

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

NONE

Section II Proposed Rules

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-8.624 Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt revised minimum and guidance levels for Lakes Allen, Harvey, and Virginia, located in Hillsborough County. The effect of the rule is to support the District's water supply planning, water use permitting, and environmental resource permitting programs.

SUMMARY: Section 373.042, F.S., requires the District to establish minimum flows and levels for lakes, wetlands, rivers and aquifers within the District's boundaries. Section 373.0421(3), F.S., further requires the District to periodically reevaluate and revise adopted minimum flows and levels. This rulemaking is necessary to adopt new guidance and minimum levels for Lakes Allen, Harvey, and Virginia, located in Hillsborough County. The establishment and periodic evaluation of minimum levels is required by statute to ensure that the minimum hydrologic requirements of the water resources and ecology of these lakes are maintained. The revised minimum and guidance levels for Lakes Allen, Harvey, and Virginia are being developed using previously peer-reviewed, Governing Board adopted methods.

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.

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: 373.044, 373.113, 373.171, FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.086, 373.709, 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: Doug Leeper, MFL Program Lead, SWFWMD, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, ext. 4272. (T2018021-4)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (k) No change.					
(l) In Hillsborough County Within the Northwest Hillsborough Basin					

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
	Alice, Lake S-16, T-27S, R-17E No change.				
	Allen, Lake S-210, T-27S, R-18E	62.3 ⁶ 4.8	<u>62.1</u> (CAT 1) 61.8 (CAT 4)	60.7' (CAT 1)	60.5 ⁵ 9.7
	Barbara, Lake S-19, T-27S, R-18E through Halfmoon, Lake S-31, T-27S, R-18E No change.				
	Harvey, Lake S-3, T-27S, R-18E	62.3 ⁶ 4.8	<u>62.1</u> (CAT 1) 61.8 (CAT 4)	60.7' (CAT 1)	60.5 ⁵ 9.7

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
	Helen, Lake S-19, T-27S, R-18E through Taylor, Lake S-16, T-27S, R-17E No change.				
	Virginia, Lake S-3, T-27S, R-18E	62.3 ⁶ 4.8	<u>62.1</u> (CAT 1) 61.8 (CAT 4)	60.7' (CAT 1)	60.5 ⁵ 9.7
(m) through (dd), No change.					

(13) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-13 (12)-(13), 9-3-13, 1-7-15, 7-1-15, 9-21-15, 11-30-16, 12-28-16, 2-12-17 (12)(s), 2-12-17 (12)(z), 2-12-17 (12)(z), 2-19-17 (12)(l), 2-19-17 (12)(q), 3-2-17 (12)(l), 3-2-17 (12)(z), 3-22-17, 4-2-17 (12)(q), 4-2-17 (12)(z), 4-20-17 (12)(i), 4-20-17 (12)(i), 2-5-18, 3-20-18, 5-30-18, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Southwest Florida Water Management
District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 25, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: November 15, 2018

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: RULE TITLE:
68-1.003 Florida Fish and Wildlife Conservation
 Commission Grants Program

PURPOSE AND EFFECT: The proposed amendment to 68-1.003 would address minor changes to Guidelines for the State Wildlife Grants Program.

SUMMARY: The proposed amendment would address revisions to Florida's State Wildlife Grants Program Guidelines. These revisions would clarify data and project deliverables as well as restrictions placed on funds by the Code of Federal Regulations (2 CFR 200).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 327.04, 327.47, 376.15(d), 379.106 F.S.

LAW IMPLEMENTED: 327.47, 328.72, 376.15(d), (e), 379.106 F.S.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: State Wildlife Grants Program:Andrea Alden Division of Habitat and Species Conservation Fish and Wildlife Conservation Commission 620 South Meridian Street Tallahassee, Florida 32399 (850)488-3831

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.003 Florida Fish and Wildlife Conservation Commission Grants Program.

(1) through (10) No change.

