

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

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:                    RULE TITLE:  
61-35.026                    Florida Real Estate Appraisal  
                                    Departmental Forms

**PURPOSE AND EFFECT:** The purpose of the rule is to update the Application for non-resident Temporary Practice Permits, allowing individuals applying to have a better understanding of the information needed in order to process the application.

**SUBJECT AREA TO BE ADDRESSED:** The Application for non-resident Temporary Practice.

**RULEMAKING AUTHORITY:** 455.2035, 455.213 FS.

**LAW IMPLEMENTED:** 455.213, 455.275, 475.615, 475.6221, 475.623, 475.6235, 475.630 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

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

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Food Safety

RULE NOS.:                    RULE TITLES:  
5K-4.020                    Food Permits; Requirements and  
                                    Fees  
5K-4.021                    Food Manager Certification  
5K-4.033                    Limited Poultry and Egg Farm  
                                    Operation

**PURPOSE AND EFFECT:** The purpose of these proposed rules is to provide regulatory and economic relief to small farm operations that produce and sell poultry and egg products. In accordance with the implementing language in House Bill 5001 of the 2010 Legislature, an assessment of small farm operations was completed by the Florida Department of

Agriculture and Consumer Services and a report entitled, Small Farms: Recommendations to Minimize Costs While Ensuring Food Safety, was provided to the Senate President and Speaker of the House of Representatives of the Florida Legislature by the Commissioner of Agriculture in January 2011. Since completion and delivery of that report, the Department has worked with interested operators of small farm operations to develop the enclosed proposed rule language that defines a Limited Poultry and Egg Farm Operation.

The effect of this proposed rule is to define a Limited Poultry and Egg Farm Operation as a food establishment and set a minimal fee on such operation. Proposed rule language establishes the minimum regulatory parameters for a Limited Poultry and Egg Farm Operation; specifies that for the purposes of this rule a “farm” has the same meaning as provided in Section 823.14, Florida Statutes; exempts Limited Poultry and Egg Farm Operators from Food Manager Certification requirements; and, allows for recognition and use of regulatory exemptions granted by the United States Department of Agriculture (USDA), provided regulatory specifications are met as required by the USDA. Documents detailing the requirements and specifications for such exemptions are adopted by reference in the proposed rule.

**SUMMARY:** Creation of a new food establishment in rule identified as a Limited Poultry and Egg Farm Operation including a definition of such operation; establishment of a permit fee that is lower than current fee category; providing the regulatory parameters for such operation; and, allowing for USDA exemptions applicable to such operations. A series of three public workshops were held to receive comments and concerns on the draft rule language. A number of verbal recommendations were received as well and several written comments for revision of proposed rule language. Additionally, a distribution list of small farmers and other interested individuals has been created and utilized to provide updates on the rule language and notification of the pending rule adoption.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the

Department relied upon information provided directly by participating small farmers and interested parties who are actively seeking adoption of this language as an economic relief to current statute and rule language. This rule proposes creation of a new lower cost permitting category that will acknowledge existing federal exemptions to regulations while maintaining compliance with Florida law. Additionally, no interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 500.09, 500.12(1)(b), 500.12(1)(f), 500.12(6), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), (f), 500.12(2), 500.12(6), 500.12(7), 500.121, 500.171, 500.172, 500.177, 570.15, 570.50(1), (2) 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: Lee M. Comman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, MS – C 18, Tallahassee, FL 32399-1650, telephone number: (850)245-5595

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) through (j) No change.

(k) Limited poultry and egg farm operation. A farm based food establishment which directly produces and offers dressed poultry or whole shell eggs for sale. No additional processing or food preparation of such poultry or shell eggs is allowed under this permit category. For purposes of this rule, "farm" has the same meaning as provided in Section 823.14, Florida Statutes.

(l)(\*) Limited Sales. Any business fitting any of the definitions in this subsection with gross food sales less than \$15,000.00 annually.

(m)(+) Meat market. A retail food store engaged primarily in the cutting, processing and selling of meats or poultry, or both. A limited number of other foods may be stocked, but inventory and sales are predominantly meat or poultry or both.

(n)(\*\*\*) Minor food outlet. Any retail establishment that sells groceries and may offer food service to the public limited to coffee from urns, or iced or frozen drinks, but neither the grocery sales nor the food service is a major retail function based on allocated space or gross sales. No retail food processing may be performed.

(o)(\*\*\*) Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

(p)(\*\*\*) Minor food outlet with limited food service. A minor food outlet where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, and without retail food processing.

(q)(\*\*\*) Minor food outlet with significant food service. A minor food outlet that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

(r)(\*\*\*) Mobile vendor. Persons selling foods other than fresh fruits or vegetables from trucks, trailers or similar self-propelled conveyances.

