 19, 2017. 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 that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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 Road, Tallahassee, Florida 32399-1011

## Section VI Notice of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

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

DATE AND TIME: June 8, 2017, 4:00 p.m.

PLACE: R.A. Gray Building, 500 S. Bronough Street, Room 428, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, Florida Statutes, a bid opening is hereby noticed for the following Invitation to Bid Number: DOS ITB 05/17-03 – Janitorial Services. The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and need not re-advertise notice in the Florida Administrative Register. Access the VBS at: http://vbs.dms.state.fl.us/vbs/main menu.

A copy of the agenda may be obtained by contacting Angela Jackson-Hall, (850)245-6457,

Angela.JacksonHall@dos.myflorida.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 48 hours before the workshop/meeting by contacting: Angela Jackson-Hall, (850)245-6457, Angela.JacksonHall@dos.myflorida.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 Angela Jackson-Hall, (850)245-6457, Angela Jackson Hall @dos.myflorida.com.

## DEPARTMENT OF EDUCATION

**Education Practices Commission** 

The Education Practices Commission announces a public meeting to which all persons are invited.

DATE AND TIME: June 2, 2017. 1:30 p.m., Rules Committee Meeting

PLACE: Telephone conference: U.S. toll-free 1(877)809-7262,

participant code 253 840 49#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee Meeting is being held to review the rules of the Education Practices Commission for any necessary changes.

A copy of the agenda may be obtained by contacting Gretchen Kelley Brantley at (850)245-0455.

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: Gretchen Kelley Brantley at (850)245-0455. 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 Lisa Forbess or Gretchen Kelley Brantley at (850)245-0455.

## 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: June 1, 2017, 10:00 a.m.

PLACE: Royal Palm Beach Cultural Center, 151 Civic Center Way, Royal Palm Beach, FL 33411

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Yvette Bonilla at ybonilla@sfwmd.gov or at our website: https://www.sfwmd.gov/news-events/meetings.

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, (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).

For more information, you may contact Yvette Bonilla, (561)682-6286.

#### DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

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

DATE AND TIME: June 7, 2017, 9:00 a.m.

PLACE: Zion Lutheran Church, 7401 Winkler Road, Ft. Myers, FL 33919

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Ft. Myers Task Force to discuss the Department's Dementia Care and Cure Initiative.

A copy of the agenda may be obtained by contacting: Korinna MacNeill, (850)414-2341, macneillk@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 2 days before the workshop/meeting by contacting: Korinna MacNeill, (850)414-2341, macneillk@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 Korinna MacNeill, (850)414-2341, macneillk@elderaffairs.org.

## DEPARTMENT OF MANAGEMENT SERVICES

**Division of Communications** 

The Joint Task Force (JTF) Technical Committee of the Statewide Law enforcement Radio System (SLERS announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 2, 2017, 9:00 a.m. – 10:30 a.m.

PLACE: Telephonic meeting, 1(888)760-3525, pass code 6395414829

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting via telephone to discuss the partner application for University of Florida Health – ShandsCair Critical Care Transport. The agenda and handouts will be made available closer to the date of the meeting at the following web address: http://www.dms.myflorida.com/business\_operations/telecomm unications/radio\_communications\_services/statewide\_law\_enf orcement\_radio\_system\_slers/upcoming\_joint\_task\_force\_me etings.

A copy of the agenda may be obtained by contacting: Millicent Marchiano, (850)922-7435,

Millicent.Marchiano@dms.myflorida.com.

A copy of the agenda may be obtained by contacting Millicent.Marchiano@dms.myflorida.com, (850)922-7435.

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:

Millicent.Marchiano@dms.myflorida.com,

(850)922-7435. 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 Millicent.Marchiano@dms.myflorida.com, (850)922-7435.

## DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

The Florida E911 Board announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2017; 9:00 a.m. to conclusion of business

PLACE: Teleconference; call number 1(888)670-3525, participant code 323004133; you may join the meeting using Cintrix GOTO meeting, using your computer, tablet or smartphone: http://globalgotomeeting.com/join/169233885.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters relating to the Florida E911 Board.

