

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

##### Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-16.001	Definitions
65C-16.005	Evaluation of Applicants
65C-16.012	Types of Adoption Assistance

**PURPOSE AND EFFECT:** The purpose and effect of this rule is to align the rule with statutory changes made during the 2010 legislative session. Chapter 2010-6, Laws of Florida, amended Section 63.0422, F.S., and Section 409.175 to require all prospective and licensed out-of-home caregivers to complete a firearms safety acknowledgement form to be used by child-placing agencies during an adoption home study that requires all prospective adoptive applicants to acknowledge in writing the receipt of a document containing solely and exclusively the language provided for in s. 790.174 verbatim. Chapter 2010-158, Laws of Florida, repealed Section 409.1663, F.S. and the department no longer has the statutory authority to implement the provision of this law.

**SUBJECT AREA TO BE ADDRESSED:** Adoptions.

**RULEMAKING AUTHORITY:** 39.0121, 63.233, 409.166(8), 409.167(6) FS.

**LAW IMPLEMENTED:** 63.0422, 409.175 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Eleese Davis, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)717-4650 or eleese\_davis@dcf.state.fl.us

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

65C-16.001 Definitions.

(1) through (25) No change.

~~(26) “Qualifying Adoptive Employee” means a full-time, part-time or retired employee receiving retirement benefits of a state agency who is paid from regular salary or retirement appropriations or who otherwise meets the employer’s definition of a regular rather than temporary employee and who adopts a child pursuant to Chapter 63, F.S. For purposes of this definition, the term includes instructional personnel, as defined in Section 1012.01, F.S., employed by the Florida School for the Deaf and the Blind.~~

~~(26)(27)~~ “Relative” means “relative” as defined in Section 39.01(63), F.S.

~~(27)(28)~~ “Significant Emotional Tie” means the relationship between a child and his or her caretaker family when a child is bound to that family in such a vital and ardent manner that removal of the child from that family would have detrimental consequences for the child. This term is also used in evaluating a child’s eligibility for adoption subsidy when the question of eligibility rests solely on his adoption by the current caretaker.

~~(28)(29)~~ “Sibling” means one of two or more individuals having one or both parents in common.

~~(29)(30)~~ “Single Point of Access” means the designated staff person or Alcohol, Drug Abuse and Mental Health staff person or the authorized agent designated by the department within a geographical area who is identified as the point of contact to assist the case management or adoption counselor in accessing mental health assessments and other mental health services for children adopted from foster care or in the care and custody of the department or the appropriate entity within the community based care agency.

~~(30)(31)~~ “Special Needs Child” means “special needs child” as defined in Section 409.166(2), F.S.

~~(32) “State Agency” means a branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions, a state university or community college as defined in Section 1001.21, F.S., a school district unit as defined in Section 1001.30, F.S., or a water management district as defined in Section 373.019, F.S.~~

~~(31)(33)~~ “Suitability of Intended Placement” means the fitness of the intended placement with primary consideration given to the welfare of the child and the fitness and capabilities of the adoptive parents for a particular child.

~~(32)(34)~~ “To Place” means the process whereby a parent or legal guardian surrenders a child for adoption or a child’s parents’ parental rights are terminated by a court for adoption and the prospective parents’ receiving and adopting the child including all actions by any person or agency participating in the process.

~~Rulemaking Specific Authority 39.0121, 63.233, 409.166(8), 409.167(6) FS. Law Implemented 39.701, 63.032, 63.092, 63.165, 63.212, 409.166, 409.167, 790.175 FS. History–New 4-28-92, Amended 4-19-94, Formerly 10M-8.0013, Amended 12-4-97, 8-19-03, 11-30-08, 7-21-10,\_\_\_\_\_.~~

65C-16.002 Adoptive Family Selection. No change.

65C-16.003 Case Reviews. No change.

65C-16.004 Recruitment, Screening and Application Process/Adoptive Applicants. No change.

65C-16.005 Evaluation of Applicants.

(1) through (2) No change.

(3) In determining which applications for adoption should be approved, all of the following criteria, not listed in any order of priority, must be considered:

(a) through (o) No change.

(p) The firearm safety requirement form, CF-FSP 5343, effective February 2013, which is hereby incorporated by reference and available online at www.dcf.state.fl.us/publications/, must be signed and dated by the prospective adoptive parents as a part of the homestudy process. The purpose of this form is to inform prospective adoptive parents of Section 790.175 of the Florida Statutes. A copy of the signed form is retained as a part of the approved homestudy and a signed copy is provided to the prospective adoptive parents.

(4) through (9) No change.

Rulemaking Specific Authority 39.012, 63.233 FS. Law Implemented 39.0138, 39.521, 63.042, 63.0422, 409.40, 709.175 FS. History—New 2-14-84, Formerly 10M-8.05, Amended 4-28-92, 4-19-94, 8-17-94, 1-8-95, 7-18-95, Formerly 10M-8.005, Amended 12-23-97, 8-19-03, 11-30-08, 4-6-10, \_\_\_\_\_.

65C-16.007 Abuse Hotline and Registry and Criminal Records Checks. No change.

65C-16.008 Dispute Resolutions and Appeals. No change.

65C-16.009 Adoption Placement. No change.

65C-16.010 Adoption Placement – Post-Placement Services. No change.

65C-16.011 Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients. No change.

65C-16.012 Types of Adoption Assistance.

(1) through (5) No change.

~~(6) Adoption Benefit for State Employees. State employees as defined in Section 409.1663, F.S., who adopt a child may be eligible for a lump sum payment as defined in Section 409.1663, F.S.~~

~~(7)~~ Tuition Waiver. Children who were in the custody of the department and who were adopted after May 5, 1997 are eligible for an exemption of undergraduate college tuition fees at Florida universities or community colleges as stated in Section 1009.25, F.S.

~~(8)~~ Adoption assistance for eligible children will be paid irrespective of the child’s state of residence. Adoptive parents receiving adoption assistance are obligated to notify the department of any change of address.

~~(9) The provision of all adoption assistance is contingent upon the availability of state and federal funds.~~

Rulemaking Specific Authority 409.166 FS. Law Implemented 409.166, 409.1663 FS. History—New 2-14-84, Formerly 10M-8.18, 10M-8.018, Amended 8-19-03, 11-30-08, \_\_\_\_\_.

65C-16.013 Determination of Maintenance Subsidy Payments. “No change.”

65C-16.014 Post Adoption Services. “No change.”

65C-16.015 Non-Recurring Adoption Expenses. “No change”

65C-16.016 Access to Closed Adoption Records. “No change.”

65C-16.017 Florida Adoption Reunion Registry. “No change.”

65C-16.018 Adoption Benefits for Qualifying Employees of State Agencies.

Rulemaking Authority 409.1663(6) FS. Law Implemented 409.1663 FS. History—New 11-30-08, Repealed \_\_\_\_\_.

## Section II Proposed Rules

### PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-30.335	Customer Billing
25-30.350	Backbilling
25-30.351	Unauthorized Use

PURPOSE AND EFFECT: The purpose of amendments to Rule 25-30.335, F.A.C., is to provide customers with contact information and explanations when their bills are estimated, and to discourage use of estimated bills. The purpose of amendments to Rule 25-30.350, F.A.C., is to clarify the process for water and wastewater companies to follow when there are overbillings or underbillings. The purpose of new Rule 25-30.351, F.A.C., is to clarify the process for situations when a customer has fraudulent or unlawful use of the services.

Docket No. 120246-WS

SUMMARY: Rule 25-30.335, F.A.C., requires bill statements to prominently show the word “Estimated” on the bill. The utility is obligated to timely correct problems within the utility’s control causing the need to estimate bills. The utility must provide the customer with contact information in certain circumstances. The utility must maintain records, for a minimum of two years, detailing the number, frequency and causes of estimated bills. Rule 25-30.350, F.A.C., is renamed to Underbilling and Overbilling. A new process is set out for both underbillings and overbillings. Rule 25-30.351, F.A.C., describes a process for billing for unauthorized use.

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 been prepared by the agency.

The SERC examined the factors required by Section 120.541, F.S., and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business. Each rule is expected to have minimal impact on the Commission's costs of rule implementation and enforcement. No other state or local government entities' costs are impacted by the rule. The rules should have minimal or no impact on small business.

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: based upon the information contained in the SERC.

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: 350.127(2), 367.121 FS.

LAW IMPLEMENTED: 367.091, 367.121 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: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 25-30.335 Customer Billing.

(1) Except as provided in this rule, a utility shall render bills to customers at regular intervals, and each bill shall indicate: the billing period covered; the applicable rate schedule; beginning and ending meter reading; the amount of the bill; the delinquent date or the date after which the bill becomes past due; and any authorized late payment charge.

