

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-1.0032 Fair Consumer Practices
PURPOSE AND EFFECT: To consider amending the requirements for offering and advertising scholarships and fee tuition reductions, as well as the reduction of other charges.
SUBJECT AREA TO BE ADDRESSED: Fair Consumer Practices for an institution.
RULEMAKING AUTHORITY: 1005.22(1)(e), 1005.34, 1005.04 FS.
LAW IMPLEMENTED: 1005.04, 1005.22, 1005.31, 1005.32, 1005.34 FS.

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

DATE AND TIME: September 9, 2013, 2:00 p.m.
PLACE: Mission Inn Resort and Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-2.004 Standards and Procedures for Licensure
PURPOSE AND EFFECT: To consider amendments to Institutional Licensure Standards. These will include at least the following:
Amendments requiring a form to document any clinical experience, internship, externship, or practicum, and the elements of any such form.

SUBJECT AREA TO BE ADDRESSED: Standards for Licensure.

RULEMAKING AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

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

DATE AND TIME: September 9, 2013, 2:00 p.m.
PLACE: Mission Inn Resort and Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NOS.: RULE TITLES:
59C-1.032 Cardiac Catheterization and Angioplasty
Institutional Health Services
59C-1.033 Open Heart Surgery Program

PURPOSE AND EFFECT: The Agency is proposing to amend Rules 59C-1.032 and 59C-1.033, F.A.C., to remove language regarding adult services, updates definitions and adds the collection of utilization reports. The amendments will also incorporate materials used to determine need for new pediatric services.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to these rules remove all references to adult open heart surgery programs, as these programs no longer require a certificate of need (CON) to be established, as well as removing travel standard language, need determination and other components of the adult program's CON criteria. The rule updates the definition of a pediatric patient, adds the collection of utilization reports and incorporates Medicare Severity Diagnosis Related Group coding. It also incorporates

materials used to determine need for a new pediatric cardiac catheterization program and pediatric open heart surgery program.

RULEMAKING AUTHORITY: 408.034(3), (6), 408.15(8) FS.

LAW IMPLEMENTED: 408.032(17), 408.033(3)(b), 408.034(3), 408.035(1), 408.036(1)(f), 408.039(4)(a) FS.

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

DATE AND TIME: September 4, 2013, 9:00 a.m. – 10:30 a.m.

PLACE: Agency for Health Care Administration, Building #3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida 32308

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 day before the workshop/meeting by contacting:

Marisol Fitch at marisol.fitch@ahca.myflorida.com or at (850)412-3750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marisol Fitch at marisol.fitch@ahca.myflorida.com or at (850)412-3750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.032 Cardiac Catheterization and Angioplasty Institutional Health Services.

(1) Agency Intent. ~~This rule amendment implements the provision of Section 408.036(3)(k), F.S., which provides that a certificate of need shall not be required for an expenditure to provide an outpatient service.~~ This rule defines the requirements for the establishment of pediatric inpatient cardiac catheterization services, including minimum requirements for staffing, equipment, and a numeric need methodology for cardiac catheterization programs. A certificate of need for the establishment of pediatric inpatient cardiac catheterization services shall not normally be approved unless the applicant meets the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule. A cardiac catheterization program which is established and utilized for the purpose of serving outpatients exclusively is not regulated

under this rule. A pediatric cardiac catheterization program which provides services to inpatients, regardless of the reason for their admission, including coronary angioplasty, valvuloplasty, or ablation of intracardiac bypass tracts, or pediatric cardiac catheterization, requires a certificate of need. Hospitals operating more than one hospital facility under the same hospital license in the same service planning area district, shall obtain a separate certificate of need for the establishment of a pediatric cardiac catheterization program in each health care facility.

(2) Definitions.

(a) Cardiac Catheterization. Cardiac catheterization is defined as a medical procedure requiring the passage of a catheter into one or more cardiac chambers of the left and right heart, with or without coronary arteriograms, for the purpose of diagnosing congenital or acquired cardiovascular diseases, or for determining measurement of blood pressure flow. Cardiac catheterization also includes the selective catheterization of the coronary ostia with injection of contrast medium into the coronary arteries.

(b) Coronary Angioplasty. Coronary angioplasty is defined as a hospital inpatient procedure requiring the dilation of narrowed segments of the coronary vessels, via a balloon-tipped catheter.

(c) Catheterization Program. A cardiac catheterization program is defined as an institutional health service which is provided by or on behalf of a health care facility and which consists of one or more laboratories which comprise a room or suite of rooms, and has the equipment and staff required to perform cardiac catheterization serving inpatients and outpatients. A cardiac catheterization program approved for angioplasty services, or other types of therapeutic cardiac procedures shall have the additional necessary equipment and staff to perform angioplasty procedures.

(d) Approved Program. A proposed pediatric cardiac catheterization and angioplasty program, not operational as defined by this rule, for which a certificate of need, a letter of intent to grant a certificate of need, or a final order granting a certificate of need was issued, consistent with the provisions of paragraph 59C-1.008(2)(b), F.A.C., on or before the most recent published deadline for agency initial decisions prior to publication of the fixed need pool, as specified in paragraph 59C-1.008(1)(g), F.A.C.

(e) Cardiac Catheterization Annual Program Volume. The cardiac catheterization annual program volume equals the total number of inpatient and outpatient admissions to the cardiac catheterization program, for the purpose of cardiac

catheterization or angioplasty, for the 12-month period specified in paragraph (8)(c). A single admission is equivalent to one patient visit to the cardiac catheterization program. Each patient visit will be counted in determining the actual program volume regardless of whether the patient is an inpatient or outpatient at the facility performing the procedure, or has been admitted as an inpatient or outpatient at another facility.

(f) Inpatient. An inpatient is defined as a person who has been admitted to a hospital for bed occupancy for purposes of receiving inpatient hospital services. A person is considered an inpatient if he was formally admitted as an inpatient with the expectation that he would remain at least overnight and occupy a bed, even though it later develops that he can be discharged or that he is transferred to another hospital and does not actually use a hospital bed overnight. An inpatient of a hospital cannot be considered an outpatient of that or any other hospital at the same time.

(g) Outpatient. An outpatient is defined as a person who receives cardiac catheterization in a health care facility and does not meet the definition of inpatient in paragraph (e).

~~(h) Pediatric patient means a person under fifteen years of age Service Planning Area. The service planning area for a cardiac catheterization program is the applicable district unless cardiac catheterization subdistricts have been defined by the respective local health council and promulgated into rule by the agency. Planning for pediatric cardiac catheterization services shall be done on a regionalized basis. Certificate of Need applications for pediatric cardiac catheterization services shall be competitively reviewed within each of the following five regions. The planning regions for pediatric services shall be:~~

- ~~1. Service Planning Area I includes districts 1 and 2.~~
- ~~2. Service Planning Area II includes districts 3 and 4.~~
- ~~3. Service Planning Area III includes districts 5, 6 and 8.~~
- ~~4. Service Area IV includes districts 7 and 9.~~
- ~~5. Service Area VI includes districts 10 and 11.~~

~~(i) Service Planning Area. Planning for pediatric cardiac catheterization services shall be done on a regionalized basis. Certificate of Need applications for pediatric cardiac catheterization services shall be competitively reviewed within each of the following five service planning areas. The service planning areas for pediatric services shall be: Operational Program. A new cardiac catheterization and angioplasty program approved by the agency that has performed at least one inpatient or outpatient cardiac catheterization as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or, in the case of programs~~

~~which performed only outpatient cardiac catheterization prior to agency approval, a program that has performed at least one inpatient cardiac catheterization as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.~~

- ~~1. Service Planning Area I includes districts 1 and 2.~~
- ~~2. Service Planning Area II includes districts 3 and 4.~~
- ~~3. Service Planning Area III includes districts 5, 6 and 8.~~
- ~~4. Service Area IV includes districts 7 and 9.~~
- ~~5. Service Area VI includes districts 10 and 11.~~

~~(j) Operational Program. A new pediatric cardiac catheterization and angioplasty program approved by the agency that has performed at least one inpatient or outpatient cardiac catheterization as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or, in the case of programs which performed only outpatient cardiac catheterization prior to agency approval, a program that has performed at least one inpatient cardiac catheterization as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.~~

~~(3) Scope of Service.~~

~~(a) Each pediatric cardiac catheterization program shall be capable of providing immediate endocardiac catheter pacemaking in cases of cardiac arrest, and pressure recording for monitoring and to evaluate valvular disease, or heart failure. Applicants for pediatric cardiac catheterization programs shall document the manner in which they will meet this requirement.~~

~~(b) A range of non-invasive cardiac or circulatory diagnostic services must be available within the health care facility itself, including:~~

- ~~1. Hematology studies or coagulation studies;~~
- ~~2. Electrocardiography;~~
- ~~3. Chest x-ray;~~
- ~~4. Blood gas studies; and~~
- ~~5. Clinical pathology studies and blood chemistry analysis.~~

~~(c) At a minimum a pediatric cardiac catheterization program shall include:~~

- ~~1. A special procedure x-ray room;~~
- ~~2. A film storage and darkroom for proper processing of films;~~
- ~~3. X-ray equipment with the capability in cineangiocardiology, or equipment with similar capabilities;~~
- ~~4. An image intensifier;~~
- ~~5. An automatic injector;~~
- ~~6. A diagnostic x-ray examination table for special procedures;~~

7. An electrocardiograph;
8. A blood gas analyzer;
9. A multichannel polygraph; ~~and~~
10. Emergency equipment including but not limited to a temporary pacemaker unit with catheters, ventilatory assistance devices, and a DC defibrillator; and-

11. A crash cart containing the necessary medication and equipment for ventilatory support shall be located in each cardiac catheterization procedure room.