A copy of the agenda may be obtained by contacting Leon Simmonds, (850)921-0041.

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 Leon Simmonds (850)921-0041. 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 Leon Simmonds, (850)921-0041.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

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

DATE AND TIME: Monday, June 5, 2017, 8:30 a.m. Eastern Time.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 W. Robinson St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board - topics include, but are not limited to, proposed legislation affecting Chapter 475, Part II, F.S., Rule Chapter 61J1, F.A.C. rule amendments, budget discussions, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Board members or Board counsel.

A copy of the agenda may be obtained by contacting: Beverly.Ridenauer@myfloridalicense.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Department of Business and Professional Regulation at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 7, 2017, 9:00 a.m. Eastern Time

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or Board counsel.

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

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

agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: Wednesday, June 21, 2017, 6:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) Marineland Office, 9741 Ocean Shore Blvd., St. Augustine, FL 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group for GTMNERR will hold a meeting to provide advisory input for the management of GTMNERR.

A copy of the agenda may be obtained by contacting Kaitlyn Dietz, Kaitlyn.Dietz@dep.state.fl.us, (904)823-4500.

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 Kaitlyn Dietz at (904)823-4500. 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).

William W. "Bill" Hinkley Center for Solid and Hazardous Waste Management

The Hinkley Center for Solid and Hazardous Waste Management announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, May 23, 2017, 1:30 p.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hinkley Center Research Selection Committee will review full proposals and request presentation from principle investigators. A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: John Schert, ischert@ufl.edu (352)392-6264

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 1 days before the workshop/meeting by contacting: . 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: If you would like information regarding how to "attend" these meetings, please call (352)392-6264 for more information. The Hinkley Center is a statewide research center focused on developing sound Florida-based strategies for solid waste and hazardous waste management. The Center is associated with 8 public and two private universities in Florida and is hosted by the University of Florida Herbert Wertheim College of Engineering www.hinkleycenter.org

Center for Independent Living in Central Florida, Inc.

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 30, 2017, 8:00 a.m.

PLACE: 720 North Denning Drive, Winter Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board Meeting.

A copy of the agenda may be obtained by contacting Luana Kutz, (407)623-1070.

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 Luana Kutz, (407)623-1070.. 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).

## Citizens Property Insurance Corporation

The Information Systems Advisory Committee of Citizens Property Insurance Corporation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, June 7, 2017, 11:00 a.m.

PLACE: Conference Call, (866)361-7525

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Information Systems Advisory Committee A copy of the agenda may be obtained by contacting: The Corporate Website at https://www.citizensfla.com or Barbara Walker, (850)513-3744, 2101 Maryland Circle, Tallahassee, FL 32303

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: Barbara Walker, (850)513-3744, 2101 Maryland Circle, Tallahassee, FL 32303. 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 Ports Council

The Florida Seaport Transportation and Economic Development Council (FSTED) announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, June 7, 2017, 10:00 a.m.

PLACE: Call-in number: (605)475-5900, access code 9348585\*

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller in the Florida Ports Council Offices at (850)222-8028 or toy.keller@flaports.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 48 days before the workshop/meeting by contacting: Toy Keller in the Florida Ports Council Offices at (850)222-8028 or toy.keller@flaports.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact Toy Keller in the Florida Ports Council Offices at (850)222-8028 or toy.keller@flaports.org.

# Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF FINANCIAL SERVICES Finance

NOTICE IS HEREBY GIVEN that The Florida Office of Financial Regulation has received the petition for declaratory statement from Texas G & S Investments, Inc. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