(2) When a utility is unable to obtain an actual meter read, estimated bills may be provided.

(a) If the utility estimates a bill, the bill statement shall prominently show the word "Estimated" on the face of the bill. ~~If the utility estimates the bill, the utility shall indicate on the bill that the amount owed is an estimated amount.~~

(b) The utility is obligated to timely correct any problems within the utility's control causing the need to estimate bills. In no event shall a utility provide an estimated bill to any one customer more than four times in any 12-month period due to circumstances that are within the utility's control and service obligations.

(c) Upon issuance of a second estimated bill in a 6 month period, the utility shall provide the customer with an explicit written explanation for the estimation, along with the utility contact information and the Commission toll-free complaint number, 1(800)342-3552.

(d) The utility shall maintain records, for a minimum of two years, detailing the number, frequency, and causes of estimated bills, which shall be made available upon request to the Commission or to any party to a rate proceeding for the utility.

(3) through (7) No change.

~~(8) In the event of unauthorized use of service by a customer, a utility may bill the customer on a reasonable estimate of the service taken. In addition, the utility may assess a fee to defray the cost of restoring service to such a customer provided that the fee is specified in the utility's tariff.~~

(9) If a utility utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the utility shall bill the customer the base facility charge regardless of whether there is any usage.

Rulemaking Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History—Amended 9-14-74, 6-21-79, Formerly 25-10.97, 25-10.097, Amended 11-10-86, 11-30-93, \_\_\_\_\_.

#### 25-30.350 Underbillings and Overbillings for Water and Wastewater Service ~~Backbilling.~~

(1) A utility may not backbill customers for any period greater than 12 months for any undercharge in billing which is the result of the utility's mistake.

(a) The utility shall allow the customer to pay for the unbilled service over the same time period as the time period during which the under billing occurred or some other mutually agreeable time period. The utility shall not recover in a ratemaking proceeding, any lost revenues which inure to the utility's detriment on account of this provision.

(b) The revised bill shall be calculated on a monthly basis, assuming uniform consumption during the month(s) subject to underbilling, based on the individual customer's average usage for the time period covered by the underbilling. The monthly bills shall be recalculated by applying the tariff rates in effect for that time period. The customer shall be responsible for the difference between the amount originally billed and the recalculated bill. All calculations used to arrive at the rebilled amount shall be made available to the customer upon the customer's request.

(2) In the event of an overbilling, the utility shall refund the overcharge to the customer, based on available records. If the commencement date of the overbilling cannot be determined, then an estimate of the overbilling shall be made based on the customer's past consumption.

(3) In the event of an overbilling, the customer may elect to receive the refund as a one-time disbursement, if the refund is in excess of \$20, or as a credit to future billings.

Rulemaking Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History–New 11-10-8, Amended \_\_\_\_\_.

**25-30.351 Unauthorized Use.**

In the event of unauthorized or fraudulent use of service or meter tampering, the utility shall bill the customer on an estimate of the water and/or wastewater services used based on the customer’s past consumption.

Rulemaking Authority 350.127, 367.121 FS. Law Implemented 367.091, 367.121 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Patti Daniel  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 39, No. 28, February 11, 2013

**DEPARTMENT OF FINANCIAL SERVICES  
Division of Insurance Agents and Agency Services**

RULE NOS.:                   RULE TITLES:  
69B-220.051                Conduct of Public Adjusters  
69B-220.201                Ethical Requirements

PURPOSE AND EFFECT: The purpose of the proposed amendments is to update the rules and incorporate legislative changes to Part VI of Chapter 626, F.S.

SUMMARY: The proposed changes to Rule 69B-220.051, F.A.C., clarify the responsibilities and requirements of public adjusters and public adjuster apprentices, define the terms “direct supervision” and “adjusting services,” specify the terms and conditions of public adjuster contracts, require the license number on advertisements, delete provisions that reiterate or paraphrase statutory materials, and prescribe practices to ensure fair dealing between public adjusters and claimants. The proposed changes to Rule 69B-220.201, F.A.C., update the code of ethics for all adjusters, delete provisions that reiterate or paraphrase statutory materials, and clarify the responsibilities and requirements of all adjusters.

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:

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: 624.308(1), 626.878, 626.9611(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.015(1), 626.112(1)(a), (3), 626.611, 626.621, 626.852(2), 626.854, 626.8541, 626.858, 626.859, 626.864, 626.8651, 626.8695(4), 626.8698, 626.877, 626.878, 626.8795, 626.8796, 626.9521, 626.9541(1)(b), (i) 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: May 9, 2013, 10:30 a.m.  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barry Lanier at (850)413-5601 or Barry.Lanier@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barry Lanier, Chief, Bureau of Investigations, Room 416, Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5601 or Barry.Lanier@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-220.051 Conduct of Public Adjusters and Public Adjuster Apprentices.

(1) Purpose and Scope. This rule sets forth Department policy as to certain matters generally affecting public adjusters and public adjuster apprentices. Emergency adjuster license procedures are contained in Rule 69B-220.001, F.A.C. Ethical requirements for all types of adjusters are contained in Rule 69B-220.201, F.A.C. Procedures regarding application for licensure are not dealt with in this rule. Ethical provisions are not dealt with in this rule.

(2) Definitions. ~~The following definitions shall apply for purposes of this rule.~~

(a) "Compensation" or "remuneration" means anything of value, whether received directly or indirectly, in return for adjusting services performed.

(b) "Department" means the Florida Department of Financial Services.

(c) "Financial Interest" means direct or indirect ownership.

~~(c)(d)~~ "Licensed public adjuster" and "licensed public adjuster apprentice," hereinafter referred to as "public adjuster," means those and include only persons currently licensed in good standing by the Department as public adjusters and as public adjuster apprentices, whether the licensure is resident licensure under Section 626.865, F.S., or nonresident licensure under Section 626.8732, F.S. The phrase does not include persons licensed as public adjusters by other states but not by the State of Florida.

~~(d)(e)~~ "Unlicensed persons," ~~as used in this rule,~~ means those and refers to persons who are not currently licensed and appointed in good standing by the Department as ~~resident or nonresident~~ public adjusters.

(e) "Person" includes natural persons and legal entities.

(f) "Direct supervision" means the physical presence of the supervising public adjuster when soliciting or executing a contract for public adjusting services.

(g) "Adjusting services" means the preparation, completion or filing of an insurance claim form with the respective insurer for an insured or third party claimant.

(3) Communications Concerning Public Adjuster Services.

(a) Solicitation. The solicitation of public adjusting business for compensation is deemed to be a material part of the business of public adjusting and, therefore, requires licensure as a public adjuster under the laws of Florida and the rules of the Department, and shall be engaged in only by persons licensed by the Department as public adjusters. Unlicensed persons shall not engage in such activity even under the supervision of a licensed public adjuster. The phrase "solicitation of public adjusting business" ~~and similar phrases as used in this rule~~ means, for compensation, initiating contact with any person, whether in person, by mail, by telephone, by brochure, by advertisement, by electronic media, or otherwise, and thereby therein seeking, causing, urging, advising, or attempting: ~~1. to~~ to have any person enter into any agreement engaging the services of a public adjuster with respect to a specific claim made or to be made under a policy of insurance, in any capacity; or

~~2. To have any person subsequently speak or meet with a licensed public adjuster for the purpose of engaging the services of a public adjuster in any capacity or for the purpose of being advised by a public adjuster in any regard.~~

(b) Answering Telephone Calls. The answering of incoming telephone calls by unlicensed persons, at the place of business of a public adjuster, is not violative of this rule so long

as the unlicensed persons engage in purely administrative matters and not in judgment, ~~or~~ interpretation or solicitation with regard to any insurance contract, public adjuster contract, claim, or potential claim.

(4) Advertising.

(a) As with all forms of advertising concerning the business of insurance, public adjusters shall not falsely inform or advertise as set forth in Section 626.9541(1)(b), F.S., as well as any other section within the Florida Insurance Code that relates to advertising.

~~(b) Only Licensed Adjusters to Advertise. No person or entity shall in any way advertise services as a public adjuster in this state, unless such person or entity is licensed as a public adjuster or is a member of the Florida Bar.~~

~~(b)(e)~~ Advertisements to Show Licensee's Full Name and License Number. Any advertisement, in whatever format, by a public adjuster shall legibly state the full name and license number, as specified in Department records, of the public adjuster who has caused the advertisement to appear. Any printed license number or disclosure shall be in typeface no smaller than the typeface of the main body of text in the advertisement. Where a public adjusting firm containing multiple licensed public adjusters is causing the advertisement to appear, the designated primary adjuster of said firm shall designate one of said licensees cause his or her whose full name and license number, as specified in Department records, shall to appear in the advertisement.