(4) Service Accessibility.

(a) Hours of Operation. ~~Every pediatric cardiac catheterization program shall have the capability of rapid mobilization of the study team within 30 minutes for emergency procedures 24 hours a day, 7 days a week. Applicants for new pediatric cardiac catheterization programs shall document the manner in which they will meet this requirement. Travel Standard. An adult inpatient cardiac catheterization program shall be available within a maximum automobile travel time of 1 hour, under average travel conditions, for at least 90 percent of a service planning area's population provided that the cardiac catheterization program can meet other applicable statutory and related rule criteria.~~

(b) Underserved Population Groups. Applicants for a pediatric cardiac catheterization program shall indicate the projected number of medically indigent and Medicaid patients to be served annually. Applicants shall indicate their past provision of health care services to medically indigent and Medicaid patients. ~~Hours of Operation. Every cardiac catheterization program shall have the capability of rapid mobilization of the study team within 30 minutes for emergency procedures 24 hours a day, 7 days a week. Applicants for new cardiac catheterization programs shall document the manner in which they will meet this requirement.~~

(c) ~~Underserved Population Groups.~~ Applicants for a cardiac catheterization program shall indicate the projected number of medically indigent and Medicaid patients to be served annually. Applicants shall indicate their past provision of health care services to medically indigent and Medicaid patients.

(5) Service Quality.

(a) Quality of Care. ~~Accreditation.~~ Pediatric cardiac catheterization programs shall have a department, service or other similarly titled unit which shall be organized, directed and staffed, and intergrated with other units and departments of the hospital in a manner designed to assure the provision of

quality patient care. Applicants proposing to establish a new pediatric cardiac catheterization program shall demonstrate how they will meet this provision. Any health care facility providing inpatient catheterization only, or inpatient and outpatient cardiac catheterization, or angioplasty, must be fully accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO) for special care units, or be accredited by the American Osteopathic Association.

(b) Availability of Health Personnel. Any applicant proposing to establish a pediatric cardiac catheterization program must document that adequate numbers of properly trained personnel will be available. At a minimum, a team involved in cardiac catheterization consists of a physician, one nurse, and one ~~or more~~ technicians. An applicant for a new pediatric cardiac catheterization program shall document that the following staff are available:

1. A program director, board-certified or board-eligible in internal medicine, or radiology with subspecialty training in cardiology or cardiovascular, radiology; the program director for programs performing pediatric cardiac catheterization shall be board-eligible or board-certified by the Sub-Board of Pediatric Cardiology of the American Board of Pediatrics or the American Osteopathic Association in the area of pediatric cardiology;

2. A physician, board-certified or board-eligible in cardiology, radiology, or with specialized training in cardiac catheterization and angiographic techniques who will perform the examination;

3. Support staff, specially trained in critical care of cardiac patients, with a knowledge of cardiovascular medication and an understanding of catheterization and angiographic equipment;

4. Support staff, highly skilled in conventional radiographic techniques and angiographic principles, knowledgeable in every aspect of catheterization and angiographic instrumentation, with a thorough knowledge of the anatomy and physiology of the circulatory system;

5. Support staff for patient observation, handling blood samples and performing blood gas evaluation calculations;

6. Support staff for monitoring physiologic data and alerting the physician of any changes;

7. Support staff to perform systematic tests and routine maintenance on cardiac catheterization equipment, who must be available immediately in the event of equipment failure during a procedure;

8. Support staff trained in photographic processing and in the operation of automatic processors used for both sheet and cine film; and

9. A Medical Review Committee which reviews medical invasive procedures such as endoscopy and cardiac catheterization.

(6) Coordination of Services.

~~(a) Pediatric cardiac catheterization programs must be located in a hospital in which pediatric open heart surgery is being performed. Cardiac catheterization programs proposed in a facility not performing open heart surgery must submit a written protocol as part of their certificate of need application for the transfer of emergency patients to a hospital providing open heart surgery, which is within 30 minutes travel time by emergency vehicle under average travel conditions.~~

~~(b) Cardiac catheterization programs which include the provision of coronary angioplasty, valvuloplasty, or ablation of intracardiac bypass tracts must be located within a hospital which also provides open heart surgery.~~

~~(c) Pediatric cardiac catheterization programs must be located in a hospital in which pediatric open heart surgery is being performed.~~

(7) Service Cost. Cost data for pediatric cardiac catheterization programs, among similar institutions, shall be comparable when patient mix, cost accounting methods, labor market differences and other extenuating factors are taken into account.

(8) Need Determination.

(a) No additional pediatric cardiac catheterization program shall normally be approved if any of the following conditions exist:

1. One or more of the operational pediatric cardiac catheterization programs in the service planning area district that were operational for at least 12 months as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool had less than 300 admissions to the cardiac catheterization program during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or

2. One or more of the pediatric cardiac catheterization programs in the service planning area district that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool had less than an average of 25 admissions to the cardiac catheterization program per month.

(b) Pediatric cardiac catheterization programs shall be established on a regional basis. A new pediatric cardiac

catheterization program shall not normally be approved unless the number of live births in the service planning area, minus the number of existing and approved programs multiplied by 30,000, is at or exceeds 30,000. Live Births means the number of births during the most recent calendar year for which data is available from the Department of Health Office of Vital Statistics at least three months prior to publication of the fixed need pool. The following material is incorporated by reference within this rule: Department of Health Office of Vital Statistics Florida, Vital Statistics Annual Report 2012, Births. This publication is available on the Agency website at <http://ahca.myflorida.com/MCHQ/CON FA/Publications/index.shtml> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-01677>.

(c) An applicant for a new pediatric cardiac catheterization program shall project a minimum service volume of 150 cardiac catheterizations per year within 2 years of the initial operation of the program. Programs serving both adult and pediatric patients shall project a program volume of 350 cardiac catheterizations per year.

(d) Actual inpatient and outpatient migration from one service planning area to another shall be considered in the review of Certificate of Need applications.

~~In order to assure patient safety and staff efficiency and to achieve maximum economic use of existing resources, the following criteria shall be considered in the approval of certificate of need applications for new adult cardiac catheterization programs.~~

~~(a) The minimum annual projected net program volume need for the establishment of a new adult cardiac catheterization program shall be at or exceed an annual program volume of 300 admissions for the service planning area.~~

~~(b) Applicants shall demonstrate that they will be able to reach an annual program volume of 300 admissions within 2 years after the program becomes operational.~~

~~(c) Need Determination. Numeric need for a new adult cardiac catheterization program in a service planning area is indicated if the difference between the projected program volume and the number of adult cardiac catheterizations performed in the service planning area during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool, minus the number of approved adult programs times 300, is at or exceeds a program volume of 300 for the applicable service planning area. This need formula is expressed as follows:~~

$$\text{NN} = \text{PCCPV} - \text{ACCPV} - \text{APP}$$

~~Where:~~

~~NN is the 12-month net adult program volume need in the service planning area projected 2 years into the future for the respective planning horizon. Net need projections are published by the agency as a fixed need pool twice a year. The planning horizon for applications submitted between January 1 and June 30 shall be July of the year 2 years subsequent to the year the application is submitted. The planning horizon for applications submitted between July 1 and December 31 shall be January of the year 2 years subsequent to the year which follows the year the application is submitted.~~

~~PCCPV is the projected adult cardiac catheterization program volume which equals the actual adult cardiac catheterization program volume (ACCPV) rate per thousand adult population 15 years and over for the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool, multiplied by the projected adult population 15 years of age and over 2 years into the future for the respective planning horizon. The population projections shall be based on the most recent population projections available from the Executive Office of the Governor which are available to the agency 3 weeks prior to the fixed need pool publication.~~

~~ACCPV equals the actual adult cardiac catheterization program volume for the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.~~

~~APP is the projected program volume for approved adult programs. The projected program volume for each approved program shall be 300 admissions.~~

~~(d) Irrespective of the net need calculated under paragraph (c), no additional cardiac catheterization program shall normally be approved if any of the following conditions exist:~~

~~1. One or more of the operational cardiac catheterization programs in the district that were operational for at least 12 months as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool had less than 300 admissions to the cardiac catheterization program during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or~~

~~2. One or more of the cardiac catheterization programs in the district that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool had less than an average of 25 admissions to the cardiac catheterization program per month.~~

~~(e) Pediatric cardiac catheterization programs shall be established on a regional basis. A new pediatric cardiac catheterization program shall not normally be approved unless the number of live births in the service planning area, minus the number of existing and approved programs multiplied by 30,000, is at or exceeds 30,000.~~