On May 18, 2017, the Florida Office of Financial Regulation (Consumer Finance) received a Petition for Declaratory Statement from Texas G & S Investments, Inc. According to the Petition, "Petitioner's business operations are primarily in Texas, where it is a licensed money transmitter and currency

exchanger, with thirteen retail locations in the Rio Grande Valley offering various services. In addition, from its corporate office in McAllen, Texas, Petitioner provides services to its corporate clients wishing to conduct business-to-business transactions with parties in Mexico. To initiate an international money transfer to Mexico, a corporate client must contact Petitioner by phone or email to inquire about current exchange rates. Petitioner does not provide for automated transactions, such as through a website. Upon receiving such an inquiry, Petitioner offers a rate for exchanging dollars to pesos. If the offered rate is acceptable to the client, Petitioner then exchanges its own dollars - in the amount specified by the client - for pesos and transfers those pesos to the Mexican bank account of a recipient designated by the client. Such actions are initiated and handled in Texas. Petitioner then collects reimbursement from its client via electronic transfer for the funds Petitioner exchanged and transferred. Petitioner does not advertise any of its services in Florida, nor does it intentionally perform any direct marketing in Florida." The Petition seeks a declaratory statement as to whether the Petitioner is exempt from licensure under 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)410-9784, Agency.Clerk@flofr.com

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9784, Agency.Clerk@flofr.com

# 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

## DEPARTMENT OF EDUCATION

University of Florida Notice of Bid

> Request for Qualifications (Construction) by University of Florida Board of Trustees: UF Bid Number ITB18KO-101 MP-2095, VetMed Parking Lot

## SCOPE OF WORK:

The scope of work includes all labor, material, supervision, and management to construct a new surface parking lot at the University of Florida's College of Veterinary Medicine in accordance with plans and specifications prepared by CHW.

The work is expected to commence in mid-August 2017 and be completed by mid-November 2017, with liquidated damages expected to be \$200 per calendar day. Work on an active campus, along with a constricted site and the need for exceptional safety and environmental controls, will present logistical challenges to the contractor.

Applicants unfamiliar with work at the University of Florida (UF) are strongly urged to familiarize themselves with the UF General Terms and Conditions, construction inspection & closeout procedures and forms, and other documents and materials available on the UF Planning Design & Construction (PD&C) website at www.facilities.ufl.edu.

## PROPOSAL:

The method of delivery is design-bid-build, with an enhanced pre-bid qualification process due to the nature and location of the work. The following criteria shall be used to qualify potential bidders:

- 1. Past Performance on Similar Projects
- 2. Personnel Assigned to the Project
- 3. Qualifications & Licensure
- 4. Financial Standing
- 5. Safety Record
- 6. Workload

Only applicants deemed to be qualified will be permitted to bid.

A pre-proposal meeting will be held June 2, 2017 at 10:00 a.m. RFQ submittals are due June 13, 2017 at 2:00 p.m.

To retrieve the Request For Qualifications (RFQ) forms, instructions, and additional information, go to the PD&C website (address provided above). Choose "Announcements" under the PROJECTS heading and select the MP-2095 project link. Information can also be obtained at the UF Procurement Services "Schedule of Bids" website: http://purchasing.ufl.edu/vendors/schedule.asp.

## DEPARTMENT OF EDUCATION

University of Florida

UAA-43 Addition & Renovation of Katie Seashole Pressly Stadium

#### NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UAA-43, Addition & Renovation of Katie Seashole Pressly Stadium(main campus)

The project consists of approximately 23,000 GSF of new space along with renovation of the existing spaces. The primary goals of this renovation/addition is to expand the UF player facilities, relocate the UF coach's facilities, replace the existing bench seating, add a shade structure, and provide expanded fan amenities.

The estimated construction budget is approximately \$7,030,900.00, including (site improvements, underground utilities, other). The project will be delivered using the Construction Manager At-Risk method. (Gold) LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection, structural, and civil engineering consultants for this project and will be provided as a part of Basic Services. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, and Workers' Compensation.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

- 1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
- 2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. **Applications on any other form will not be considered**.
- 3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
- 4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant firm and all engineering and landscape architecture consultants (firms) from the appropriate governing board.
- 5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**Incomplete proposals will be disqualified.** Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Planning Design & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 p.m. local time, on Tuesday, June 20, 2017. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF Planning Design & Construction 245 Gale Lemerand Drive / P.O. Box 115050 Gainesville, FL 32611-5050

Telephone: (352)273-4000 Internet: www.facilities.ufl.edu

## DEPARTMENT OF ENVIRONMENTAL PROTECTION DEP ITB 2017048C, Sterling Property Waste Tire Site

NOTICE OF Invitation to Bid: On behalf of the Florida Department of Environmental Protection the Procurement Office is soliciting formal, competitive, sealed bids from contractors for bid number 2017048C, Sterling Property Waste Tire Site.