~~1. Print and Website Advertisements. In print and website advertisements the public adjuster's full name as specified in Department records shall be in typeface no smaller than the typeface of the main body of text in the advertisement. Print advertisements include newspapers, magazines, flyers, brochures, business cards, adhesive and magnetic publication, and similar printed materials. If the material is already printed when this rule takes effect, the required public adjuster's full name shall be added by means of rubber stamp, adhesive label, or other means.~~

~~2. Television Advertisements. In television advertisements the public adjuster's full name as specified in department records shall be made to appear on the screen for a period reasonably calculated to allow a viewer to write the name down.~~

~~3. Radio Advertisements. In radio advertisements, the public adjuster's full name as specified in department records shall be read during the advertisement, and at a speed reasonably calculated to allow an average listener to note the name of the licensee as it appears on his or her licensure.~~

~~(c)(d)~~ Responsibility of Advertising Licensee. The licensed adjuster whose name and license number appears in the advertisement is responsible for personally reviewing the content of the advertisement and assuring that the

advertisement complies with the rules of the Department and the Florida Insurance Code and is in all regards fair, accurate, and in no way untruthful, deceptive or misleading.

~~(5) It is an affirmative duty of every public adjuster to supervise their business affairs and their staff to ensure to the extent it is within the public adjuster's power that this Florida Insurance Code and Rule Chapter 69B-220, F.A.C., are not violated.~~

~~(5)(6) Required Contract Terms. In addition to the contract terms required by Sections 626.854 and 626.8796, F.S.,~~ Public adjusters shall ensure that all contracts for their services contain the following terms:

(a) The contract shall legibly state the full name, as specified in Department records, of the public adjuster or public adjuster apprentice signing the contract.

(b) ~~To ensure fair dealing, the All public adjuster contracts shall contain show the public adjuster's:~~

- ~~1. Permanent business address and phone number; and~~
- ~~2. Florida Department license number.~~

~~(c) The contract shall show:~~

1. The insured's full name, and street address, active phone number at which the insured can be contacted, and any other current contact information the insured wishes to provide;

2. ~~The a~~Address of loss;

3. A brief description of the loss to include the actual date or, if not known with certainty, the approximate date and the nature of the event causing the loss (i.e., windstorm, fire, sinkhole, or other peril);

4. The insured's insurance company name and policy number, if available.

~~5.(d) The contract shall show the date the contract with the public adjuster was actually signed by the insured or claimant.~~

~~6.(e)1.~~ The full compensation to the public adjuster shall be stated in the contract.

~~7.2.~~ If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified.

~~8.3.~~ Any costs to be reimbursed to the public adjuster out of the proceeds shall be specified in either the contract or an addendum to the contract, which shall be signed and dated by the parties.

~~(6)(7)~~ All contracts for public adjuster services must be in writing. The contract must be signed by the public adjuster who solicited the contract. A copy of the completed contract shall be provided to the insured or claimant at the time he or she signs the contract.

~~(7)(8)~~ No public adjuster shall may settle a claim unless the terms and conditions of settlement are approved in writing and dated by the insured.

Rulemaking Authority 624.308(1), 626.878, 626.9611(1) FS. Law Implemented 624.307(1), 626.112(1)(a), (3), 626.611, 626.852(2), 626.854, 626.8541, 626.865(2), 626.8651, 626.8695(4), 626.8795, 626.8796, 626.874, 626.9541(1)(b), (i) FS. History--New 4-26-94, Amended 12-18-01, Formerly 4-220.051, Amended 3-27-05, 9-3-06, \_\_\_\_\_.

69B-220.201 Ethical Requirements for All Adjusters.

~~(1) Definitions. The following definitions shall apply for purposes of this rule:~~

(a) "Adjuster," when used without further specification, includes all types and classes of insurance adjusters, (company employee, independent, and public), subject to Chapter 626, F.S., regardless of ~~whether resident or nonresident, and~~ whether permanent, temporary, or emergency licensees.

~~(b) "Client" includes both clients and potential clients; and means any person who consults with or hires an adjuster to provide adjusting services.~~

~~(b)(e)~~ "Department" means the Florida Department of Financial Services.

~~(c)(d)~~ "Person" includes natural persons and legal entities.

(2) Violation.

(a) Violation of any provision of this rule shall constitute grounds for administrative action against the licensee.

(b) A breach of any provision of this rule constitutes an unfair claims settlement practice.

(3) Code of Ethics. The work of adjusting insurance claims engages the public trust. An adjuster shall put the duty for fair and honest treatment of the claimant above the adjuster's own interests in every instance. The following are standards of conduct that define ethical behavior, and shall constitute a code of ethics that shall be binding on all adjusters:

(a) An adjuster shall: not directly or indirectly refer or steer any claimant needing repairs or other services in connection with a loss to any person with whom the adjuster has an undisclosed financial interest, or who will or is reasonably anticipated to provide the adjuster any direct or indirect compensation for the referral or for any resulting business.

~~(b) An adjuster shall treat all claimants equally.~~

~~1. An adjuster shall not provide favored treatment to any claimant.~~

~~2. An adjuster shall adjust all claims strictly in accordance with the insurance contract.~~

~~(b)(e)~~ An adjuster shall not approach investigations, adjustments, and settlements in a manner prejudicial to the insured.

~~(c)(d)~~ An adjuster shall make truthful and unbiased reports of the facts after making a complete investigation.

~~(d)~~<sup>(e)</sup> An adjuster shall handle every adjustment and settlement with honesty and integrity, and allow a fair adjustment or settlement to all parties without any compensation remuneration to himself or herself except that to which he or she is legally entitled.

~~(e)~~<sup>(f)</sup> An adjuster, upon undertaking the handling of a claim, shall act with dispatch and due diligence in achieving a proper disposition of the claim. The lack of dispatch and due diligence shall include the failure of the adjuster to perform services for the claimant or policyholder of the company they represent or in the case of a public adjuster, the person under contract for their services or where the adjuster engages in a pattern of neglect which causes or could potentially cause injury to the insured or claimant.

~~(f)~~<sup>(g)</sup> An adjuster shall promptly report to the Department any conduct by any licensed agent, agency or adjuster insurance representative of this state that may constitute or is reasonably believed by the adjuster to constitute a violation of which violates any provision of the Florida Insurance Code or Chapter 69B, F.A.C. Department rule or order.

~~(g)~~<sup>(h)</sup> An adjuster shall exercise heightened extraordinary care when dealing with persons 65 years of age and older elderly clients to assure that they are not disadvantaged in their claims transactions by failing memory or impaired cognitive processes.

~~(h)~~<sup>(i)</sup> An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if the adjuster has knowledge of such representation, except with the written consent of the attorney. For purposes of this subsection, the term "third-party claimant" does not include the insured or the insured's resident relatives.

~~(i)~~<sup>(j)</sup> An adjuster is permitted to interview any witness, or prospective witness, without the consent of opposing counsel or party. In doing so, however, the adjuster shall scrupulously avoid any suggestion calculated to induce a witness to suppress or deviate from the truth, or in any degree affect the witness's appearance or testimony during deposition or at the trial. If any witness making or giving a signed or recorded statement so requests, the witness shall be given a copy of the statement.

~~(j)~~<sup>(k)</sup> An adjuster shall not advise a claimant to refrain from seeking legal advice, nor advise against the retention of counsel or the employment of a public adjuster to protect the claimant's interest.

~~(k)~~<sup>(l)</sup> An adjuster shall not attempt to negotiate with or obtain any statement from a claimant or witness at a time that the claimant or witness is, or would reasonably be expected to be, in shock or serious mental or emotional distress as a result of physical, mental, or emotional trauma associated with a loss. The adjuster shall not conclude a settlement when the settlement would be disadvantageous to, or to the detriment of, a claimant who is in the traumatic or distressed state described above.

~~(l)~~<sup>(m)</sup> An adjuster shall not knowingly fail to advise a claimant of the claimant's claim options rights in accordance with the terms and conditions of the insurance contract and of the applicable laws of this state. An adjuster shall exercise care not to engage in the unlicensed practice of law as prescribed by the Florida Bar.

~~(m)~~<sup>(n)</sup> A company employee adjuster or independent adjuster shall not draft special releases called for by the unusual circumstances of any settlement or otherwise draft any form of release, unless advance written approval by the insurer can be demonstrated to the Department. Except as provided above, a company employee adjuster or independent adjuster is permitted only to fill in the blanks in a release form approved by the insurer they represent.