~~(f) Programs catheterizing pediatric patients only, shall project a minimum service volume of 150 cardiac catheterizations per year within 2 years of the initial operation of the program. Programs serving both adult and pediatric patients shall project a program volume of 350 cardiac catheterizations per year.~~

~~(g) Actual inpatient and outpatient migration from one service planning area to another shall be considered in the review of Certificate of Need applications.~~

~~(9) Utilization Reports. Facilities providing licensed pediatric inpatient cardiac catheterization services shall provide utilization reports to the agency or its designee, as follows: Decisions on certificate of need applications for the expansion of existing programs shall be made on the basis of the applicant's justification for the level of the proposed capital expenditure and the utilization of existing laboratories in the facility.~~

~~(a) Within 45 days after the end of each calendar quarter, facilities shall provide a report of the number of pediatric inpatient and outpatient admissions to the cardiac catheterization program, for the purpose of cardiac catheterization or angioplasty which occurred during the quarter.~~

~~Rulemaking Authority 408.034(3), (6), 408.15(8) FS. Law Implemented 408.032(17), 408.033(3)(b), 408.034(3), 408.035(1), 408.036(1)(f), 408.039(4)(a) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(e), Amended 11-11-91, 7-6-92, Formerly 10-5.032, Amended 8-24-93, 9-12-94, 6-19-95, 8-23-95,_____.~~

59C-1.033 Open Heart Surgery Program.

(1) Agency Intent. This rule specifies the requirements for the establishment of an adult or pediatric open heart surgery program, including minimum requirements for staffing and equipment; and it specifies a methodology for determining the numeric need for additional programs. A certificate of need for the establishment of an open heart surgery program shall not normally be approved unless the applicant meets the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule. Hospitals operating more than one hospital on separate premises under a single license shall obtain a separate certificate of need for the establishment of open heart surgery services in each facility. Separate certificates of need are required for the establishment of an adult or a pediatric open heart surgery program.

(2) Definitions.

(a) “Agency.” The Agency for Health Care

Administration “Adult.” A person age 15 or older.

(b) “Approved Pediatric Open Heart Surgery Program.” A pediatric open heart surgery program, approved by the agency but not operational as defined by this rule, that had received a certificate of need or a statement of intent to award a certificate of need on or before the most recent published deadline for agency initial decisions prior to publication of the fixed need pool (as specified in paragraph 59C-1.008(1)(g), F.A.C). “Adult Open Heart Surgery Program Service Area.” The adult open heart surgery program service area is the district.

(c) “District.” A service district of the agency defined in Section 408.032(5), F.S. “Approved Pediatric Open Heart Surgery Program.” An open heart surgery program, approved by the agency but not operational as defined by this rule, that had received a certificate of need or a statement of intent to award a certificate of need on or before the most recent published deadline for agency initial decisions prior to publication of the fixed need pool (as specified in paragraph 59C-1.008(1)(g), F.A.C).

(d) “Fixed Need Pool.” The numerical open heart surgery program need for the applicable planning horizon, as established by the agency in accordance with this rule and subsection 59C-1.008(2), F.A.C. “Department.” The Agency for Health Care Administration.

(e) “Operational Pediatric Open Heart Surgery Program.” An open heart surgery program approved by the agency that has performed at least one pediatric open heart surgery operation as of 6 months prior to the beginning date of the quarter of the publication of the fixed need pool. “Fixed Need Pool.” The numerical open heart surgery program need for the applicable planning horizon, as established by the agency in accordance with this rule and subsection 59C-1.008(2), F.A.C.

(f) “Pediatric Open Heart Surgery Operation.” Surgical procedures that are used to treat conditions such as congenital heart defects, and heart and coronary artery diseases, including replacement of heart valves, cardiac vascularization, and cardiac trauma. One pediatric open heart surgery operation equals one patient admission to the operating room. Pediatric Open heart surgery operations are classified under the following diagnostic related groups (MS-DRGs): 216, 217, 218, 219, 220, 221, 228, 229, 230, 231, 232, 233, 234, 235, 236. “District.” A service district of the agency defined in Section 408.032(5), F.S.

(g) “Pediatric Open Heart Surgery Program.” A program established in a room or suite of rooms in a hospital, equipped for pediatric open heart surgery operations and staffed with qualified surgical teams and support staff. “Open Heart Surgery Operation.” Surgical procedures that are used to treat conditions such as congenital heart defects, and heart and coronary artery diseases, including replacement of heart

valves, cardiac vascularization, and cardiac trauma. One open heart surgery operation equals one patient admission to the operating room. Open heart surgery operations are classified under the following diagnostic related groups (DRGs): DRGs 104, 105, 106, 107, 108, and 109.

(h) “Pediatric Open Heart Surgery Program Service Area.” For the purpose of certificate of need review, the pediatric open heart surgery program service areas are: “Open Heart Surgery Program.” A program established in a room or suite of rooms in a hospital, equipped for open heart surgery operations and staffed with qualified surgical teams and support staff.

1. Service area I includes districts 1 and 2.
2. Service area II includes districts 3 and 4.
3. Service area III includes districts 5, 6 and 8.
4. Service area IV includes districts 7 and 9.
5. Service area V includes districts 10 and 11.

(i) “Pediatric Patient” means a person under fifteen years of age. “Operational Open Heart Surgery Program.” An open heart surgery program approved by the agency that has performed at least one open heart surgery operation as of 6 months prior to the beginning date of the quarter of the publication of the fixed need pool.

(j) “Planning Horizon.” The projected date by which a proposed pediatric open heart surgery program would initiate service. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 is July of the year 2 years subsequent to the year the application is submitted; the planning horizon for applications submitted between July 1 and December 31 is January of the year 2 years subsequent to the year which follows the year the application is submitted. “Pediatric Open Heart Surgery Program Service Area.” For the purpose of certificate of need review, the pediatric open heart surgery program service areas are:

1. Service area I includes districts 1 and 2.
2. Service area II includes districts 3 and 4.
3. Service area III includes districts 5, 6 and 8.
4. Service area IV includes districts 7 and 9.
5. Service area V includes districts 10 and 11.

(k) “Planning Horizon.” The projected date by which a proposed open heart surgery program would initiate service. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 is July of the year 2 years subsequent to the year the application is submitted; the planning horizon for applications submitted between July 1 and December 31 is January of the year 2 years subsequent to the year which follows the year the application is submitted.

(3) Service Availability.

(a) Each adult or pediatric open heart surgery program must have the capability to provide a full range of pediatric

open heart surgery operations, including, at a minimum:

1. Repair or replacement of heart valves;
2. Repair of congenital heart defects;
3. Cardiac revascularization;
4. Repair or reconstruction of intrathoracic vessels; and
5. Treatment of cardiac trauma.

(a) Applicants for ~~adult or~~ pediatric open heart surgery programs shall document the manner in which they will meet the requirements of this paragraph.

(b) Each ~~adult or~~ pediatric open heart surgery program must document its ability to implement and apply circulatory assist devices such as intra-aortic balloon assist and prolonged cardiopulmonary partial bypass.

(c) A health care facility with an ~~adult or~~ pediatric open heart surgery program shall provide the following services:

1. Cardiology, hematology, nephrology, pulmonary medicine, and treatment of infectious diseases;
2. Pathology, including anatomical, clinical, blood bank, and coagulation laboratory services;
3. Anesthesiology, including respiratory therapy;
4. Radiology, including diagnostic nuclear medicine;
5. Neurology;
6. Inpatient cardiac catheterization;
7. Non-invasive cardiographics, including electrocardiography, exercise stress testing, and echocardiography;
8. Intensive care; and
9. Emergency care available 24 hours per day for cardiac emergencies.

(4) Service Accessibility.

(a) Hours of Operation. Pediatric open heart surgery programs shall be available for elective pediatric open heart operations 8 hours per day, 5 days a week. Each open heart surgery program shall possess the capability for rapid mobilization of the surgical and medical support teams for emergency cases 24 hours per day, 7 days a week. Applicants pediatric open heart surgery programs shall document the manner in which they will meet this requirement. ~~Travel Time.~~ Adult open heart surgery shall be available within a maximum automobile travel time of 2 hours under average travel conditions for at least 90 percent of the district's population.

(b) Open Heart Surgery Team Mobilization. Pediatric open heart surgery shall be available for emergency open heart surgery operations within a maximum waiting period of 2 hours. ~~Hours of Operation.~~ Adult or pediatric open heart surgery programs shall be available for elective open heart operations 8 hours per day, 5 days a week. Each open heart surgery program shall possess the capability for rapid mobilization of the surgical and medical support teams for emergency cases 24 hours per day, 7 days a week. Applicants for adult or pediatric open heart surgery programs shall

~~document the manner in which they will meet this requirement.~~

(c) Underserved Population Groups. Pediatric open heart surgery shall be available to all persons in need. A patient's eligibility for pediatric open heart surgery shall be independent of his or her ability to pay. Applicants for pediatric open heart surgery programs shall document the manner in which they will meet this requirement. Pediatric open and closed heart surgery shall be available in each pediatric open heart surgery program service area. ~~Open Heart Surgery Team Mobilization.~~ Adult or pediatric open heart surgery shall be available for emergency open heart surgery operations within a maximum waiting period of 2 hours.