(s)(\*\*\*) Processor, other non-perishable foods. A processor or packager of grain products, snack foods, candy, table syrup, honey, coffee, tea, spices or other non-perishable foods not defined elsewhere in this section.

(t)(\*\*\*) Processor, other perishable foods. A processor of cheese, packaged sandwiches, bulk or packaged salads, or other perishable foods not defined elsewhere in this section.

(u)(\*\*\*) Rabbit or game processor. A processor of rabbits, quail, deer, or other bird or animal species normally considered game, excepting any equine, bovine, goat, sheep, swine, or chickens, turkeys, ducks, geese, squab, ratites or guineas.

(v)(\*\*\*) Retail bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for retail sale on the premises.

(w)(\*\*\*) Retail bakery with food service. A retail bakery where food other than breads, pastries or other similar baked goods is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food.

(x)(\*\*\*) Retail food processing. The cutting, grinding, or slicing of meats or cheeses for bulk or packaged display; the preparation and wrapping or packaging of sandwiches, salads, or other foods for retail display; the smoking or cooking of meat, poultry, or fish for retail display or on customer request; the steaming, cracking, or cooking of crustaceans or shellfish for retail display or on customer request; the on-premises baking of breads or pastries; or the peeling, cutting, or trimming and packing of fruit or vegetables for retail display.

~~(y)(\*)~~ Salvage store. A retail food store specializing in salvage foods.

~~(z)(\*)~~ Seafood market. A retail food store engaged primarily in the sale of seafood. A limited number of other foods may be stocked, but inventory and sales are predominantly fish, crustaceans, or shellfish.

~~(aa)(\*)~~ Seafood processor. A processor of fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption, primarily for wholesale distribution.

~~(bb)(aa)~~ Semi-permanent vendor. Persons selling foods other than fresh fruits and vegetables from a pushcart, flea market stand, roadside stand, kiosk or similar structure and which may offer ancillary food service.

~~(cc)(bb)~~ Supermarket. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains five or more check-out registers or 15,000 or greater total square footage, including display, preparation and storage areas.

~~(dd)(ee)~~ Tomato Packing House means any establishment that washes, packs, or otherwise treats tomatoes in their unpeeled, natural form before they are marketed.

~~(ee)(dd)~~ Wholesale bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for wholesale distribution.

(2) through (3) No change.

(4) (a) No change.

(b) The following schedule of fees is established for each food permit.

Bottling Plant	385
Bottled Water Plant	500
Canning Plant	490
Convenience Store	330
Convenience Store with Limited Food Service	430
Convenience Store with Significant Food Service	475
Food Salvage Center	470
Food Storage Warehouse	355
Grocery Store	540
Health Food Store	300
Health Food Store with Food Service	415
<u>Limited Poultry and Egg Farm Operation</u>	<u>100</u>
Limited Sales	130
Meat Market	455
Minor Food Outlet	300
Minor Food Outlet, Only Non-perishable Foods	190
Minor Food Outlet with Limited Food Service	415

Minor Food Outlet with Significant Food Service	470
Mobile Vendor	300
Packaged Ice Plant	250
Processor, Other Non-perishable Foods	335
Processor, Other Perishable Foods	490
Rabbit or Game Processor	390
Retail Bakery	355
Retail Bakery with Food Service	490
Salvage Store	470
Seafood Market	410
Seafood Processor	520
Semi-permanent Vendor	195
Supermarket	650
Tomato Packing House	100
Wholesale Bakery	530

(5) through (6) No change.

Rulemaking Specific Authority 500.09, 500.12(1)(b), 500.12(1)(f), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), (f), 500.12(2), 500.12(7), 500.121, 500.171, 500.172, 500.177, 570.15 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, 11-1-04, 11-5-07, 10-28-08, 3-1-09,\_\_\_\_\_.

5K-4.021 Food Manager Certification.

(1) through (2) No change.

(3) Food establishments shall designate in writing its food manager or managers. The designation shall be posted in a conspicuous place within the food establishment. The following types of food establishments are not required to designate a certified food manager:

(a) Food establishments that are not required to obtain a food permit in accordance with subsections 500.12(1)(a)1.-3., F.S.;

(b) Food establishments that store, sell, or store and sell only pre-packaged, non-potentially hazardous foods that arrive at the food establishment in a pre-packaged state and that are not opened or otherwise further processed by the food establishment;

(c) Food establishments that only process seafood and that are in full compliance with the mandatory HACCP provisions in paragraph 5K-4.002(1)(a), F.A.C.

(d) Tomato packing houses.

(e) Limited poultry and egg farm operation.

(4) through (11) No change.

Rulemaking Specific Authority 500.12(6), 570.07(23) FS. Law Implemented 500.12(6) FS. History—New 1-11-94, Formerly 5E-6.021, Amended 1-23-97, 5-25-98, 3-1-09,\_\_\_\_\_.