~~(n)~~<sup>(o)</sup> An adjuster shall not undertake the adjustment of any claim concerning which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.

~~(o)~~<sup>(p)</sup> No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm. No person shall, as a company employee adjuster or independent adjuster, represent him- or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

~~(p)~~ No public adjuster, while so licensed in the Department's records, may represent or act as a company adjuster, independent adjuster, or general lines agent. ~~(q)~~ A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy. No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

~~(s)~~ A company adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of an insurer that needs access to an insured or claimant or to the insured property that is the subject of a claim shall provide at least 48 hours notice to the insured or claimant prior to scheduling a meeting with the claimant or an on site inspection of the insured property. The insured or claimant may deny access to the property if this notice has not been provided.

(4) Public Adjusters, Other Ethical Constraints. In addition to the considerations set out above for adjusters, the following ethical considerations are specific to public adjusters and shall be binding upon public adjusters:

~~(a) A public adjuster shall advise the insured and claimant in advance of the insured or claimant's right of counsel, and choice thereof, to represent the insured or claimant, and that such choice is to be made solely by the insured or claimant.~~

~~(a)(b) Prior to submitting any claim to the insurer, the public adjuster shall notify the insured or claimant in advance of the name, and location and telephone number of any proposed contractor, architect, engineer, or other similar professional, whose before any bid or proposal was used in whole or in part by the public adjuster in the preparation of the claim by any of these persons may be used by the public adjuster in estimating the loss or negotiating settlement. The insured or claimant may exercise veto power over the use of said persons, such that the public adjuster may not submit a claim to which that veto power has been applied of any of these persons, in which case that person shall not be used in estimating costs.~~

~~(b)(e) The public adjuster shall ensure that if a contractor, architect, engineer, or other professional is used to perform the repair work made under the claim in formulating estimates or otherwise participates in the adjustment of the claim, the professional, if so required, shall be licensed by the Florida Department of Business and Professional Regulation or other regulatory agency.~~

~~(c)(d) A public adjuster shall not prevent, or attempt to dissuade or prevent, an insured or a claimant from speaking privately with the insurer, company employee adjuster, or independent adjuster, attorney, or any other person regarding the settlement of the claim.~~

~~(e) A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured.~~

~~(f) A public adjuster shall not accept referrals of business from any person with whom the public adjuster may conduct business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. Except as between licensed public adjusters, no public adjuster shall compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.~~

~~(g) A public adjuster's contract with a client shall be revocable or cancellable by the insured or claimant, without penalty or obligation, for at least 3 business days after the contract is executed. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period. If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster. Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 3-day cancellation period.~~

~~(d)(h) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.~~

~~(e)(f) A public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement, including the terms required by Rule subsection 69B-220.051(6), F.A.C.~~

~~(f) No public adjuster or public adjusting firm shall require, demand, charge, or accept any fee, retainer, compensation, commission, deposit, or other thing of value prior to receipt by the insured or claimant of a payment on the claim by the insurer. No public adjuster or public adjusting firm shall accept any form of payment or remuneration for adjusting services that the public adjuster or public adjusting firm have not yet performed.~~

~~(g) No public adjuster shall enter into any contract, agreement or other arrangement with any person, including an attorney, building contractor, architect, appraiser or repairman, by which the person would enter into an agreement to assist a claimant or insured on an insurance claim, utilize the services of the adjuster to carry out the agreement, and from the proceeds of the claim, allow the public adjuster to accept an amount that would exceed the limitation of the public adjuster's compensation imposed by Section 626.854(11), F.S.~~

~~(h) No public adjuster, while so licensed in the Department's records, shall represent or act as or be appointed as a company employee adjuster or independent adjuster. A public adjuster may hold a general lines agent license. However, no public adjuster, while so licensed in the Department's records, shall represent or act as both a public adjuster and a general lines agent for the same insurance claim.~~

~~(i)(f) A public adjuster shall not restrict or prevent an insurer, company employee adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of the insurer from having reasonable access at reasonable times to an insured or claimant or to the insured property that is the subject of a claim.~~

~~(j) No public adjuster shall re-open a claim and represent any person or entity on that re-opened claim if he or she previously adjusted that claim as an adjuster representing any insurer or adjusting firm.~~

~~(k) In the absence of a declared state of emergency by the Governor of the State of Florida, the public adjuster shall respond with specific information to a written or electronic request for claims status from a party to the public adjuster contract or the party's designated representative, within fourteen (14) days from the date of the request and shall document the file accordingly.~~

~~(5) Public Adjusters, Ethical Constraints During State of Emergency. In addition to considerations set forth above, the following ethical considerations shall apply to public adjusters in the event that the Governor of the State of Florida issues an~~

~~Executive Order, by virtue of the authority vested in Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, declaring that a state of emergency exists in the State of Florida:~~

~~(a) No public adjuster shall require, demand, charge or accept any fee, retainer, compensation, commission, deposit, or other thing of value, prior to receipt by the insured or claimant of a payment on the claim by the insurer.~~

~~(b) As to any one insured or claimant, no public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than ten percent of the amount of any insurance settlement or claim payment.~~

~~(c) No public adjuster shall enter into any contract, agreement or other arrangement with any person, including an attorney, building contractor, architect, appraiser or repairman, by which the person would enter into an agreement to assist a claimant or insured on an insurance claim, utilize the services of the adjuster to carry out the agreement and pay the adjuster an amount that would exceed the limitation of the adjuster's compensation or reimbursement as provided in paragraph (b) above.~~

Rulemaking Authority 624.308, 626.878, 626.9611(1) FS. Law Implemented 624.307(1), 626.015(1), 626.611, 626.621, 626.854, 626.8541, 626.858, 626.859, 626.864, ~~626.865(2)~~, 626.8695, 626.8698, 626.877, 626.878, 626.8795, 626.9521, 626.9541(1)(i) FS. History—New 6-2-93, Amended 12-18-01, Formerly 4-220.201, Amended 3-27-05, 9-3-06, 8-14-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Barry Lanier, Chief, Bureau of Investigations  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 2, 2012

### Section III Notices of Changes, Corrections and Withdrawals

**FLORIDA PAROLE COMMISSION**

**Parole Commission Qualifications Committee**

RULE NOS.:	RULE TITLES:
23A-1.001	Definitions
23A-1.002	Committee Description and Purpose

23A-1.003	Procedures for Applications
23A-1.004	Plan for Evaluation of Qualifications
23A-1.005	Rulemaking
23A-1.006	Notice of Meeting or Workshop
23A-1.007	Agenda of Meetings and Workshops
23A-1.008	Emergency Meetings

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 70, April 10, 2013 issue of the Florida Administrative Register.

Based upon the following, the Agency has determined that the proposed rules repeal will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with cultural-related activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

**DEPARTMENT OF JUVENILE JUSTICE**

**Transition**

RULE NOS.:	RULE TITLES:
63T-1.002	Definitions
63T-1.003	Community Supervision
63T-1.004	Residential Commitment Program
63T-1.005	Community Re-Entry Team

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 42, March 1, 2013 issue of the Florida Administrative Register.

63T-1.002 Definitions.

For the purpose of this rule chapter, the following words shall have the meaning indicated.

(1) No change.

(2) Community Reentry ~~ReEntry~~ Team – A team established in each judicial circuit in partnership with a school district transition contact to identify community resources for youth returning from residential commitment. The Community Reentry ~~ReEntry~~ Team should include representation from the department, case managers responsible for continuity of programming for youth exiting commitment programs, representatives of other agencies involved with a youth, community law enforcement, educational entities, the One Stop Career Center and individuals specific to each youth served by the committee.

(3) through (4) No change.

(5) Exit Conference – A conference that a residential commitment program conducts at least 14 days prior to a youth's targeted release date, wherein the youth, residential program staff, the youth's Juvenile Probation Officer, post-residential services case manager, if different than the

Juvenile Probation Officer, the youth's parent or guardian, and other pertinent parties, review the status of the youth's transitional activities and finalize plans for the youth's release and ~~reentry~~ ~~re-entry~~ into the community.

(6) Exit Portfolio – A compilation of documents assembled by the residential program to assist the youth after release. Exit portfolios include such things as an Identification Card, social security card (for youth over 15 years old), birth certificate, all educational documentation, school transcripts, resume, sample employment applications, and educational or vocational certificates earned in the program, and a calendar with all the dates/times/locations of upcoming appointments.

(7) through (11) No change.

(12) One Stop ~~Career~~ Center – Part of a national labor exchange network that links employers to qualified applicants and also provides employment, education and training services for job seekers and employers. Whenever a reference is made to a One Stop Center, it also includes their provider agencies contracted to provide similar services.