(d) ~~Underserved Population Groups.~~ Adult or pediatric open heart surgery shall be available to all persons in need. A patient's eligibility for open heart surgery shall be independent of his or her ability to pay. Applicants for adult or pediatric open heart surgery programs shall document the manner in which they will meet this requirement. Adult open heart surgery shall be available in each district to Medicare, Medicaid, and indigent patients. Pediatric open and closed heart surgery shall be available in each pediatric open heart surgery program service area.

(5) Service Quality.

(a) Availability of Health Personnel. Any applicant proposing to establish an adult or pediatric open heart surgery program must document that adequate numbers of properly trained personnel will be available to perform in the following capacities during open heart surgery:

1. A cardiovascular surgeon, board-certified by the American Board of Thoracic Surgery, or board-eligible;
2. A physician to assist the operating surgeon;
3. A board-certified or board-eligible anesthesiologist trained in open heart surgery;
4. A registered nurse or certified operating room technician trained to serve in open heart surgery operations and perform circulating duties; and
5. A perfusionist to perform extracorporeal perfusion, or a physician or a specially trained nurse, technician, or physician assistant under the supervision of the operating surgeon to operate the heart-lung machine.

(b) Follow-up Care. Following an open heart surgery operation, patients shall be cared for in an intensive care unit that provides 24 hour nursing coverage with at least one registered nurse for every two patients during the first hours of post-operative care for both adult and pediatric cases. There shall be at least two cardiac surgeons on the staff of a hospital with an adult open heart surgery program, at least one of whom is board-certified and the other at least board-eligible. One of these surgeons must be on call at all times. There shall be at least one board certified or board eligible pediatric

cardiac surgeon on the staff of a hospital with a pediatric open heart surgery program. A clinical cardiologist must be available for consultation to the surgical team and responsible for the medical management of patients as well as the selection of suitable candidates for surgery along with the cardiovascular surgical team. Backup personnel in cardiology, anesthesiology, pathology, thoracic surgery and radiology shall be on call in case of an emergency. Twenty-four hour per day coverage must be arranged for the operation of the cardiopulmonary bypass pump. All members of the team caring for cardiovascular surgical patients must be proficient in cardiopulmonary resuscitation.

(6) Patient Charges. Charges for open heart surgery operations in a hospital shall be comparable with the charges established by similar institutions in the service area, when patient mix, reimbursement methods, cost accounting methods, labor market differences and other extenuating factors are taken into account.

(7) Pediatric Open Heart Surgery Program Need Determination. The need for pediatric open heart surgery programs shall be determined on a regional basis in accordance with the pediatric open heart surgery program service areas as defined in paragraph (2)(h). A new pediatric open heart surgery program shall not normally be approved unless the total of resident live births in the pediatric open heart surgery program service area, for the most recent calendar year available from the Department of Health, Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, minus the number of existing and approved pediatric open heart surgery programs multiplied by 30,000, is at or exceeds 30,000. Live Births means the number of births during the most recent calendar year for which data is available from the Department of Health Office of Vital Statistics at least three months prior to publication of the fixed need pool. The following materials are incorporated by reference within this rule; Department of Health Office of Vital Statistics Florida, Vital Statistics Annual Report 2012, Births. This publication is available on the Agency website at http://ahca.myflorida.com/MCHQ/CON_FA/Publications/index.shtml and <http://www.flrules.org/Gateway/reference.asp?No=Ref-01677>. ~~Adult Open Heart Surgery Program Need Determination.~~

(a) ~~An additional open heart surgery program shall not normally be approved in the district if any of the following conditions exist:~~

1. ~~There is an approved adult open heart surgery program in the district;~~

2. ~~One or more of the operational adult open heart surgery programs in the district that were operational for at least 12 months as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool performed~~

~~less than 300 adult open heart surgery operations during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or,~~

3. ~~One or more of the adult open heart surgery programs in the district that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool performed less than an average of 25 adult open heart surgery operations per month.~~

~~(b) Provided that the provisions of paragraph (7)(a) do not apply, the agency shall determine the net need for an additional adult open heart surgery program in the district based on the following formula:~~

$$NN = [(POH/500) - OP] 0.5$$

~~Where:~~

1. ~~NN = The need for an additional adult open heart surgery program in the district projected for the applicable planning horizon. The additional adult open heart surgery program may be approved when NN is 0.5 or greater.~~

2. ~~POH = The projected number of adult open heart surgery operations that will be performed in the district in the 12-month period beginning with the planning horizon. To determine POH, the agency will calculate $COH/CPOP \times PPOP$, where:~~

a. ~~COH = The current number of adult open heart surgery operations, defined as the number of adult open heart surgery operations performed in the district during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.~~

b. ~~CPOP = The current district population age 15 years and over.~~

c. ~~PPOP = The projected district population age 15 years and over. For applications submitted between January 1 and June 30, the population estimate used for CPOP shall be for January of the preceding year; for applications submitted between July 1 and December 31, the population estimate used for CPOP shall be for July of the preceding year. The population estimates used for CPOP and PPOP shall be the most recent population estimates of the Executive Office of the Governor that are available to the agency 3 weeks prior to publication of the fixed need pool.~~

3. ~~OP = The number of operational adult open heart surgery programs in the district.~~

~~(c) In the event there is a demonstrated numeric need for an additional adult open heart surgery program pursuant to paragraph (7)(b), preference shall be given to any applicant from a county that meets the following criteria:~~

1. ~~None of the hospitals in the county has an existing or approved open heart surgery program; and~~

2. ~~Residents of the county are projected to generate at least 1200 annual hospital discharges with a principal~~

diagnosis of ischemic heart disease, as defined by ICD 9 CM codes 410.0 through 414.9. The projected number of county residents who will be discharged with a principal diagnosis of ischemic heart disease will be determined as follows:

a. $PIHD = (CIHD/CoCPOP \times CoPPOP)$

where:

b. PIHD = The projected 12 month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over;

c. CIHD = The most recent 12 month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over, as available in the agency's hospital discharge data base;

d. CoCPOP = The current estimated population age 15 and over for the county, included as a component of CPOP in subparagraph 7(b)2.;

e. CoPPOP = The planning horizon estimated population age 15 and over for the county, included as a component of PPOP in subparagraph (7)(b)2.

(d) In the event no numeric need for an additional adult open heart surgery program is shown in paragraphs (7)(a) or (7)(b) above, the need for enhanced access to health care for the residents of a service district is demonstrated for an applicant in a county that meets the criteria of subparagraphs (7)(c)1. and 2. above.

(e) An additional adult open heart surgery program will not normally be approved for the district if the approval would reduce the 12 month total at an existing adult open heart surgery program in the district below 300 open heart surgery operations.

(8)(a) Utilization Reports. Facilities operating a licensed pediatric open heart surgery program shall provide utilization reports to the agency or its designee, as follows: Pediatric Open Heart Surgery Program Need Determination. The need for pediatric open heart surgery programs shall be determined on a regional basis in accordance with the pediatric open heart surgery program service areas as defined in paragraph (2)(j). A new pediatric open heart surgery program shall not normally be approved unless the total of resident live births in the pediatric open heart surgery program service area, for the most recent calendar year available from the Department of Health, Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, minus the number of existing and approved pediatric open heart surgery programs multiplied by 30,000, is at or exceeds 30,000.

(b) Within 45 days after the end of each calendar quarter, facilities shall provide a report of the number of pediatric open heart surgery operations which occurred during the quarter.

Rulemaking Authority 408.034(6), 408.15(8) FS. Law Implemented 408.032(17), 408.034(3), 408.036(1)(f) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(f), Amended 1-26-92, Formerly 10-5.033, Amended 6-17-93, 8-24-93, 1-24-02, _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:

1S-2.051 Federal Write-In Absentee Ballot

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the requirements of Chapter law 2011-162, Laws of Florida, which expanded the use of federal write-in absentee ballots (which is a back-up ballot to the state absentee ballot) beyond federal elections to include a state or local election involving two or more candidates. The new law took effect July 1, 2011. The new law requires the Department of State to supplement standards set out already in law by providing additional criteria for determining when there is a clear indication that a voter has made definite choice on a federal write-in absentee ballot for which the vote shall be counted in the race when there is a manual recount.

SUMMARY: Provides procedures for determining voter intent on a federal write-in absentee ballot in the event of a recount.

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: Legislative ratification will not be required pursuant to Section 120.541(3), F.S., because the rule applies only to election-related activities. Based upon past experiences with rules of this nature, this rule will not have an adverse effect on businesses or private-sector economic growth, job-creation, employment or investment; nor will it increase regulatory costs in excess of the threshold mandating legislative

ratification. No other statute requires legislative ratification for this rule.

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: 20.10(3), 97.012(1), 102.166(4) FS.

LAW IMPLEMENTED: 101.6952, 101.5614, 102.166 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: September 11, 2013, 9:00 a.m.