5K-4.033 Limited Poultry and Egg Farm Operation.

(1) PURPOSE.

This rule establishes the regulatory parameters for a farm based food establishment, limited to the provision of whole shell eggs and dressed poultry products only. Such products must be offered for sale at the farm location of the permitted farm operator or at roadside stands, at farmers markets, or at similar open-air market locations where farmers interface directly with the end consumer or, in accordance with the provisions of a *Producer/Grower – 20,000 Limit Exemption*, as identified in the *USDA Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act* (revision date April 1, 2006) and, as adopted by reference in subsection 5K-4.033(5) of this rule.

(2) REQUIREMENTS – POULTRY.

(a) For purposes of this rule, a poultry grower that slaughters and minimally processes no more than 20,000 birds in a calendar year, grown on his or her own farm in the State of Florida, is eligible to be permitted as a limited poultry and egg farm operation. This poultry may be sold as human food when the criteria for a *Producer/Grower – 20,000 Limit Exemption* as identified in the *USDA Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act* (revision date April 1, 2006) is met as determined by the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS). This exemption must be met in accordance with the *Poultry Product Inspection Act*, Section 464(c)(1)(C) &(c)(3) and *Title 9 Code of Federal Regulations* §381.10(a)(5) and (b)(1) and (2) as administered by the USDA Food Safety Inspection Service and identified in the *USDA Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act* (revision date April 1, 2006). Sale of dressed poultry by a limited poultry and egg farm operator shall be limited to no more than 100 pounds of dressed poultry in any one week in accordance with section 583.01, Florida Statutes. Poultry producers with flocks in excess of 20,000 poultry that seek to process poultry shall be permitted as a processor.

(b) Dressed poultry sold or offered for sale by a limited poultry and egg farm operation must also meet the applicable requirements of Chapter 583, Florida Statutes and Chapter 5K-5, Florida Administrative Code.

(3) REQUIREMENTS – SHELL EGGS.

(a) For purposes of this rule and in compliance with the *Regulations Governing the Inspection of Eggs (Egg Products Inspection Act)* as provided in Code of Federal Regulations 7, Part 57, and administered by the United States Department of Agriculture (USDA) Food Safety and Inspection Service, a shell egg producer that maintains a flock of no more than 3,000 poultry within any calendar year, on his or her own farm in the State of Florida, for the purpose of producing shell eggs for human consumption, is eligible to be permitted by this agency

as a limited poultry and egg farm operation. Sale of shell eggs by a limited poultry and egg farm operator shall be limited to less than 30 dozen eggs in any one week in accordance with Section 583.01, Florida Statutes. Shell egg producers with flocks in excess of 3,000 poultry shall be permitted as a shell egg processor.

(b) A limited poultry and egg farm operation that sells or offers for sale whole shell eggs must also meet the applicable requirements of Chapter 583, Florida Statutes and Chapter 5K-6, Florida Administrative Code.

(4) REQUIREMENTS – GENERAL.

(a) Limited poultry and egg farm operation products shall only be sold within the State of Florida and must not be sold or offered for sale in interstate commerce.

(b) For purposes of this rule, a whole shell egg product or dressed poultry product includes the domesticated chicken, turkey, duck, goose, or guinea.

(c) A limited poultry and egg farm operation shall not sell poultry or egg farm products over the internet, by mail order, or at wholesale. Limited poultry and egg farm operators are allowed to use the internet to advertise and promote their products and receive requests for limited poultry and egg farm products that are available for purchase and pick-up at the permitted farm location, roadside stand, farmer's market or similar open-air market locations, or by direct delivery to the purchaser.

(d) Inspection of the premises of a limited poultry and egg farm operation to determine compliance with this rule will be to provide information during the opening inspection or upon receipt of complaint only.

(e) Only the permitted limited poultry and egg farm operator, family member, or employee of the farm operation shall sell limited poultry and egg farm operation products, deliver products, or serve as a sales representative for the permitted farm operation. Another permitted limited poultry and egg farm operator can also be used to facilitate delivery or sales of farm products at a roadside stand, farmer's market or similar open-air market locations, or by direct delivery to the purchaser. No brokers or dealers in agricultural products as defined in Section 604.15(2), Florida Statutes, shall be used to sell limited poultry and egg farm operation products.

(5) MATERIALS ADOPTED BY REFERENCE. All documents and materials referenced in this rule are hereby adopted and incorporated by reference and are available as follows:

(a) The *Poultry Products Inspection Act*, revision date February 1, 2010, is accessible through the internet at: <http://www.flrules.org/Gateway/reference>.

(b) *Title 9, Volume 1, Parts 1 to 199, Code of Federal Regulations*, revised as of January 1, 2000, is accessible through the internet at: <http://www.flrules.org/Gateway/reference>.