(11) Florida's State Wildlife Grants Program grants shall meet all additional program requirements set forth in Florida's State Wildlife Grants Program Guidelines (dated February 2018 2019), which are hereby incorporated by reference and available at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-09137>

[https://www.flrules.org/Gateway/reference.asp?No=Ref-](https://www.flrules.org/Gateway/reference.asp?No=Ref-09137)

[_](https://www.flrules.org/Gateway/reference.asp?No=Ref-07941) The following forms are hereby adopted and incorporated by reference: FWC/SWG-1, entitled "Florida State Wildlife Grants Program Budget Form for Commission Principal Investigators," February 2017, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07941>; FWC/SWG-2, entitled "Florida State Wildlife Grants Program Budget Form for Non-Commission Principal Investigators," February 2017, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07942>; FWC/SWG-3, entitled "Florida State Wildlife Grants Program Application Form," February 2017, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07943>; FWC/SWG-4, entitled "Florida State Wildlife Grants Initial Review Form," available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08129>; FWC/SWG-5, entitled "Florida State Wildlife Grants Technical Review Form," available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08131>; and FWC/SWG-6, entitled "Florida State Wildlife Grants Final Review Form," available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08130>. The guidelines and forms are also available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(12) through (13) No change.

Rulemaking Authority 206.606, 327.04, 327.47, 376.15(d), 379.106 FS. Law Implemented 206.606, 327.47, 328.72, 376.15(d), (e), 379.106 FS. History—New 4-4-04, Amended 3-15-05, Formerly 68A-2.015, Amended 5-22-07, 7-6-08, 1-18-09, 3-21-10, 6-30-10, 5-20-12, 2-9-15, 9-11-16, 9-13-16, 4-23-17, 5-24-18, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
State Wildlife Grants Program: Andrea Alden
Division of Habitat and Species Conservation Fish and Wildlife
Conservation Commission 620 South Meridian Street
Tallahassee, Florida 32399 (850)488-3831

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 12, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: October 17, 2018

Section III

Notice of Changes, Corrections and Withdrawals

NONE

Section IV

Emergency Rules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61DER18-1 Emergency Procedures for Collecting
Samples from Racing Greyhounds

SPECIFIC REASONS FOR FINDING AN IMMEDIATE
DANGER TO THE PUBLIC HEALTH, SAFETY OR
WELFARE: The Division of Pari-Mutuel Wagering
("Division") is statutorily mandated to test for and prosecute the
use of prohibited medications and substances which can cause
injury or death to racing greyhounds as well as compromise the
integrity of the races conducted. On December 22, 2017, the
Division of Administrative Hearings ("DOAH") issued a Partial
Summary Final Order in case number 17-5238RU which found
some of the Division's sample collection procedures were un-
adopted rules. Although the Division rejects the legal findings
in the Partial Summary Final Order, the Division adopted
Emergency Rule 61DER17-2, F.A.C., on December 27, 2017,
to ensure the greyhound races that occurred during the
pendency of any legal challenges occurred under safe
conditions. Emergency Rule 61DER17-2, F.A.C., currently
prescribes the Division's procedures to collect the racing

greyhound samples used to test for the presence of prohibited
substances.

On January 29, 2018, the Division published Proposed Rule
61D-6.0052, F.A.C., which sought to formally amend and
clarify the greyhound sample collection process. On February
16, 2018, a petition challenging Proposed Rule 61D-6.0052,
F.A.C., was filed with DOAH in case number 18-0915RP. The
Final Order issued in that case, on October 1, 2018, found
substantive portions of the newly proposed sample collection
procedures constituted an invalid exercise of delegated
legislative authority.

On November 30, 2018, the Division determined it must
withdraw Proposed Rule 61D-6.0052, F.A.C. in whole. On
December 3, 2018, the Division re-opened Proposed Rule 61D-
6.0052, F.A.C., for rule development. The Division
subsequently published a Notice of Proposed Rule on
December 4, 2018, in order to formally adopt racing greyhound
sample collection procedures identical to this emergency rule.