PLACE: Room 307, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Stacey Small at stacey.small@dos.myflorida.com or (850)245-6200. 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: Ashley E. Davis at ashley.davis@dos.myflorida.com or (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.051 Standards for Determining Voter's Choice on a Federal Write-In Absentee Ballot.

(1) Application. The standards in this rule apply to determine whether the voter has clearly indicated a definite choice for purposes of counting during a recount a vote cast on a Federal Write-in Absentee Ballot, Standard Form 186 (Rev. 08-2013), incorporated by reference, <http://election.dos.state.fl.us/pdf/FWABwithOMBFinal.pdf>, and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division's webpage at: <http://election.dos.state.fl.us/forms/index.shtml>.

(2) Use. Section 101.6952(2), F.S., governs who may use and when a federal write-in absentee ballot may be used in an election.

(3) Manual review and tabulation. Subject to Section 102.166(4)(b) and (c), F.S., a vote shall not count for any particular candidate, unless determined to be a valid vote pursuant to this rule.

(4) Standards. The following standards supplement the applicable standards already set out in Section 101.6952(2)(b)-(e), F.S. for determining when there is a clear indication that the voter has made a definite choice in a particular race and when the valid vote shall be counted:

(a) For state and local office election races, the voter must write in the non-federal designated part of the ballot. If the voter writes under the column "Office/Ballot Initiative," the title of the applicable state or local candidate's office and under the column marked "Candidate Name, Party Affiliation, or Initiative Vote," the candidate's name or party affiliation, the voter has made a definite choice. If the voter designates the candidate name or party in the box that is directly opposite of the office designated by the voter, the voter shall be counted. Otherwise, the vote shall not be counted.

(b) When no other candidate in the race has the same or a similar name, the last name of a candidate shall be sufficient for determining a definite choice.

(c) If the voter uses marks, symbols, or language, such as arrows, quotation marks, or the word "same" or "ditto," to indicate the same political party for all offices voted, the mark, symbol or language shall constitute a clear indication of a definite choice and the vote shall count.

(d) Failure to properly list the district or other numbered designation associated with the state or local office candidate's name does not invalidate an otherwise valid vote.

(e) If the abbreviation or last name of a candidate is the same as the abbreviation or name of a political party to which the candidate does not belong, regardless of whether that party has another candidate in the race, if the office and the candidate's first and last names are designated correctly, the vote shall count for that candidate, not the political party. However, if no information is indicated on the ballot besides the office, and the candidate's last name that is the same as the political party's name or abbreviation, the vote shall not be counted for either the candidate or the political party.

(f) If the voter writes in a vote for a candidate's first or last name, but does not name the office, or incorrectly designates the office for which the candidate has qualified, no definite choice can be determined and the vote shall not be counted.

(g) If the voter writes in both a qualified candidate's name and an incorrect political party for that candidate, no definite choice can be determined and the vote shall not be counted, regardless of whether there is an opposing candidate in the race.

(h) The designation of a candidate's first or last name when an opposing candidate has the same or similar name in the same office contest shall not constitute a clear indication of a definite choice, unless the voter has made additional marks demonstrating a clear indication of a definite choice.

Such additional marks may be a nickname, another commonly known name by which the candidate is called, a generational suffix, or title associated with the candidate (e.g., doctor, professor, counselor, judge, etc.) In a general election, if the voter has also marked the candidate's party affiliation, this shall constitute a voter's definite choice and the vote shall be counted.

(i) If the voter writes in a candidate's name that is not on the official primary ballot of any political party, the vote cast shall not count.

(j) The canvassing board may consider the entire ballot page for consistency in determining whether a voter has made a definite choice in a contest.

(5) Overvotes. Except as otherwise provided herein, if the voter writes in or otherwise indicates more choices than there are positions or choices for that office, it shall be considered an overvote and none of the designations by the voter are valid for that race.

Rulemaking Authority 20.10(3), 97.012, 102.166(4)(b) FS. Law Implemented 101.6952, 102.166(4)(c) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:

Ashley E. Davis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth W. Detzner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 18, 2013

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: RULE TITLE:

61G10-11.001 Examination for Licensure

PURPOSE AND EFFECT: Updates the rule to be consistent with the manner in which the examination is formatted and administered.

SUMMARY: Examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 455.217(1)(b), 481.306 FS.

LAW IMPLEMENTED: 455.217(1)(b), 481.309 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: Juanita Chastain, Executive Director, Division of Professions, Board of Landscape Architecture, 1940 N. Monroe Street, Tallahassee, FL 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-11.001 Examination for Licensure.

(1)(a) The Board approves the Landscape Architect Registration Examination (LARE) developed and administered by the Council of Landscape Architectural Registration Boards and specifies that it will be the licensing examination ~~administered by the Department on the subject areas set out in subparagraphs (1)(b)1. through 7. below.~~ The Department shall develop and administer the examination on plant materials and specialized aspects of practice in Florida, including laws and regulations ~~subject area subparagraph (1)(b)8. below.~~

~~(b) The examination is written and measures competency in the following subject areas:~~

~~1. Legal and Administrative Aspects of Practice;~~

~~2. Programming and Environmental Analysis;~~

~~3. Conceptualizing and Communication;~~

~~4. Design Synthesis;~~

~~5. Integration of Technical and Design Requirements;~~

~~6. Grading and Drainage;~~

~~7. Implementation of Design through Construction Process;~~

~~8. Plant materials and specialized aspects of practice in Florida, including laws and regulations.~~

(2) The Board adopts the passing score for the LARE as determined by the Council of Landscape Architectural Boards (CLARB). Seventy-five is the passing score on the laws and regulations examination ~~subparagraph (1)(b)8. above.~~

Rulemaking Specific Authority 455.217(1)(b), 481.306 FS. Law Implemented 455.217(1)(b), 481.309 FS. History—New 2-4-80, Amended 5-18-81, 10-13-81, 2-6-83, Formerly 21K-11.01, Amended 5-29-86, 5-31-87, 1-10-88, 2-13-92, Formerly 21K-11.001, Amended 7-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 2, 2013

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: RULE TITLE:
61G10-12.001 Application and Examination Fees
PURPOSE AND EFFECT: Updates the rule to be consistent with the new examination format and eliminates the Department fee for retaking the Florida Section of the exam.
SUMMARY: Fees.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 481.306, 481.307 FS.
LAW IMPLEMENTED: 481.307 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: Juanita Chastain, Executive Director, Division of Professions, Board of Landscape Architecture, 1940 N. Monroe Street, Tallahassee, FL 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-12.001 Application and Examination Fees.
(1) The examination application fee shall be one hundred dollars (\$100.00), payable to the Department.
(2) The following is the examination fee schedule for the Landscape Architectural Registration Examination and the Florida Section:

Section 1A	Fee is set by and payable to the Council of Landscape Architectural Registration Boards.
Section 2B	Fee is set by and payable to the Council of Landscape Architectural Registration Boards.
Section 3C	Fee is set by and payable to the Council of Landscape Architectural Registration Boards.
Section 4D	Fee is set by and payable to the Council of Landscape Architectural Registration Boards.
Section E	Fee is set by and payable to the Council of Landscape Architectural Registration Boards.
Florida Section	\$300.00 of which, \$282.00 is payable to the Department and is due at the time of application, \$18.00 is payable to the Department's contracted testing service, and is due at the time of the testing.

(3) When conducted by a professional testing service, applicants retaking the Florida Section shall only pay the fee payable to the testing service. A retake applicant may elect to take only certain sections, and is responsible only for the fee for the sections elected.

Rulemaking Authority 481.306, 481.307 FS. Law Implemented 481.307 FS. History—New 2-4-80, Amended 3-9-84, 7-26-84, Formerly 21K-12.01, Amended 10-7-87, 11-12-89, 3-11-91, Formerly 21K-12.001, Amended 8-7-95, 1-13-99, 8-16-99, 8-27-00, 8-21-05, 4-13-08, 3-15-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 2, 2013

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: RULE TITLE:
 61G10-18.002 Board Approval of Continuing Education Providers

PURPOSE AND EFFECT: Eliminates the need for supporting documentation to be submitted to the Department for courses offered by certain approved and registered CE providers.

SUMMARY: Supporting documentation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 455.2124, 455.2179, 481.306, 481.313 FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 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: Juanita Chastain, Executive Director, Division of Professions, Board of Landscape Architecture, 1940 N. Monroe Street, Tallahassee, FL 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.002 Board Approval of Continuing Education Providers.

(1) through (3) No change.

(4) The American Society of Landscape Architects, the Florida Chapter of the American Society of Landscape Architects, the Florida Department of Transportation, and the Florida Department of Environmental Protection will be considered approved providers and all courses submitted will be approved. The provider as well as all courses must be assigned provider and course numbers for attendees to be eligible to receive credit and providers must meet all reporting requirements set forth in Section 455.2178, F.S. Providers must submit provider application #BET 1 to be assigned a provider number and course application # BET 2 to be assigned a course number. Supporting documentation is not required; however, all other requirements must be met. Advanced instruction in the Florida Building Code curriculum must be established or accredited by the Florida Building Commission.