The Department will post notice of any changes or additional meeting(s) on the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not readvertise any notice in the Florida Administrative Register (FAR). Access the VBS at: http://www.myflorida.com/apps/vbs/vbs\_www.main\_menu.

## OTHER AGENCIES AND ORGANIZATIONS American Guaranty Fund Group, Inc

INVESTMENT BANKING SERVICES

The American Guaranty Fund Group is issuing a Request for Proposal for investment banking services for the Florida Insurance Guaranty Association (FIGA) and Florida Insurance Assistance Interlocal Agency (FIAIA). The FIAIA was created to act as the conduit bond issuer authorized by Section 631.695, Florida Statutes. The detailed scope of investment banking services is included in the RFP document. Parties may apply by

responding to the Request for Proposal through the AGFG (www.agfgroup.org) or FIGA (www.figafacts.com) websites by clicking on CONTACT US, or by contacting: Cathy Irvin, (850)523-1810 or cirvin@agfgroup.org.

The deadline for submitting written questions for the RFP is June 1, 2017, 5:00 p.m. (ET).

The deadline for RFP submission is June 30, 2017, 4:00 p.m. (ET).

## OTHER AGENCIES AND ORGANIZATIONS

American Guaranty Fund Group, Inc

#### TRUSTEE SERVICES

The American Guaranty Fund Group is issuing a Request for Proposal for trustee services for the Florida Insurance Guaranty Association (FIGA) and Florida Insurance Assistance Interlocal Agency (FIAIA). The FIAIA was created to act as the conduit bond issuer authorized by Section 631.695, Florida Statutes. The detailed scope of trustee services is included in the RFP document. Parties may apply by responding to the Request for Proposal through the AGFG (www.agfgroup.org) or FIGA (www.figafacts.com) websites by clicking on CONTACT US, or by contacting: Cathy Irvin, (850)523-1810 or cirvin@agfgroup.org.

The deadline for submitting written questions for the RFP is June 1, 2017, 5:00 p.m. (ET).

The deadline for RFP submission is June 30, 2017, 4:00 p.m. (ET).

## Section XII Miscellaneous

### DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6.-7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Monday May  $15\ 2017$  and 3:00 p.m., Friday May 19, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous  $7\ days$ , including rules awaiting legislative action.

Rule No.	File Date	Effective Date
14-118.002	5/15/2017	6/4/2017
53ER17-27	5/18/2017	5/18/2017
53ER17-28	5/18/2017	5/18/2017
53ER17-29	5/18/2017	5/18/2017

53ER17-30	5/18/2017	5/18/2017
61G19-1.009	5/19/2017	6/8/2017
63G-1.020	5/19/2017	6/8/2017
63G-1.021	5/19/2017	6/8/2017
63G-1.022	5/19/2017	6/8/2017
63G-1.023	5/19/2017	6/8/2017
63G-1.024	5/19/2017	6/8/2017
64B8-44.003	5/16/2017	6/5/2017
64B19-13.004	5/16/2017	6/5/2017
64B32-5.001	5/16/2017	6/5/2017
64B32-6.004	5/16/2017	6/5/2017
65A-1.603	5/17/2017	6/6/2017

## LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
40B-9.021	12/21/2016	**/**/***
40B-9.041	12/21/2016	**/**/***
40B-9.126	12/21/2016	**/**/***
40B-9.131	12/21/2016	**/**/***
40B-9.1381	12/21/2016	**/**/***
40B-9.1411	12/21/2016	**/**/***
40B-9.142	12/21/2016	**/**/***
40B-9.145	12/21/2016	**/**/***
40B-9.123	12/9/2016	**/**/***
58M-2.009	2/9/2017	**/**/***
60FF1-5.009	7/21/2016	**/**/***
64B8-9.009	6/15/2016	**/**/***
64B8-10.003	12/9/2015	**/**/***
69L-7.100	12/19/2016	**/**/***
69L-7.501	12/19/2016	**/**/***