An immediate danger exists which requires emergency action
by the Division in order to protect the health, safety, and welfare
of the numerous racing greyhounds scheduled to perform in the
immediate future. At this time, there are over 150 performances
scheduled in the month of December, over 300 performances
scheduled in January, and over 300 performances scheduled in
February. In other words, hundreds of racing greyhounds will
be racing in the near future. Additionally, without this
emergency rule there would be an immediate danger to the
wagering public and the integrity of greyhound racing which
the Division is mandated by Chapter 550, F.S., to regulate.

Based on the hundreds of performances scheduled, the Division
fears an immediate danger to health, safety, and welfare of
racing greyhounds, the wagering public and the integrity of
racing as a whole will exist without this emergency rule.

REASON FOR CONCLUDING THAT THE PROCEDURE IS
FAIR UNDER THE CIRCUMSTANCES:

The procedure used to adopt this emergency rule is fair under
the circumstances. The Division previously published the
greyhound sample collection procedures detailed in this
emergency rule on December 4, 2018, when the Division filed
the Notice of Proposed Rule for Proposed Rule 61D-6.0052,
F.A.C., in the Florida Administrative Register. The Division
has determined that this emergency rule will not have an
adverse impact on small business and is not likely to directly or
indirectly increase regulatory costs. Furthermore, the procedure
used to adopt this emergency rule provides at least the
procedural protection given by other statutes, the State
Constitution, or the United States Constitution.

In addition, this emergency rule addresses the specific concerns
delineated in DOAH final order 17-5238RU and 18-0915RP
and shall only be effective while the Division follows the
requirements of Chapter 120, F. S. to formally adopt Proposed

Rule 61D-6.0052, F.A.C. As such, the Division is only taking action necessary to protect the public under the procedure used to adopt this emergency rule.

SUMMARY: Emergency Rule 61DER18-1, F.A.C., prescribes the procedures for collecting, sealing, storing, and shipping greyhound samples to the laboratory for analysis as well as clarifying the chain of custody procedures for confiscating prohibited drugs and other items. These changes address specific concerns identified by the administrative law judges and are a valid exercise of delegated legislative authority.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Bryan Barber, Division of Pari-Mutuel Wagering, bryan.barber@myfloridalicense.com, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1761.

THE FULL TEXT OF THE EMERGENCY RULE IS:

61DER18-1 Emergency Procedures for Collecting Samples from Racing Greyhounds

(1) In addition to the rules that exist under Rule 61D-6.005, Florida Administrative Code, the following procedures are promulgated under and emergency basis.

(2) Designating Greyhounds for Sampling—

Prior to the race, all greyhounds scheduled to race shall report to the detention enclosure for examination by an authorized representative of the division for the taking of urine and/or other such samples as shall be directed for the monitoring and detection of both permissible and impermissible substances. An authorized division representative shall attempt to collect a urine sample from the first two greyhounds that urinate. If the authorized representative is not able to collect a sample from both of the first two greyhounds that urinate, they shall continue to attempt collecting a sample from the next greyhound, or greyhounds, that urinate until either they have collected a total of two samples or there are no other greyhounds urinating from which they can collect a sample.

(3) Collection of Samples—

(a) Urine and/or other samples shall be collected by an authorized representative of the division in an unused sample container supplied by the division, or its agent. Authorized representatives of the division shall wear unused gloves supplied by the division, or its agent, during sample collection until the sample container is sealed with its lid.

(b) Authorized representatives of the division shall use a sample card with a unique identifier to record the date of sample collection and the identification tattoo, microchip or name of the greyhound sampled or attempted to be sampled.

(c) The owner, trainer of record, or other authorized person is permitted to witness when the sample is collected from their greyhound. Failure of an owner, trainer of record or other

authorized person to witness and/or sign the sample card shall not preclude the division from proceeding with sample analysis.

(4) Sealing and Labeling of Samples—

(a) As soon as possible after a sample is collected, the sample container shall be sealed with its lid.