Rulemaking Authority 455.2124, 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313, 553.841 FS. History—New 9-19-01, Amended 6-6-02, 4-13-03, 7-6-05, 12-21-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 2, 2013

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-601.314 Rules of Prohibited Conduct and Penalties for Infractions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 146, July 29, 2013 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-602.208 Inmate Internet Presence
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 146, July 29, 2013 issue of the Florida Administrative Register has been withdrawn.

**Section IV
 Emergency Rules**

NONE

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

DEPARTMENT OF EDUCATION

Commission for Independent Education
 NOTICE IS HEREBY GIVEN that on August 2, 2013, the Department of Education, Commission for Independent Education, received a petition for a variance of the requirements of subsections 6E-2.004(9) and 6E-2.008(4), Florida Administrative Code, that requires standards for educational institutions' physical plant and academic classrooms; and requires separate licensing of additional locations for non-degree schools from DrupalEasy Academy (DrupalEasy) filed by Gwendolyn Anello.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District
 NOTICE IS HEREBY GIVEN that on August 5, 2013, the South Florida Water Management District (District), received a petition for Variance (Application 130805-10) from Steve Hall, 2063 Trade Center Way, Naples, FL 34109 for a project called Miromar Outlets. The property is located at 10801 Corkscrew Road, Estero, FL, 33928, in Lee County, Section 26, Township 46 South, Range 25 East. The petition seeks relief from provisions in subsection 40E-24.201(7), Florida Administrative Code, which states that irrigation of existing landscaping shall be conducted on specific days, pursuant to Section 120.542, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Regulation Division, during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406; by telephone at 682-6911; by e-mail at permits@sfwmd.gov; or, by accessing the District's website (www.sfwmd.gov/ePermitting) using the Application/Permit Search. To be considered, comments must be received by the close of business on September 3, 2013, at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk. For additional information, contact Patrick Martin at (561)682-2176 or e-mail pmartin@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District
 RULE NO.: RULE TITLE:
 40E-6.221: Conditions for Issuance of Standard Permits
 The South Florida Water Management District (District) hereby gives notice:
 On August 15, 2013, the District's Governing Board issued SFWMD Order No. 2013-067-DAO-ROW to Collier County Board of County Commissioners (Application No. 13-0426-1). The petition for waiver was received by the District on May 21, 2013. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 39, No. 101, on May 23, 2013. No public comment was received. This Order provides a waiver of the District's criteria to allow the construction of the 28th Avenue Southeast bridge crossing the Miller Canal; Section 30, Township 49 South, Range 28 East; Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(1)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the low member elevation of pile-supported facilities within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the proposed bridge will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.
 A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-6.011: Policy and Purpose

The South Florida Water Management District (District) hereby gives notice:

On August 15, 2013, the District's Governing Board issued SFWMD Order No. 2013-068-DAO-ROW to American Traffic Solutions (Application No. 13-0517-1). The petition for waiver was received by the District on June 6, 2013. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 39, No. 113, on June 11, 2013. No public comment was received. This Order provides a waiver of the District's criteria to allow the installation of a pole-mounted camera, post foundation and associated conduit within the north right of way of the C-12 Canal; Section 35, Township 49 South, Range 41 East; Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) & (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the placement of the pole-mounted camera and post foundation will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268 or by email at: jurussel@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-6.011: Policy and Purpose

The South Florida Water Management District (District) hereby gives notice:

On August 15, 2013, the District's Governing Board issued SFWMD Order No. 2013-067-DAO-ROW to Florida Department of Transportation (Application No. 13-0530-2M). The petition for waiver was received by the District on May 30, 2013. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 39, No. 113, on June 11, 2013. No public comment was received. This Order provides a waiver of the District's criteria

to allow for the installation of a Highway Advisory Radio Beacon sign within the west right of way of L-18; Section 24, Township 46 South, Range 43 East; Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) & (6), F.A.C, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the placement of the Highway Advisory Radio Beacon sign will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-6.011: Policy and Purpose

The South Florida Water Management District (District) hereby gives notice:

On August 15, 2013, the District's Governing Board issued SFWMD Order No. 2013-070-DAO-ROW to Florida Department of Transportation (Application No. 13-0321-2). The petition for waiver was received by the District on May 28, 2013. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 39, No. 106, on May 31, 2013. No public comment was received. This Order provides a waiver of the District's criteria to allow the installation of guardrail at the southeast quadrant of the existing SR 715 bridge crossing L-14; Section 31, Township 43 South, Range 37 East; Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) & (6), F.A.C, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the installation of the guardrail will not interfere with the District's current ability to perform necessary construction, alteration, operation, and

routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone: (561)682-6268; or by email at: jurussel@sfwmd.gov.

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 August 19, 2013, the Department issued a Final Order that was in response to a Petition for Variance from Collado Real Estate, filed June 10, 2013, and advertised on June 12, 2013 in Vol. 39, No.114, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Chapter 404.2.4 Florida Accessibility Code, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators maneuvering clearance beyond the latch side of the door because the Petitioner has requested a variance of a code with which the agency has no statutory authority to grant (VW2013-184).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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 August 19, 2013, the Department issued a Final Order that was in response to a Petition for Variance from 234 N. Westmonte Office Building, filed July 23, 2013 and advertised on July 26, 2013 in Vol.39, No.115, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 211.3c(1)(d), ASME A17.1, 1984 edition, as adopted by

paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators phase II emergency in-car operations because the Petitioner has not demonstrated that the purpose of the underlying statute has been met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-245).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

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 August 14, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Palm Bay Villas, filed July 17, 2013, and advertised on July 19, 2013 in Vol. 39, No. 140, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 4.6, ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators terminal stopping devices 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 (VW2013-235).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

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

On August 19, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Hotel Jacaranda, filed July 30, 2013 and advertised on August 5, 2013 in Vol. 39, No.151, of the Florida Administrative Register. No comments were received in

response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.10.4(f) and 3.4.4 ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators car-safety mechanism switch and emergency exits 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 (VW2013-255).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.002: Licensing and Inspection Requirements

NOTICE IS HEREBY GIVEN that on August 16, 2013, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code from George's Dainty Del located in Pensacola. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

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 on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, 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 August 14, 2013 the Division issued an order. The Final Order was in response to a Petition for a temporary Variance from America's Best, filed July 24, 2013, and advertised on July 29, 2013 in Vol. 39, No. 146, of the Florida Administrative Register. No comments were received in

response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a) Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations 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 (VW2013-247).

A copy of the Order or additional information may be obtained by contacting:

Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection hereby gives notice:

That on August 8, 2013, the Department of Environmental Protection has issued an order. The order is for the City of Sunrise variance petition (OGC File No. 13-0890), received on March 15, 2013. The petition requested a variance from the prohibition of construction of a Class I UIC well within a 500 foot radial distance of a potable water well (subsection 62-521.400(1)(f), F.A.C.). Specifically, the variance requested that Class I injection well IW-1 be constructed within 500 feet of Sunrise public water supply well S-2. Notice of receipt of this petition was published in the Florida Administrative Weekly, on April 2, 2013. No public comment was received. The final order granted a variance to allow Class I injection well IW-1 to be constructed within 445 feet of well S-2 because the petitioner demonstrated a substantial hardship and that the purposes of the underlying statutes would be met with the conditions imposed by the Department.

A copy of the Order or additional information may be obtained by contacting: Cathleen McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8654.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Friends of the Museums of Florida History announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 20, 2013, 11:30 a.m. – conclusion

PLACE: R.A. Gray Building, 500 S. Bronough St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History, (850)245-6413.

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: Elyse Cornelison, Museum of Florida History, (850)245-6413. 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: Elyse Cornelison, Museum of Florida History, (850)245-6413.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

The Animal Industry Technical Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 5, 2013, 1:00 p.m. – 4:00 p.m.

PLACE: Florida Farm Bureau Headquarters, 5900 SW 34th Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Animal Industry Technical Council to discuss animal and agricultural issues of concern. The meeting is open to the public.

A copy of the agenda may be obtained by contacting Stephen Monroe by telephone at (850)410-0944.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the meeting by contacting Stephen Monroe by telephone at (850)410-0944. Persons who are hearing or speech impaired can 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 additional information contact Stephen Monroe by telephone at (850)410-0944.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

The Florida Forestry Council announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 2013, 1:30 p.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Players Room B & C, Ponte Vedra Beach, Florida 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Forest Service Programs.

A copy of the agenda may be obtained by contacting: Jim Karels, Director, Florida Forest Service, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-4274.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jim Karels, Director, Florida Forest Service, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-4274. 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: Jim Karels, Director, Florida Forest Service, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-4274.

DEPARTMENT OF EDUCATION

Commission for Independent Education

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

DATE AND TIME: September 10, 2013, 9:00 a.m.

PLACE: Mission Inn Resort and Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

GENERAL SUBJECT MATTER TO BE CONSIDERED: On September 10, 2013 beginning at 9:00 a.m. the Commission for Independent Education will consider: All Degree Granting Institutions and Non-Degree granting Institutions for the following: Disciplinary Matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By

Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, Applications for Exemption for Religious Colleges, variance request and the General Business of the Commission including approval of Rule amendments.