(13) through (17) No change.

(18) Transition Liaison – An identified JPO in each judicial circuit who functions as the transition specialist within their local area and works ~~as a~~ liaisons with the ~~Reentry~~ ~~ReEntry~~ Teams and residential commitment programs.

(19) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.433(7)(c), 985.435, 985.46, 985.601(3)(a) FS. History–New\_\_\_\_\_.

63T-1.003 Community Supervision.

(1) through (2) No change.

(3) Transition. Youth's success is dependent upon the intervention and treatment team, which includes key individuals invested in the youth's success, developing a transition plan for each youth that identifies all required actions for community re-integration. The JPO, or designee must participate in person, telephonically, or if available, through web-based video phone in the transition conference held in accordance with 63T-1.004(1)(a), FAC. Through this participation the JPO shall identify returning youth with unmet treatment and service needs or other barriers to release. The JPO shall refer these identified cases to the Transition Liaison to determine if the case shall be presented to the Community ~~Reentry~~ ~~ReEntry~~ Team. The JPO shall ensure that:

(a) Living arrangements have been identified for the youth;

(b) Transportation arrangements from the program to their home community have been made; Once a Juvenile Probation Officer has exhausted all means of family transportation, the responsibility resides with the Juvenile Probation Officer and/or residential program to complete these arrangements as follows:

1. Youth who live within 75 miles of the commitment program – Transportation home will be provided by program staff.

2. Youth who live more than 75 miles but less than 300 miles from the program – The youth will be transported by the program to a location pre-arranged with the youth's Juvenile Probation Officer, who will then take the youth the rest of the way home. The meeting point for the transfer of the youth must be flexible so that the round trip can take place within 8 hours.

3. Youth who live 300 plus miles from the program – The Juvenile Probation Officer will register the youth with the local regional detention center and communicate the specific arrangements to the residential commitment program. The residential commitment program will transport the youth to the local detention center who will then transport the youth to the detention center closest to the youth's residence. If the parent is unable to transport the youth home from the detention center, the Juvenile Probation Officer will complete the transport.

(c) Outstanding service needs and interventions are identified. These needs may be for things such as mental health or substance abuse treatment as well as educational and vocational training services, mentoring, employment assistance, child care, or Medicaid eligibility;

(d) A case summary is presented to the Community ~~Reentry~~ ~~ReEntry~~ Team if appropriate;

(e) Contact information for the youth's Department of Children and Families case worker (DCF) or other agency staff working with the youth is obtained if appropriate; and

~~(f)~~(e) The information on the Pre Release Notification (PRN) provided by the program is correct and that it gets forwarded ~~timely~~ within three working days.

(4) Exit. Finalization of the action steps required in the transition plan is completed at the Exit Conference. The JPO, or designee must participate in person, telephonically, or if available, through web-based video phone in the exit conference held in accordance with paragraph 63T-1.004(1)(b), F.A.C. At this conference the JPO confirms that they have:

(a) Verified the youth's living arrangements;

(b) Confirmed transportation arrangements; and

(c) Confirmed addresses and appointment times for community based treatment and services as well as educational or vocational services. This information shall be provided for placement in the youth's exit portfolio.

Rulemaking Authority 985.64 FS. Law Implemented 985.433(7)(c), 985.435, 985.46, 985.601(3)(a) FS. History–New\_\_\_\_\_.

63T-1.004 Residential Commitment Program.

(1) Transition Planning. When developing each youth's performance plan and throughout its implementation during the youth's stay, a residential commitment program shall ensure that the intervention and treatment team is planning for the youth's successful transition to the community upon release

from the program. The intervention and treatment team shall intensify its transition planning as the youth nears his or her targeted release date as follows:

(a) Transition Conference. In a program with a length of stay over 90 days, the intervention and treatment team shall conduct a transition conference at least 60 days prior to the youth's targeted release date or 90 days for sex offenders. In any program with a length of stay of 90 days or less, the exit conference, addressed in paragraph 63T-1.004(1)(b), F.A.C., shall suffice to address all necessary pre-release transition activities.

1. The program director or designee, the intervention and treatment team leader, and the youth shall attend the transition conference. Although the program shall encourage other intervention and treatment team members to attend, those not attending shall provide written input to the team leader prior to the conference. If the youth's teacher is not an active intervention and treatment team member, the team leader shall invite the teacher to participate in the transition conference; however, if the teacher chooses not to attend, the team leader shall obtain the teacher's input prior to the conference. Additionally, the program shall invite the youth's JPO, post-residential services case manager, if different than the JPO, the youth's parent or guardian, the waiver support coordinator if the youth is an identified client of Agency for Persons with Disabilities (APD), a Division of Vocational Rehabilitation representative if the youth has a disability as evidenced on his or her Individual Education Plan (IEP), and if applicable, the DCF worker. The program shall encourage invitees' participation through advanced notifications and reasonable accommodations. However, when arrangements cannot be made for their participation in the transition conference, the intervention and treatment team leader shall request their input and offer an opportunity for them to provide it prior to the conference.

2. No change.

3. No change.

(b) Exit Conference. Prior to a youth's release, the program shall conduct an exit conference to review the status of the transition activities established at the transition conference and finalize plans for the youth's return to the community. Completion of the youth's exit portfolio will be verified at this conference placing confirmed times and locations of appointments on the calendar. The recommendations of the Community Reentry ReEntry team, if available, shall be considered at this time. The exit conference shall be conducted after the program has notified the JPO of the release, but not less than 14 days prior to the youth's targeted release date.

1. No change.

2. No change.

(2) Transitional ~~Treatment~~ Healthcare Planning. Consistent with transition planning required in Rule 63T-1.004(1), F.A.C., the program shall facilitate healthcare transitional planning and the exchange of information to maintain continuity of care for a youth who is released from a program.

(a) Healthcare Transition Discharge Planning – At least a 7 day supply of the youth's medication shall be provided to the youth and parents or guardians at the time of release from the program. The medication must be in an individually labeled, youth-specific, prescription container generated by a pharmacy vendor. Prescription medications shall not be released solely to minor youth. A 30 day paper prescription from the facility DHA, designee, PA, or ARNP for any non-narcotic medications that the youth will continue after release will be provided to the youth's parent or guardian or directly to the youth if over 18 years of age.

(b) Mental Health and Substance Abuse Transition / Discharge Planning

1. During the final phase of mental health or substance abuse treatment, the mental health clinical staff person or substance abuse clinical staff person, treatment team and youth shall establish a transition / discharge plan whereby improvements made during mental health and/or substance abuse treatment will be maintained upon the youth's movement from one facility to another, or return to the community.

2. A transition / discharge plan shall be documented on the Mental Health / Substance Abuse Treatment Discharge Summary Form (MHSA 011, August 2006) which is incorporated by reference, <http://www.flrules.org>, and is available at the department's website at <http://www.djj.state.fl.us/partners/forms-library>. A copy of the Mental Health / Substance Abuse Treatment Discharge Summary Form will be provided to the youth, the youth's assigned Juvenile Probation Officer, and also to the parent/legal guardian when the youth's written consent for release of substance abuse information to the parent/guardian has been obtained in accordance with consent provisions in Rules 63E-7.010/63T-1.004, F.A.C.

3. Transition planning for youths on suicide risk alert or suicide precautions immediately prior to transfer to another facility or program shall include verbal and written notification of the facility superintendent or program director where the youth is to be transferred, of the youth's current suicide risk status.

4. Transition planning for youths on suicide risk alert or suicide precautions immediately prior to discharge to the community shall include verbal and written notification of the youth's parent/legal guardian and the Juvenile Probation Officer of the youth's current suicide risk status.

(3) Coordination of Services for DJJ Youth ~~Also Served by Other Agencies more than one agency~~. In an effort to coordinate services for youth jointly served by the department

and other agencies, a residential commitment program shall provide information requested by the DCF worker, APD representative, or the youth’s JPO on behalf of these agency representatives, and shall, upon request, make reasonable accommodations for them to visit the youth. The program shall invite these representatives from other agencies to the youth’s transition and exit conferences in accordance with paragraphs ~~63T-1.004(1)(a) and (b) 63T-1.001(1)(a), and 63T-7.001(1)(b)~~, F.A.C., and, if necessary, make reasonable accommodations for telephone or video access to participate in the conference. Additionally, the program shall notify these representatives 30 days prior to a youth’s release or, in the event that the program does not have 30 days’ notice of the youth’s release, the program shall notify them immediately upon becoming aware of the release date.

Rulemaking Authority 985.64 FS. Law Implemented 985.433(7)(c), 985.435, 985.46, 985.601(3)(a) FS. History—New\_\_\_\_\_.