(b) The sample container shall be labeled with the sample card's unique identifier.

(c) Evidence tape shall be placed over both the sample container and lid on at least two sides.

(d) The authorized representative of the division that sealed the sample container shall initial the evidence tape on the sample container.

(5) Storing and Shipping of Samples—

(a) After being sealed and labeled, the samples shall be stored in a locked freezer in a restricted area that is accessible by only authorized representatives of the division until the time of shipment. Samples shall be stored in a frozen state.

(b) The samples shall be shipped in an insulated container and, upon the completion of packing the samples for shipment, the shipping container shall be locked. All appropriate forms for shipment shall be completed and included with the shipment to ensure correct delivery and identification of the contents.

(c) The samples shall be shipped to the laboratory under contract with the division for testing of the samples via the laboratory's contracted common carrier.

(6) Authority of the Division—

(a) The division investigator or other authorized representative is authorized to confiscate any legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials which are found on the grounds of greyhound race tracks and kennel compounds or in the possession of any person participating in or connected with greyhound racing, including veterinarians and trainers, and which are suspected of containing improper legend or proprietary drugs, medications, medicinal compounds (natural or synthetic) or other materials which are illegal or impermissible under these rules. Such legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials shall be delivered to the laboratory under contract with the division for analysis.

(b) The division investigator or other authorized representative is authorized to confiscate any evidence that an illegal or impermissible legend or proprietary drug, medication, or medicinal compound (natural or synthetic) may have been administered to a racing animal.

(c) Confiscated drugs, medications, compounds or other evidence shall be collected by an authorized representative of the division and sealed in an unused bag supplied by the division or its agent. The authorized representative of the

division shall seal the bag opening with evidence tape and shall initial the evidence tape after sealing the bag. The authorized representative of the division shall label the bags collected with the collector's name, the date of collection, the address or location where the evidence was collected, and, if there are multiple bags collected in the same location, the bags shall be numbered in sequential order. The sealed bag shall be stored in a locked area, cabinet or container accessible by only authorized representatives of the division. When necessary to determine the contents, the sealed evidence bag shall be sent to the laboratory under contract with the division for analysis.

(d) It is a violation of these rules for a licensee to threaten to interfere, actually interfere or prevent the taking of urine, blood, saliva or other samples authorized by Chapter 550, F.S. For such a violation, the division may impose any disciplinary penalties authorized by Chapter 550, F.S., or the rules promulgated thereunder.

Rulemaking Authority 550.0251(3), (11) 550.2415 (12) FS. Law Implemented 550.0251, 550.2415 FS. History- New 12-17-18 ; Replaces 61DER17-2.

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

EFFECTIVE DATE: December 17, 2018

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice: that on September 28, 2018, it has issued an order granting a variance.

Petitioner's Name: Verona Reserve Community Association, Inc.-file tracking No. 18-4278

Date Petition Filed: April 19, 2018, Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which the variance or waiver was sought: Lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: May 3, 2018

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means to achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, 1(813)985-7481 x. 2298, water.variances@watermatters.org (T2018035-2).

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on November 30, 2018, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from Presbyterian Retirement Communities, Inc. d/b/a Westminster Point Pleasant. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on November 30, 2018, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from Presbyterian Retirement Communities, Inc. d/b/a Westminster Towers. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on November 30, 2018, the Florida Department of Elder Affairs, received a petition for

temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from Presbyterian Retirement Communities, Inc. d/b/a Westminster Winter Park. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org. A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Westminster Pines, Inc. d/b/a Westminster St. Augustine, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018150. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Presbyterian Retirement Communities, Inc. d/b/a Westminster Communities of Bradenton Westminster Manor, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018151. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care

Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Presbyterian Retirement Communities, Inc. d/b/a Westminster Oaks, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018154. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Presbyterian Retirement Communities, Inc. d/b/a Westminster Winter Park, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018155. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Presbyterian Retirement Communities, Inc. d/b/a Westminster Towers, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018157. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Wesley Manor, Inc. d/b/a Westminster Woods on Julington Creek, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018158. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Suncoast Manor Retirement Community, Inc. d/b/a Westminster Suncoast, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018160. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from 2900 Twelfth Street North, LLC d/b/a Lakeside Pavilion, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018163. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on December 12, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from 1240 Pinebrook Road, LLC d/b/a Pinebrook Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018018161. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

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 December 5, 2018 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2009 FDA Food Code from Icy-N-Spicy LLC located in Miami Beach. The above referenced F.A.C. addresses 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 mop sink located on the premises of a nearby business under a different ownership.

The Petition for this variance was published in Vol. 44/236 on December 6, 2018. The Order for this Petition was signed and approved on December 14, 2018. 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 mop sink located on the premises of The Carlyle Cafe, 1250 Ocean Dr. Miami Beach, FL 33139, is maintained in a clean and sanitary manner and is provided with hot and cold running water under pressure. If the ownership of Icy-N-Spicy (Icy-N-Spicy LLC) and/or The Carlyle Cafe (1250 Ocean Dr LLC) changes, a signed agreement for use of the mop sink is required immediately.

A copy of the Order or additional information may be obtained by contacting: Daisy.Lee@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-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On December 14, 2018, the Division issued an order. The Final Order was in response to a Petition for an emergency Permanent Variance from NAESA International, filed December 4, 2018, and advertised on December 7, 2018, in Vol.44, No. 237, 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 subparagraph 61C-5.0085(5)(a)6. Florida Administrative Code that requires student registration that includes the attendee's certification or registration number issued by the Division 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 (VW2018-245).

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.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

The Florida Alligator Marketing and Education Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 21, 2018, 10:00 a.m. Eastern Time

PLACE: Conference Call, 1(888)670-3525, call-in code: 1408746629#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to address special business issues and initiatives of the Florida Alligator Marketing and Education Committee, for the current and next fiscal year.

A copy of the agenda may be obtained by contacting: Alyssa McKnight at (850)617-7324.

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: Alyssa McKnight at (850)617-7324. 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: Alyssa McKnight at (850)617-7324.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Probable Cause Panel South announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 11, 2019, 2:30 p.m.

PLACE: Meet-Me #: 1(888)585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@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 10 days before the workshop/meeting by contacting: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@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: Sheila Autrey at (850)558-9813 or email her at sheila.autrey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Probable Cause Panel North announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 25, 2019, 2:30 p.m.

PLACE: Meet-Me #: 1(888)585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Jacoyia Hill at (850)558-9848 or email her at jacoyia.hill@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 10 days before the workshop/meeting by contacting: Jacoyia Hill at (850)558-9848 or email her at jacoyia.hill@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: Jacoyia Hill at (850)558-9848 or email her at jacoyia.hill@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Nursing

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

DATE AND TIME: December 28, 2018, 10:00 a.m.

PLACE: Toll Free Number, 1(888)670-3525, 2681213003#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: <https://floridasnursing.gov/meeting-information/>

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: 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.

FLORIDA WATEREUSE ASSOCIATION

The Potable Reuse Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 21, 2018, 10:00 a.m. – 11:30 a.m.

PLACE: Teleconference Audio Connection, 1(855)682-6800 (Toll Free Nationwide), Access Code: 992 922 815

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Potable Reuse Commission (PRC) Teleconference/WebEx has been scheduled for December 21, 2018, 10:00 a.m. – 11:30 a.m. for the PRC to discuss the regulatory recommendations in chapters 9 and 10 and potential legislation that might be needed to implement the recommendations.

A copy of the agenda may be obtained by contacting: atracy@hydrosc.com.

For more information, you may contact: atracy@hydrosc.com.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Nursing

NOTICE IS HEREBY GIVEN that the Board of Nursing has received the petition for declaratory statement from Donald Mitchell, on December 6, 2018. The petition seeks the agency's

opinion as to the applicability of 464, F.S as it applies to the petitioner.