A copy of the agenda may be obtained by contacting: The Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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 Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

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

DATE AND TIME: September 25, 2013, 10:30 a.m.

PLACE: The Renaissance at World Golf Village, 500 South Legacy Trail, St. Augustine, Florida, 32092, (904)940-8000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

A copy of the agenda may be obtained by contacting: Staff Director Margaret Edwards at (850)410-8600.

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: Medical Examiners Commission Staff at (850)410-8600. 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: Medical Examiners Commission Staff, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

DEPARTMENT OF TRANSPORTATION

The Commercial Motor Vehicle Review Board announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2013, Starting at 8:30 a.m.

PLACE: Embassy Suites, 8250 Jamaican Court, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Katherine Becker, Executive Assistant, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Katherine Becker, Executive Assistant, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

The Northeast Florida Regional Council announces a public meeting to which all persons are invited.

DATE AND TIMES: September 5, 2013: Planning & Growth Management Committee at 8:30 a.m.; Personnel, Budget & Finance Committee at 9:00 a.m.; Full Board of Directors at 10am; Legislative Committee immediately following the Board meeting. Please check our website (www.nefrc.org) for any changes.

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefrc.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 5 days before the workshop/meeting by

contacting: Sheron Forde at (904)279-0880 or sforde@nefr.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).

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council
The Southwest Florida Regional Planning Council/Glades-Hendry LCB announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 4, 2013, 10:30 a.m.

PLACE: Hendry County Administration Offices, Conference Room 2, LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Glades-Hendry Local Coordinating Board.

A copy of the agenda may be obtained by contacting: Nichole Gwinnett at (239)338-2550, #232 or ngwinnett@swfrpc.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 7 days before the workshop/meeting by contacting: SWFRPC's offices at (239)338-2550. 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: Visit the SWFRPC's website at www.swfrpc.org.

REGIONAL PLANNING COUNCILS

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

DATE AND TIME: September 12, 2013, 2:00 p.m.

PLACE: Treasure Coast Regional Planning Council Office, 421 S.W. Camden Avenue, Stuart, Florida 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of Council's Comprehensive Economic Development Committee.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060.

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: Liz Gulick at (772)221-4060. 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: Liz Gulick at (772)221-4060.

REGIONAL PLANNING COUNCILS

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

DATE AND TIME: September 20, 2013, 9:30 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, Florida 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Treasure Coast Regional Planning Council will conduct its regular meeting.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060.

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: Liz Gulick at (772)221-4060. 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: Liz Gulick at (772)221-4060.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District
RULE NO.: RULE TITLE:

40C-1.1011: Submitting Notice of Intent for Consumptive Use Permits Under Rule 40C-20.042, F.A.C.

40C-1.1012: Submitting Notice of Intent for Consumptive Use Permits Under Chapter 40C-22, F.A.C.

40C-1.603: Permit Fees

The St. Johns River Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: September 3, 2013, 9:00 a.m. – Noon

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Johns River Water Management District (SJRWMD) is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) with the five water management districts (WMDs) to increase consistency in the consumptive use permit (CUP) rules of the WMDs. This rule development will make appropriate rule amendments to SJRWMD’s Chapters 40C-1, 40C-2, 40C-20, and 40C-22, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water, to address the following goals of DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. The District published a Notice of Rule Development to begin rulemaking on July 20, 2012.

Note: Members of the District’s Governing Board may attend the scheduled rule development Workshop.

A copy of the draft rules will be available on August 27, 2013 at <http://floridaswater.com/ruledevelopment/>.

A copy of the agenda may be obtained by contacting: Wendy Gaylord, Legal Administrative Assistant, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026 or wgaylord@sjrwmd.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: Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4127, sbertram@sjrwmd.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).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:

- 40C-2.031: Implementation
- 40C-2.041: Permits Required
- 40C-2.042: General Permit by Rule
- 40C-2.051: Exemptions
- 40C-2.101: Publications Incorporated by Reference

- 40C-2.301: Conditions for Issuance of Permits
- 40C-2.321: Duration of Permit
- 40C-2.331: Modification of Permits
- 40C-2.351: Transfer of Permits
- 40C-2.361: Renewal of Permits
- 40C-2.381: Limiting Conditions
- 40C-2.900: Forms and Instructions

The St. Johns River Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: September 3, 2013, 9:00 a.m. – Noon

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Johns River Water Management District (SJRWMD) is developing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) with the five water management districts (WMDs) to increase consistency in the consumptive use permit (CUP) rules of the WMDs. This rule development will make appropriate rule amendments to SJRWMD’s Chapters 40C-1, 40C-2, 40C-20, and 40C-22, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water, to address the following goals of DEP and the WMDs for this rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. The District published a Notice of Rule Development to begin rulemaking on July 20, 2012.

Note: Members of the District’s Governing Board may attend the scheduled rule development Workshop.

A copy of the draft rules will be available on August 27, 2013 at <http://floridaswater.com/ruledevelopment/>.

A copy of the agenda may be obtained by contacting: Wendy Gaylord, Legal Administrative Assistant, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026 or wgaylord@sjrwmd.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: Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4127, sbertram@sjrwmd.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).

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

The Board of Nursing Home Administrators Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, September 9, 2013, commencing at 10:00 a.m., at meet me number (888)670-3525, participate code 9238150597

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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: Sherra W. Causey. 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 CHILDREN AND FAMILY SERVICES
Agency for Persons with Disabilities

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: August 29, 2013, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Phone Number: (888)670-3525, Participant Code-5106539718, then #

Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to announce and explain APD's use of the FY 2013-14 allocation of \$500,000 for employment services for young adults on waiting list.

A copy of the agenda may be obtained by contacting: <http://apdcares.org/publications/legal> Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399, (850)488-4358.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tracey Tolbert, 4030 Esplanade Way, Suite 380,

Tallahassee, FL 32399, (850)488-4358. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399 (850)488-4358.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Agency for Persons with Disabilities

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2013, 10:00 a.m. – 12:00 p.m.

PLACE: Conference Phone Number: (888)670-3525, Participant Code-5106539718, then #; Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to obtain public input for improving employment outcomes of Floridians with developmental disabilities.

A copy of the agenda may be obtained by contacting: <http://apdcares.org/publications/legal>, Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399, (850)488-4358.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399, (850)488-4358. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Tracey Tolbert, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399, (850)488-4358.

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center(NSRC) Executive Director Selection Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Meetings for 08/22/2013 and 08/26/2013 have been cancelled.

PLACE: Department of Business and Professional Regulation, Professions Board Room, 1940 N. Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Screening of Job Applications for NSRC Executive Director has been suspended. Executive Director position has been filled.

A copy of the agenda may be obtained by contacting: Jane.Geier@nsrc.myflorida.com, (850)487-9442. For more information, you may contact: Jane.Geier@nsrc.myflorida.com, (850)487-9442.

SOUTHWOOD SHARED RESOURCE CENTER

The Southwood Shared Resource Center announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 28, 2013, 10:00 a.m.
PLACE: SSRC Administrative Offices, Conference Room 103, 2002 Old St. Augustine Road, Building C, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: SSRC Technology Workgroup Meeting to review LBRs.

A copy of the agenda may be obtained by contacting: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.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 2 days before the workshop/meeting by contacting: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.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).

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: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

CITIZENS PROPERTY INSURANCE CORPORATION

The Actuarial & Underwriting Committee of Citizens Property Insurance Corporation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, August 26, 2013, 10:00 a.m.
PLACE: Conference Call: (866)361-7525, conference ID: 8632017402#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Actuarial & Underwriting Committee.

A copy of the agenda may be obtained by contacting: Connie Bryan at (904)208-7238, or found on the corporate website at: www.citizensfla.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: Connie Bryan at (904)208-7238. 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 Claims Committee of Citizens Property Insurance Corporation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 29, 2013, 2:00 p.m.
PLACE: Conference Call: 1(866)361-7525, conference ID: 5219676193#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Claims Committee.

A copy of the agenda may be obtained by contacting: Connie Bryan at (904)208-7238, or found on the corporate website at: www.citizensfla.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: Connie Bryan at (904)208-7238. 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).

HHI DESIGN

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

DATE AND TIME: Thursday, August 29, 2013, 6:00 p.m.
PLACE: Rosemont Community Center, 4872 Rose Bay Drive, Orlando, FL 32808

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District Five, is holding a Public Kick-off Meeting for the US 441 Corridor Study. The study is evaluating options for providing enhanced transit service and improved mobility along the US 441 Corridor. The study area begins in the Cities of Eustis, Mount Dora and Tavares in Lake County, continues south through northwest Orange County and the City of Apopka and terminates in Downtown Orlando.

The analysis assesses community consensus, financial options, and policy support of the transit improvement alternative determined to best meet the current and future needs of the US 441 Corridor.

This meeting is being held to introduce the study and allow participants an opportunity to express their views concerning the study. The meeting will be an informal open house and participants are welcome to attend at any time between 6:00 p.m. and 8:00 p.m. There will be an overview presentation at 7:00 p.m. Attendees may ask questions or make comments either before or after the presentation. Display maps illustrating the study corridor, the study schedule, and other

information will be available for public review and comment. Project representatives in attendance to discuss the study, receive input, and answer questions.