63T-1.005 Community ~~Reentry~~ ~~ReEntry~~ Team.

(1) A community based team shall be established in each judicial circuit to review cases identified for staffing.

(2) Cases presented to the Team shall be scheduled by a Transition Liaison to assist with:

- (a) Identifying the appropriate school placement;
- (b) Ensuring youth has a place to live;
- (c) Coordinating community-based treatment;
- (d) ~~Ensuring assisting with~~ transportation plans ~~arrangements~~; and

(e) ~~Reviewing receive updates on~~ previously presented ~~reviewed~~ cases when additional recommendations are needed to help ensure a youth’s successful transition.

(3) The Transition Liaison must ensure that all team recommendations are communicated to the youth’s assigned JPO.

Rulemaking Authority 985.64 FS. Law Implemented 985.433(7)(c), 985.435, 985.46, 985.601(3)(a) FS. History—New\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-4.0210	Definitions
65G-4.0211	General Provisions
65G-4.0212	Transition of Individuals to iBudget Florida
65G-4.022	iBudget Cost Plan Development and Approval
65G-4.024	Cost Plan Changes
65G-4.027	Cost Plan Funding and Review

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the Notice of Change in Vol. 39, No. 63, April 1, 2013 issue of the Florida Administrative Register.

The Notice of Change published for Rule 65G-4.020 was incorrect and it should have been published for Rule 65G-4.0210, 4.0211, 4.0212, 4.022, 4.024, and 4.027 and was submitted as a change to the Notice of Change published on December 19, 2012.

**Section IV  
Emergency Rules**

**NONE**

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

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:

11B-27.002: Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on April 3, 2013, the Criminal Justice Standards and Training Commission received a petition for a permanent waiver of subsection 11B-27.002(4), F.A.C., by the Florida Department of Agriculture and Consumer Services (FDACS) on behalf of Ismith Bocaille. Petitioner wishes to waive that portion of the rule which requires an officer to obtain employment within four years of beginning basic recruit training. The Petitioner states that it was in the process of employing Officer Bocaille when Officer Bocaille’s four-year window to become employed expired. The agency had completed all of the requirements found in Section 943.13, F.S., for hiring an officer. The Petition states that the operation of the rule would violate the principles of fairness because Petitioner had almost completed the pre-hiring requirements when Officer Bocaille’s four-year window to become employed expired. The Petition states that the operation of the rule creates a substantial hardship for both Petitioner and Officer Bocaille because neither will have the benefit of employing Petitioner after completing an extensive pre-employment screening. The Petitioner further supports the requested waiver by stating that it will incur a severe economic hardship if it must fire Officer Bocaille just to go through the background screening again in order to rehire him. Petitioner further states that the rule would cause Officer Bocaille substantial economic hardship not only because of lost income, but because he put himself through basic recruit training and ensured he passed the SOCE at his own initiative and cost.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, or by telephoning (850)410-7676.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that on March 27, 2013, the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, received a Petition for Variance or Waiver from the Petitioner, Anheuser-Busch, LLC., VW 2013-099, for Rule No: 61A-2.014: Applications.

Nature of the rule for which variance or waiver is sought: The Petitioner, Anheuser-Busch, LLC, requested a waiver of Rule 61A-2.014, F.A.C., Subsection (6), which requires all directors or officers of a corporation with an interest in an alcoholic beverage license to file a set of fingerprints at the time of making application for a beverage license or at the time an interest is created after a license has been issued.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy Cottrell, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on April 8, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Valencia Osceola Campus, Bldg. 4, Elevator #2. Petitioner seeks a variance of the requirements of ASME A17.1S, Section 2.1.1.1.2, 2.1.1.2.2(d)(1)(2)&(3), 2.3.3.1, 2.7.1.1.2, 2.7.1.3.1, 2.7.8.1, 2.11.1.4, 2.11.19, 2.14.1.7.2, 2.14.1.7.3, 2.19.2, 2.19.2.1 and 2.21.4.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires partitions, hoistway enclosed and fire resistive, access doors with fire protection rating, floor levels, ropes and sheaves, access openings for cleaning of car and hoistway enclosures, gasketing of hoistway entrances, working platform or equipment not required shall not be located above the top of an elevator car, Devices that detect unauthorized access to the top of the car, protection against unintended car movement, and connections which poses a significant economic/financial hardship. Any interested person may file comments within 5

days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-112).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on April 9, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Palm Bay Hotel. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-113).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on April 9, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Z Properties Building. Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.20.1, 2.18.5.1, 2.20.4, 2.20.5 and 2.20.9 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm, suspension-rope equalizers, and suspension-rope fastening which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2013-114).

A copy of the Petition for Variance or Waiver 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-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On an Emergency Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Paragraph 3-305.14, 2009 FDA Food Code, Paragraph 6-202.15, 2009 FDA Food Code, Paragraph 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Café 100 All Occasions Catering located in St. Petersburg. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 39/63 on April 1, 2013. The Order for this Petition was signed and approved on April 8, 2013. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-23.003: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

NOTICE IS HEREBY GIVEN that on April 4, 2013, the Board of Professional Engineers received a petition for Variance or Waiver filed by Armando Linares, P.E., Deputy Director, Broward County Environmental Protection & Growth Management Department. The Petitioner seeks the Variance or Waiver from subsection 61G15-23.003(3), F.A.C., with respect to the requirement that requires that as part of an electronic seal process, a report be created, printed, and manually signed, dated and sealed.

The Board will address this Petition at its next meeting.

Comments on this petition should be filed with the Board of Professional Engineers, 2369 North Monroe Street, Suite B-112, Tallahassee, FL 32303, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Zana Raybon, Executive Director, Board of Professional Engineers, at the above address or telephone (850)521-0500.

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

### REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The West Florida Regional Planning Council and the Walton/Okaloosa/Santa Rosa Regional Utility Authority announces a public meeting to which all persons are invited.

DATE AND TIME: May 1, 2013, 1:00 p.m.

PLACE: Niceville City Council Chambers, 208 North Partin Drive, Niceville, FL 32588

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Regional Utility Authority.

A copy of the agenda may be obtained by contacting Michael Reistad, michael.reistad@wfrpc.org, (850)332-7976.

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: Michael Reistad, michael.reistad@wfrpc.org, (850)332-7976. 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).

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: Michael Reistad, michael.reistad@wfrpc.org, (850)332-7976.

**REGIONAL PLANNING COUNCILS**

East Central Florida Regional Planning Council

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 17, 2013, 10:00 a.m.

PLACE: 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: This previously noticed regular meeting of the East Central Florida Regional Planning Council has been CANCELLED.

If you have any questions please contact Gina Marchica, gmarchica@ecfrpc.org or (407)262-7772.

A copy of the agenda may be obtained by contacting contact Gina Marchica.

**METROPOLITAN PLANNING ORGANIZATIONS**

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) announces a public meeting to which all persons are invited.

DATE AND TIME: April 25, 2013, 12:00 Noon – 3:30 p.m. Joint Meeting of the MPOAC Governing Board and Staff Directors

PLACE: Florida Department of Transportation (Burns Building) Auditorium located at 605 Suwannee Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting Brigitte Messina, brigitte.messina@mpoac.org, (850)414-4037.

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: Brigitte Messina, brigitte.messina@mpoac.org, (850)414-4037. 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).

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 Brigitte Messina, brigitte.messina@mpoac.org, (850)414-4037.

**REGIONAL UTILITY AUTHORITIES**

Withlacoochee Regional Water Supply Authority

The Withlacoochee Regional Water Supply Authority Technical Advisory Committee announces workshops to which all persons are invited.

DATES AND TIMES: April 24, 2013, 2:00 p.m., WRPC, 1241 SW 10th St., Ocala, FL

June 18, 2013, 2:00 p.m., SWFWMD, 2379 Broad St., Brooksville, FL

August 7, 2013, 2:00 p.m., WRPC, 1241 SW 10th St., Ocala, FL

October 9, 2013, 2:00 p.m., SWFWMD, 2379 Broad St., Brooksville, FL

November 13, 2013, 2:00 p.m., WRPC, 1241 SW 10th St., Ocala, FL

December 4, 2013, 2:00 p.m., SWFWMD, 2379 Broad St., Brooksville, FL

PLACE: Meetings will alternate, as indicated above, between the Withlacoochee Regional Planning Council (WRPC), 1241 SW 10th St., Ocala, FL, and the Southwest Florida Water Management District (SWFWMD), 2379 Broad St., Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Withlacoochee Regional Water Supply Authority Technical Advisory Committee (TAC) meetings are held to provide feedback on the major components of the 2013 Water Supply Plan Update.