The Petitioner seeks a Declaratory Statement from the Board with regard to whether it is within the scope of practice of a registered nurse or a licensed practical nurse, as defined in 464, F.S., to provide Battlefield Acupuncture therapy to patients. 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, info@floridasnursing.gov, or by telephone at (850)245-4125.

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
DISTRICT BOARD OF TRUSTEES
MIAMI DADE COLLEGE
11011 S.W. 104th STREET
MIAMI, FL 33176-3393

Responses to the Invitation to Bid (ITB) listed below will be accepted in the PURCHASING DEPARTMENT, Room 9254, by 3:00 p.m. on January 18, 2019

Prospective proposers may obtain the ITB solicitation at the College's Purchasing Department website, <http://www.mdc.edu/purchasing/bid-posting.aspx>, or by calling (305)237-2402.

BID NUMBER: 2019-WP-17, BID TITLE: LED Sign Refurbishment for Kendall Campus

Pre-Bid Meeting: January 8, 2019, 10:00 a.m., Miami Dade College - Kendall Campus, Building 6; Room 6322

Direct questions regarding this Bid to: William Planas – wplanas@mdc.edu

Purchasing Department, Miami Dade College, 11011 SW 104th Street, Miami, FL 33176, (305)237-0015.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. A copy of the agenda may be obtained by writing to: Miami Dade College, Office of the Purchasing Director, 11011 S.W. 104 Street, Miami, FL 33176 or by calling (305)237-2402.

DEPARTMENT OF TRANSPORTATION

District Office Annex Building HVAC Replacement E5L31

Bids will be received by the Florida Department of Transportation until 10:00 a.m. on Thursday, January 10, 2019, for Level 4 Fixed Capital Outlay proposal E5L31 District Office Annex Building HVAC Replacement. Complete letting advertisement information for this project is available on our website at

<http://www.fdot.gov/contracts/d5/FCO/FCOContracts.shtm> or by calling (386)943-5514.

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 3:00 p.m., Monday, December 10, 2018 and 3:00 p.m., Friday, December 14, 2018.

Rule No.	File Date	Effective Date
5C-4.005	12/14/2018	1/3/2019
60FF1-5.010	12/14/2018	1/3/2019
61DER18-1	12/14/2018	12/17/2018
64B-9.001	12/12/2018	1/1/2019
64B2-18.002	12/10/2018	12/30/2018
64B7-30.002	12/13/2018	1/2/2019
64B13-3.100	12/12/2018	1/1/2019
64B15-14.005	12/12/2018	1/1/2019
64B18-14.002	12/13/2018	1/2/2019
64B18-14.010	12/13/2018	1/2/2019
64B18-23.002	12/13/2018	1/2/2019
64B32-4.001	12/12/2018	1/1/2019
69A-37.039	12/12/2018	1/1/2019
69A-37.058	12/12/2018	1/1/2019
73B-6.001	12/10/2018	12/30/2018
74-2.001	12/13/2018	1/2/2019
74-2.003	12/13/2018	1/2/2019
74-2.004	12/13/2018	1/2/2019
74-2.005	12/13/2018	1/2/2019
74-2.006	12/13/2018	1/2/2019
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

60FF1-5.009	7/21/2016	*/*/****
64B8-10.003	12/9/2015	*/*/****
69L-3.009	12/5/2018	*/*/****

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

Sarasota County

The Florida Department of Environmental Protection has determined that Sarasota County's projects involving the construction of a vacuum sewer system to replace septic systems in the Phillippi Creek watershed will not adversely affect the environment. The total cost of these project is estimated at \$50,460,000. These projects may qualify for Clean Water State Revolving Fund (CWSRF) loans comprised of federal or state funds. DEP will consider public comments about the environmental impacts of the proposed projects that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850)245-2962 or emailing to Pankaj.Shah@dep.state.fl.us.

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.