#### DEPARTMENT OF HEALTH

**Emergency Action** 

On May 19, 2017, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of David Andrew Crawford, L.M.T., License # MA 80154. 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 (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

## DEPARTMENT OF HEALTH

**Emergency Action** 

On May 18, 2017, the State Surgeon General issued an Emergency Restriction Order with regard to the license of Serenity Center a/k/a Infinite Health & Wellness, Inc., License # MM 13024. 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 (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

## DEPARTMENT OF HEALTH

**Emergency Action** 

On May 18, 2017, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of David Egusquiza, L.M.T., License # MA 58336. 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 (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

## DEPARTMENT OF HEALTH

**Board of Nursing** 

**Emergency Action** 

On May 18, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Ilfrenise Charlemagne, R.N., License # RN 2759642. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

#### DEPARTMENT OF HEALTH

**Board of Nursing** 

**Emergency Action** 

On May 18, 2017, the State Surgeon General issued an Emergency Restriction Order with regard to the license T'Asia A. Gibbs, License # RN 29326308. 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 (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

## DEPARTMENT OF HEALTH

Board of Nursing

**Emergency Action** 

On May 18, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certificate of James W. Zabriskie, Jr, C.N.A., Certificate # CNA 290708. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

## DEPARTMENT OF HEALTH

Board of Pharmacy

**Emergency Action** 

On May 19, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the registration of Linda Ann D'Avanzo, R.P.T., License # RPT 4980. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2016). 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-17-114

In re: A LAND DEVELOPMENT CODE ADOPTED BY THE CITY OF MASCOTTE

ORDINANCE NO. 2017-01-556\_\_\_\_\_

## FINAL ORDER <u>APPROVING CITY OF MASCOTTE ORDINANCE NO.</u> 2017-01-556

The Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to

section 380.05(6), Florida Statutes, approving land development regulations adopted by the City of Mascotte, Florida, (the "City") Ordinance No. 2017-01-556 (the "Ordinance").

## FINDINGS OF FACT

- 1. The Green Swamp Area is designated by section 380.0551, Florida Statutes, as an area of critical state concern. The City is a local government within the Green Swamp Area.
- 2. The Ordinance was adopted by the City on March 20, 2017, and rendered to the Department on March 31, 2017.
- 3. The Ordinance amends the City's Land Development Code by amending the regulations for the Green Swamp Area of Critical State Concern.

## **CONCLUSIONS OF LAW**

4. The Department is required to approve or reject land development regulations that are adopted by any local government in the Green Swamp Area of Critical State Concern.

See section 380.05(6), Florida Statutes.

- 5. "Land development regulations" include "local zoning, subdivision, building, and other regulations controlling the development of land." Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
- 6. The Ordinance is consistent with the City's Comprehensive Plan generally, as required by section 163.3177(1), Florida Statutes, and specifically Goal A1, Objective A1-16; Objective A4-1, 2, and 3; Objective H1-4, and 7.
- 7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. *See* section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003(1), Florida Administrative Code.
- 8. The Ordinance is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Mascotte's Ordinance No. 2017-01-556 is consistent with the City of Mascotte's Comprehensive Plan and the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and is hereby <u>APPROVED</u>.

This Order becomes effective 21 days after publication

in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

James D. Stansbury, Bureau Chief Bureau of Community Planning and Growth 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. MEDIATION IS NOT AVAILABLE.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. 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

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

## **CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this  $18^{\text{th}}$  day of May, 2017.

/s/

Agency Clerk Department of Economic Opportunity 107 East Madison Street, MSC 110 Tallahassee, FL 32399-4128

## By U.S. Mail:

Barbara Krull, Mayor Michelle Hawkins, City Clerk City of Mascotte 100 E. Myers Boulevard Mascotte, Florida 34753 Max Spann, Planner Consultant Land-Image Consulting PO Box 547624 Orlando, Florida 32854

# 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.