A copy of the agenda may be obtained by contacting: WRWSA, 3600 W. Sovereign Path, Suite 228, Lecanto, FL 34461 or www.wrwsa.org under "Meetings" and/or "Notices" prior to each meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nancy H. Smith, (352)527-5795. 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).

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: Nancy H. Smith, (352)527-5795.

**DEPARTMENT OF ELDER AFFAIRS**

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

DATE AND TIME: Monday, April 29, 2013, 9:00 a.m. - 11:00 a.m. (EST)

PLACE: Reserve your Webinar seat now at: <https://www2.gotomeeting.com/register/384576018>. Audio information: This webinar will be presented using Voice Over Internet Protocol (VOIP). To utilize VOIP, please have speakers and a microphone connected to your computer. If

speakers and a microphone are not available to you, or your computer doesn't have a sound card, please login to the webinar and follow the prompts to call the conference line (long distance charges apply). To avoid long distance charges, please see the audio options below. If you have any questions prior to the webinar regarding the audio options, please contact: Shandra McGlohon, Florida Department of Elder Affairs, email: mcglohonsa@elderaffairs.org, (850)414-2317. Audio options (USB equipment is ideal): (1) USB or analog headset. (2) Headphones and microphone. (3) Speakers and microphone. (4) Speakers only – Questions and comments can be submitted via the Question Pane. After registering you will receive a confirmation email containing information about joining the Webinar. System Requirements, PC-based attendees: required – Windows® 7, Vista, XP, 2003 Server or 2000. Macintosh®-based attendees: required – Mac OS® X 10.4.11 (Tiger®) or newer.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The work of the Purple Ribbon Task Force will be discussed.

A copy of the agenda may be obtained by contacting: Danielle Bist, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2140, email: bistd@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Danielle Bist, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2140, email: bistd@elderaffairs.org. 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: Danielle Bist, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2140, email: bistd@elderaffairs.org.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** April 25, 2013, 2:00 p.m.

**PLACE:** Conference call

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting Vicky Krentz at (888)862-7010.

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: Vicky Krentz at (888)862-7010. 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: Vicky Krentz, Executive Director, FMHRC, PO Box 7848, Clearwater, FL 33758, (888)862-7010, vicky@fmhrc.org.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Environmental Regulation Commission announces a public meeting to which all persons are invited.

**DATE AND TIME:** April 23, 2013, 9:00 a.m.

**PLACE:** Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32344

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Department will bring before the Environmental Regulation Commission (ERC) for adoption its proposed revisions under the current Triennial Review of state surface water quality standards. These revisions are proposed for Chapter 62-4 (Permits), Chapter 62-302 (Surface Water Quality Standards), and Chapter 62-303 (Identification of Impaired Surface Waters), F.A.C. The proposed rule amendments in Chapter 62-4, F.A.C., reduce the application fee required to establish a site specific alternative criterion in surface waters. The proposed rules also revise the limit on the size of turbidity mixing zones and the antidegradation threshold for turbidity in Outstanding Florida Waters for Joint Coastal Permit projects. The proposed rule amendments in Chapter 62-302, F.A.C., include: (1) incorporation by reference of a document titled "Implementation of Florida's Numeric Nutrient Standards", (2) revision of human health-based water quality criteria, and (3) revision of dissolved oxygen criteria. Other changes in Chapter 62-302, F.A.C., include revision of several definitions, correction of several typographical errors, establishment of numeric criteria for Lindane based on acute toxicity effects, clarification of how surface water quality criteria are applied, update a number of surface water quality criteria, correct outdated rule references for a number of surface water quality criteria, allow for the use of Ekman and Ponar sampling devices for determining the Shannon-Weaver Diversity Index, and establishment of numeric nutrient criteria in the Tidal Peace River estuary. The proposed rule amendments in Chapter 62-303, F.A.C., update the listing methodology for assessment of the revised Dissolved Oxygen criteria to determine waterbody impairments, implement a variety of miscellaneous updates identified during the Triennial Review of Florida's water quality standards, and update the listing methodology for human health-based water quality criteria to determine waterbody impairments.

A copy of the agenda may be obtained by contacting: Kay Buchanan, (850)245-2293, email kay.buchanan@dep.state.fl.us.

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: Kay Buchanan, (850)245-2293, email kay.buchanan@dep.state.fl.us. 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).

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: Kay Buchanan, (850)245-2293.

#### DEPARTMENT OF HEALTH

The Executive Committee of the Florida Coordinating Council for the Deaf and Hard of Hearing announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, April 25, 2013, 8:30 a.m., EDT  
PLACE: teleconference toll-free #: (888)670-3525, event code: 6625033505 #. Communication access realtime translation (CART) services will be provided remotely via: <http://www.streamtext.net/text.aspx?event= FCCDHH>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This will be a special called teleconference of the Executive Committee of the Florida Coordinating Council for the Deaf and Hard of Hearing for the purpose of examining applications for the position of Education/Outreach Coordinator for the Council.

A copy of the agenda may be obtained by contacting: info@fccdh.org; Marygrace\_Tavel@doh.state.fl.us or by phone: (850)245-4913, toll-free (866)602-3275; TTY, (850)245-4914, toll-free TTY (866)602-3276.

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: See contact information above. 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: See contact information above.

#### DEPARTMENT OF HEALTH Board of Medicine

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

DATE AND TIME: Friday, April 26, 2013, 2:00 p.m.

PLACE: (888)670-3525, participation code: 125-528-7056

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

A copy of the agenda may be obtained by contacting Susan Chase at (850)245-4640 ext. 8145, email susan\_chase@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting Susan Chase at (850)245-4640 ext. 8145, email susan\_chase@doh.state.fl.us. 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).

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 Susan Chase at (850)245-4640 ext. 8145, email susan\_chase@doh.state.fl.us.

#### DEPARTMENT OF HEALTH

##### Board of Medicine

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

DATE AND TIME: Friday, April 19, 2013, 2:00 p.m.

PLACE: (888)670-3525, participation code: 125-528-7056

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

A copy of the agenda may be obtained by contacting Karen Miller at (850)245-4640, ext. 8180, email Karen\_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting Karen Miller at (850)245-4640 ext. 8180, email Karen\_Miller2@doh.state.fl.us. 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).

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 Karen Miller at (850)245-4640, ext. 8180, email Karen\_Miller2@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-27.797: Standards of Practice for Compounding Sterile Preparations (CSPs)

The Board of Pharmacy announces a workshop to which all persons are invited.

DATE AND TIME: Friday, May 10, 2013, 10:00 a.m.

PLACE: The Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss USP 797 and necessary amendments to Rule 64B16-27.787, F.A.C.

A copy of the agenda may be obtained by contacting: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: the Board, (850)245-4292. 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).

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

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces public meetings to which all persons are invited.

DATES AND TIMES: Monday, May 20, 2013, 10:00 a.m., and Wednesday, May 29, 2013, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The first Review Committee meeting will be to discuss the proposals and answer any questions the Review Committee may have regarding the proposals submitted in response to Florida Housing Finance Corporation's Request for Qualifications No. 2013-06 from qualified Offerors for

Environmental Engineers/Consulting Services. The second Review Committee meeting will be to give the scores, rank the proposals and to submit a recommendation to Florida Housing's Board of Directors.

A copy of the agenda may be obtained by contacting Sherry Green, (850)488-4197 or sherry.green@floridahousing.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 Sherry Green, (850)488-4197 or sherry.green@floridahousing.org. 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).

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.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

DATE AND TIME: April 26, 2013, 9:30 a.m. – 11:30 a.m.

PLACE: Teleconference and Bryant Building, room 329, 620 South Meridian Street, Tallahassee, FL 32399-1600

GENERAL SUBJECT MATTER TO BE CONSIDERED: Evaluation of the FY 13-14 Florida's Wildlife Legacy Initiative's State Wildlife Grant project ideas for adaptation planning.

A copy of the agenda may be obtained by contacting: Andrea Alden, Marine Wildlife Legacy Biologist at (727)502-4794.

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

REGION XII TRAINING COUNCIL

The Region XII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 23, 2013, 8:45 a.m.

PLACE: Clayton Hutchinson Agricultural Center, Exhibit Hall "A", 559 Military Trail, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to F.D.L.E./C.J.S.T.C. updates; Palm Beach State College/Criminal Justice Institute Assessment Center Updates; Region XII budget approval and any other business.

A copy of the agenda may be obtained by contacting Sue Voccola, (561)868-3403.