A copy of the agenda may be obtained by contacting: Ginger Corless at (407)657-9210 or gcorless@tindaleoliver.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ginger Corless at (407)657-9210 or gcorless@tindaleoliver.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: Ginger Corless at (407)657-9210 or gcorless@tindaleoliver.com.

QUEST CORPORATION OF AMERICA, INC.

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

DATE AND TIMES: Tuesday, August 27, 2013; Meeting 10:00 a.m. – 12:00 Noon, Optional Field Trip 12:00 Noon - 3:00 p.m.

PLACE: Disney Wilderness Preserve Conservation Learning Center, 2700 Scrub Jay Trail, Kissimmee, Florida 34759

GENERAL SUBJECT MATTER TO BE CONSIDERED: Poinciana Parkway Southport Connector (Southport Connector) Project Development and Environment (PD&E) Study from Pleasant Hill Road to Florida's Turnpike. The study will identify and evaluate transportation alternatives for providing connectivity and reducing congestion in the Poinciana community. The project is a segment of the Osceola County Expressway Authority's overall corridor Master Plan.

This Agency Project Advisory Group meeting is intended to coordinate with environmental resource agencies having permitting and/or approval authority for the project and with other governmental and non-governmental organizations with an interest in the project. Please contact Eileen LaSeur, Consultant Public Involvement Coordinator by phone at (407)883-8257, or by email Eileen@QCAusa.com if you (or a representative) are planning to attend this meeting.

A copy of the agenda may be obtained by contacting: Eileen LaSeur, Consultant Public Involvement Coordinator, QCA, by phone: (407)883-8257, or by email: Eileen@QCAusa.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: Eileen LaSeur (407)883-8257, or by email at Eileen@QCAusa.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).

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has declined to rule on the petition for declaratory statement filed by Gulfstream Park Racing Association, Inc., Petitioner, in DBPR Case No. 2013010614, Petition No. DS 2013-016, on March 15, 2013. The following is a summary of the agency's declination of the petition:

The petition was noticed on March 22, 2013, in Vol. 39, No. 57, F.A.R., and listed Chapter 551, F.S., as the provision upon which a declaratory statement was sought. Petitioner sought a determination as to whether Chapter 551, F.S., required a licensed slot machine operator to conduct a full schedule of live pari-mutuel performances at the same location in which slot machine gaming is to be conducted in order to receive or renew an annual slot machine license. Pursuant to Petitioner's Notice of Voluntary Dismissal filed July 2, 2013, the Division issued an Order on July 11, 2013, declining the petition as moot without prejudice.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has declined to rule on the petition for declaratory statement filed by Gulfstream Park Thoroughbred After Racing Program, Inc., Petitioner, in DBPR Case No. 2013010613, Petition No. DS 2013-015, on March 07, 2013. The following is a summary of the agency's declination of the petition:

The petition was noticed on March 22, 2013, in Vol. 39, No. 57, F.A.R., and listed Chapter 551, F.S., as the provision upon which a declaratory statement was sought. Petitioner sought a determination as to whether it could receive a slot machine license to conduct slot machine gaming at its licensed location in Broward or Dade County and, if so, whether it was required to have on file with the Division a binding agreement with any organizations before it can receive a slot machine license or, specifically, whether it is required to have such written binding agreement with either or both the Florida Horsemen's Benevolent & Protective Association, Inc., and the Florida Thoroughbred Breeders & Owners' Association, Inc. Pursuant to Petitioner's Notice of Withdrawal filed July 2, 2013, the Division issued an Order on July 11, 2013, ruling the petition moot and declining it without prejudice.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has declined to rule on the petition for declaratory statement filed by Calder Race Course, Inc., and the Florida Horsemen's Benevolent and Protective Association, Inc., Petitioners, in DBPR Case No. 2013020471, Petition No. DS 2013-035, on May 3, 2013. The following is a summary of the agency's declination of the petition:

The petition was noticed on May 22, 2013, in Vol. 39, No. 100, F.A.R., and listed Sections 550.002, .01215, .0251, .3351, & .6305, F.S., as the statutory provisions upon which a declaratory statement was sought. It sought a determination of whether a "race meet" must consist of live racing, whether thoroughbred permitholders may amend their racing dates at any time after February 28 of each year, and whether, if a permitholder operates a "race meet" of three racing dates of three days a week from December 15 through May 3 of the following year and then on June 30, therefore allowing it to serve as a host track from July 1 to June 30 of the following year for importing signals of out-of-state thoroughbred races, as well as whether Section 3002 of the Interstate Horseracing Act requires a "full program" of live races on a specified day in order for a Florida licensed thoroughbred pari-mutuel

permitholder to receive broadcasts of out-of-state races. Pursuant to Petitioners' Joint Notice of Withdrawal filed June 11, 2013, the Division issued an Order on July 2, 2013, ruling the petition moot and declining it without prejudice.

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

DEPARTMENT OF HEALTH

Board of Nursing

Notice is hereby given that the Board of Nursing has received a Petition for Declaratory Statement filed by Margaret M. Walsh, on July 15, 2013. The Petitioner seeks a Declaratory Statement from the Board with regard to Section 464.012(4)(c)5., F.S., and seeks the agency's opinion as it applies to the petitioner. The petitioner is seeking the Board's interpretation as to whether a CNS may diagnose human responses to actual or potential behavioral health problems, implement therapeutic interventions without entering into a supervisor relationship or a protocol with a physician and not be subject to discipline for acts performed within the scope of practice of her CNS certification. The board will address this at the next available board meeting.

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 filled with the Division of Administrative Hearings on the following rules:

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BDC06-13/14 Gasparilla Island State Park – Belcher Road
 Seawall Repair

NOTICE OF INVITATION TO BID
 STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BID NO. BDC06-13/14

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered Contractors licensed to work in the jurisdiction for the project listed below.

PROJECT NAME: Gasparilla Island State Park-Belcher Road Seawall Repair

SCOPE OF WORK: The Contractor shall provide the necessary labor, materials, equipment, and supervision to repair 330 feet of seawall and cap and restore uplands. Pursuant to Executive Order 07-126 and Section 255.252(3), F.S. the Department requires the proposed project be designed and constructed in accordance with green building standards where applicable.

PROJECT BUDGET: \$225,000.00

PARK LOCATION: Gasparilla Island State Park, 880 Belcher Rd., Boca Grande, Florida 33921, Lee County (South end of Gasparilla Island)

PROJECT MANAGER: Alison Denny, Bureau of Design & Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850)245-2594, Fax Number (850)245-2965.

INSTRUCTIONS: Documents for this bid will be available for down load on Tuesday, August 20, 2013. Any firm desiring a Project Manual for this project may obtain

directions by emailing susan.maynard@dep.state.fl.us & mike.renard@dep.state.fl.us. If preferred, a Compact Disk (CD) containing the plans and specifications can be obtained by calling the Contracts Section at (850)245-2632 or (850)245-2630 or emailing the addresses above..

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security’s E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

BID SUBMITTAL DUE DATE: No later than 4:00 p.m. (ET), Tuesday, September 10, 2013 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction,

(850)245-2630. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 4:00 p.m. (ET), Thursday, September 12, 2013 unless extended by the Department for good cause.

NOTICE OF RIGHTS; Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, FAX (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57,

F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

Section XII Miscellaneous

DEPARTMENT OF JUVENILE JUSTICE

Policy and Procedures Update

The Department of Juvenile Justice has posted one revised policy and procedure for comment and review: FDJJ 1800, Background Screening. The policy will be posted until September 3, 2013 on the Department's webpage at <http://www.djj.state.fl.us/partners/policies-resources/> department-policies/policies-under-review. Directions for submitting comments can be found at the above webpage.

Section XIII
Index to Rules Filed During Preceding
Week

RULES FILED BETWEEN August 12, 2013 and
August 16, 2013

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF CORRECTIONS

33-601.601	8/14/13	9/3/13	39/137	
------------	---------	--------	--------	--

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-8.624	8/14/13	9/3/13	39/134	
-----------	---------	--------	--------	--

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

59G-4.260	8/15/13	9/4/13	39/28	39/136
-----------	---------	--------	-------	--------

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-6.043	8/14/13	9/3/13	39/82	39/128
61-20.011	8/14/13	9/3/13	39/78	39/129
61-20.012	8/14/13	9/3/13	39/78	39/129

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

Division of Florida, Condominiums, Timeshares and Mobile Homes

61B-20.006	8/14/13	9/3/13	39/101	39/129
61B-21.003	8/14/13	9/3/13	39/101	39/129

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

64B14-2.013	8/14/13	9/3/13	39/137	
-------------	---------	--------	--------	--

DEPARTMENT OF FINANCIAL SERVICES

Divisions of Workers' Compensation

69L-6.009	8/15/13	9/4/13	39/125	
-----------	---------	--------	--------	--

LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO CHAPTER 2010-279, LAWS OF FLORIDA

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

64J-2.006	7/12/13	*****	39/29	
-----------	---------	-------	-------	--

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

69L-7.020	10/24/11	*****	37/24	37/3
-----------	----------	-------	-------	------