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that the Board of Massage Therapy has issued an order disposing of the petition for declaratory statement filed by Diana Richardson, LMT on February 27, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement published on March 1, 2013, in Vol. 39, No. 42, of the Florida Administrative Register. Petitioner sought the agency's opinion as to the applicability of Chapter 480, F.S., as it applies to the petitioner. The petitioner sought clarification as to whether skin beautification services and body wrapping services are within the scope of practice for a licensed massage therapist. The Board of Massage Therapy considered the Petition at its March 13, 2013 telephonic meeting. The Board's Order filed on March 15, 2013, dismissed the petition as the petitioner did not provide enough information on the "techniques" and "procedures" she would use in performing a facial.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please refer all comments to: the Board of Massage Therapy within 14 days of publication of this notice.

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

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

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX**  
**Notices 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**

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals 2013-07 for Public Housing  
 Authority Revitalization High Priority Affordable  
 Housing Developments

Florida Housing Finance Corporation is authorized by section 420.507(48), F.S., to use up to 10 percent of its annual allocation of low-income housing tax credits to allocate by competitive solicitation for high-priority affordable housing developments.

This Request for Proposals (RFP) is open to Applicants proposing the development of affordable, multifamily housing involving Public Housing Authority (PHA) revitalization (consisting of Rehabilitation or Redevelopment) in medium and small counties.

The funding order for the Applications will be based on the Development's leveraging of funding from local or federal government sources and/or PHA resources as well as how the proposed Development ties into an initiative to revitalize the neighborhood or community. The Corporation expects to have up to an estimated \$2,580,000 of Competitive Housing Credits available for award to proposed Developments under this RFP. Proposals shall be accepted until 2:00 p.m., Eastern Time, on Thursday, May 9, 2013, to the attention of Kevin Tatreau, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Kevin Tatreau at [kevin.tatreau@floridahousing.org](mailto:kevin.tatreau@floridahousing.org). The Request for Proposals, which outlines selection criteria and Applicant's responsibilities, can be downloaded from the Florida Housing Finance Corporation web site at [http://apps.floridahousing.org/StandAlone/FHFC\\_ECM/ContentPage.aspx?PAGE=0394](http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0394)

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

FISH AND WILDLIFE CONSERVATION COMMISSION  
 HVAC REPAIRS IN THE SOUTH REGIONAL OFFICE

ADVERTISEMENT FOR BIDS

BIDS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

PROJECT NO: FWC 12/13-84

PROJECT NAME: HVAC REPAIRS IN THE SOUTH REGIONAL OFFICE

PROJECT LOCATION: WEST PALM BEACH, FL

FOR: Work on this proposed Contract includes removal and replacement of existing HVAC system as shown in plans. Project to include all materials, equipment, labor, permits and insurance necessary to complete the scope of work. As-built drawings in AutoCAD 2010 or later are required upon completion of construction. All debris to be disposed of off-site in a legal manner.

QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit qualification data of their eligibility to submit proposals with their bid.

PRE-BID CONFERENCE: A mandatory pre-bid conference has been scheduled for 10:00 a.m. EST on Thursday, April 25, 2013, at the South Regional Office, 8535 Northlake Blvd, West Palm Beach, FL.

REQUIRED BONDS: On projects where the base bid and sum of all additive alternates exceeds \$100,000, bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of contract, a 100% performance bond and a 100% labor and material payment bond will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: May 14, 2013, 2:00 p.m. EST

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Tel. (850)488-3427

PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions.

BID PACKAGE: Bid documents shall be obtained by downloading at no cost from:

[http://myflorida.com/apps/vbs/vbs\\_www.search.criteria\\_form](http://myflorida.com/apps/vbs/vbs_www.search.criteria_form).  
 Search for Number: FWC 12/13-84.  
 All drawings and plans shall be obtained from the Commission at the Mandatory Pre-Bid Conference.  
**CONTACT PERSON:**  
 Direct questions to the Bid Supervisor:  
 Ms. Sharita Newman  
 Florida Fish & Wildlife Conservation Commission  
 Purchasing Dept.  
 620 South Meridian Street  
 Tallahassee, Florida 32399-1600  
 Tel.: (850)488-3427  
 Fax: (850)921-2500  
 e-mail: [sharita.newman@myfwc.com](mailto:sharita.newman@myfwc.com)

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DEPARTMENT OF MILITARY AFFAIRS  
 120192 Combined Arms collective Training Facility (CACTF)  
 STATE OF FLORIDA  
 DEPARTMENT OF MILITARY AFFAIRS  
 PUBLIC ANNOUNCEMENT  
 INVITATION TO BID

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General and/or Building Contractors (GC) (as required by Florida Law) for the following projects located at Camp Blanding Joint Training Center (CBJTC), Starke, FL.

FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER 4/10/2013 AT [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

**FUNDING:** The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

Projects will be awarded based upon the availability of Federal Cooperative Agreement funding. There is no promise or guarantee this project will be awarded in Fiscal Year 2013 if funds are not received.

**BID OPENING DATE:** As stated on the Vendor Bid System (late bids will not be accepted).

**MANDATORY PRE-BID/SITE VISIT DATE:** As stated on the Vendor Bid System.

**PROJECT:** 120192 Combined Arms Collective Training Facility (CACTF).

The project will retrofit the facility's existing 14 training buildings with power and data for new targetry, cameras and instrumentation to provide proper force-on-force training for company sized units. The design also adds 18 buildings to the existing MOUT to create a full CACTF. The complete facility will include a Range Operations Control/After Action Review Building, a new Range Operations and Storage Building, and a new Wet Latrine integrated into the ROC/AAR floor plan. This project will require an upgrade to the existing site electrical service, and extending the fiber optic service, from SR-21 to the CACTF. The Live Fire Shoot House and Urban Assault Course will also be serviced by these new services. Because of the utilitarian nature of the facilities, the CACTF does not qualify for LEED certification, but the design solution embraces the principles of sustainable design, and systems/components selected were based upon life cycle costs. The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

**POINT OF CONTACT:** Department of Military Affairs, Construction & Facility Management Office, Contracting Branch (904)823-0255 or 823-0256 or 827-8544 or e-mail [ng.fl.flarng.list.ngfl-cfmo-contracting@mail.mil](mailto:ng.fl.flarng.list.ngfl-cfmo-contracting@mail.mil).

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JACKSONVILLE PORT AUTHORITY

INVITATION TO BID

TWIC Enhanced Physical / Perimeter Security  
Blount Island, Talleyrand and Dames Point Marine Terminals  
JAXPORT PROJECT NO.: G2012-04  
JAXPORT CONTRACT NO.: C-1395

Sealed bids will be received by the Jacksonville Port Authority until 2:00 p.m. (EST), Monday, May 6, 2013, at which time they shall be opened in the Public Meeting Room of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida, for Perimeter Security Enhancements.

All bids must be submitted in accordance with specifications and drawings for Contract No. C-1395, which may be examined in the Procurement Department of the Jacksonville Port Authority, located on the third floor of the Port Central Office Building, 2831 Talleyrand Avenue, Jacksonville, Florida 32206. (Please telephone [904]357-3017 for information.)

A MANDATORY PRE-BID CONFERENCE AND SITE VISIT WILL BE HELD ON MONDAY, APRIL 15, 2013, AT 10:00 A.M., AT THE PORT CENTRAL OFFICE BUILDING, 1ST FLOOR CONFERENCE ROOM, 2831 TALLEYRAND AVENUE, JACKSONVILLE, FL 32206.

IF YOU PLAN TO ATTEND, YOU MUST CALL (904)357-3017 TO HAVE YOUR NAME ADDED TO THE SHUTTLE BUS ROSTER. THESE ARE RESTRICTED TERMINALS AND YOU MUST BE ON THE BUS ROSTER TO ENTER THE TERMINALS.

IT IS MANDATORY THAT THE BIDDER SHALL ACKNOWLEDGE THE INCLUSION OF ALL ADDENDA ON THE BID FORM, FORM FB. ACKNOWLEDGEMENT

SHALL BE MADE BY INITIALS AND DATE. FAILURE TO ACKNOWLEDGE ALL ADDENDA SHALL RESULT IN REJECTION OF THE BID.

PLEASE VISIT [HTTP://WWW.JAXPORT.COM/ABOUT/PROJECTS.CFM](http://www.jaxport.com/about/projects.cfm) OR CALL THE PROCUREMENT DEPARTMENT AT (904)357-3017, PRIOR TO THE BID OPENING TO DETERMINE IF ANY ADDENDA HAVE BEEN RELEASED ON THIS CONTRACT.

Bid and contract bonding are required.

This project will be funded with Federal Funds.

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**Section XII  
Miscellaneous**

**NONE**

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Section XIII  
Index to Rules Filed During Preceding Week

**NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.**

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