(c) The USDA Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act; revision date April 1, 2006, is available through the internet at: <http://www.flrules.org/Gateway/reference>.

(d) Regulations Governing the Inspection of Eggs (Egg Products Inspection Act) as provided in Code of Federal Regulations 7, Part 57, revision date April 12, 2006, is available through the internet at: <http://www.flrules.org/Gateway/reference>.

Rulemaking Authority 500.12(6), 570.07(23) FS. Law Implemented 500.12(6) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Tiffani Onifade, Director, Division of Food Safety  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 32, August 10, 2012

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                      RULE TITLE:  
 59G-4.205                      Practitioner Services  
    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. 20, January 30, 2013 issue of the Florida Administrative Register.

The following changes have been made to the Florida Medicaid Practitioners Services Coverage and Limitations Handbook, December 2012.

Page 1-2 Anesthesiologist Assistant (AA)

The section will now read:

An AA is a graduate of an approved program who is licensed to perform medical services in accordance with sections 458.3475 and 459.023, F.S.

Page 1-3 General Provider Qualifications

The bullets for advanced registered nurse practitioners, physician assistants, anesthesiologist assistants, and registered nurse first assistants will now read:

- ARNP licensed as an advanced registered nurse practitioner within the scope of practice of nursing as defined in Chapter 464, F.S.;

- PA licensed as a physician assistant within the scope of practice as defined in Chapter 458 or 459, F.S.;
- AA licensed as an anesthesiologist assistant in accordance with sections 458.3475 and 459.023, F.S.;
- RNFA licensed as a registered nurse with certification as a registered nurse first assistant as defined in Chapter 464, F.S.

Page 1-8 Direct Supervision

The name of the information block will now read Personal Supervision. The section will now read:

Services provided by an ARNP or a PA under the personal supervision of a physician may be billed by the physician instead of the ARNP or PA.

Teaching physicians who seek reimbursement for oversight of patient care by a resident must personally supervise all services performed by the resident.

Personal supervision pursuant to subsection 59G-1.010(276), F.A.C., means that the services are furnished while the supervising practitioner is in the building and that the supervising practitioner signs and dates the medical records (chart) within 24 hours of the provision of the service.

Exceptions are deliveries, psychiatric services, and Child Health Check-Up screenings. The ARNP or PA who provides these services must bill using their own Medicaid ID number as the rendering provider number.

Page 1-8 ARNP Supervision

The section has been deleted.

Page 1-8 PA Supervision

The section has been deleted.

Page 2-7 Recommended Cervical PAP Screening

The name of the information block will now read Cervical Cancer Screening. The section will now read:

Medicaid reimburses for medically necessary cervical cancer screening, including Papinicolauou (PAP screening) and human papilloma virus screening.

Page 2-7 Recommended Colon Cancer Screening

The name of the information block will now read Colon Cancer Screening. The section will now read:

Medicaid reimburses colon cancer screening procedures and for symptoms that indicate medical necessity.

Page 2-7 Recommended Laboratory Procedure

Bullet number 3 will now read:

Testing for sexually transmitted infections.

Page 2-33 Emergency Care Visits

The third paragraph will now read:

If a MediPass recipient presents at the emergency room with a condition that the emergency room practitioner determines does not meet the definition of an emergency as defined in section 409.901(10), F.S., a provider whose salary is not included in the hospital's cost report may bill for a screening, evaluation, and examination utilizing procedure code 99281.

Page 2-44 Immunization Schedule

The section has been deleted.

Page 2-44 Vaccine Information Statements

The section has been deleted.

Page 2-45 Service Limitations

The first paragraph will now read:

Medicaid does not reimburse for investigational or experimental drugs as defined in Rule 59G-1.010, F.A.C.

Page 2-59 Who Can Perform the Screenings

The name of the information block will now read Requirements for Newborn Hearing Screening Providers. The section will now read:

All newborn and infant hearing screenings must be conducted by an audiologist licensed under Chapter 468, F.S., who meets the requirements of section 1861 [42 U.S.C.1395x(11)(4)(B)] of the Social Security Act; a physician licensed under Chapter 458 or 459, F.S.; or an individual who has completed documented training specifically for newborn hearing screenings and who is under the supervision of a licensed physician or licensed audiologist.

Supervision means the licensed physician or licensed audiologist directs and is fully legally responsible for the actions of the provider who renders the service.

Page 2-62 Excluded Services

The section will now read:

Medicaid does not reimburse consultation and psychiatric services, including pharmacologic management rendered in a nursing facility or skilled nursing facility.

Medicaid reimbursement for evaluation and management services in a skilled nursing facility or nursing facility are limited to nursing facility evaluation and management CPT codes. Medicaid does not reimburse "office and other outpatient" codes provided in the skilled nursing and nursing facility places of service.

Page 2-66 Undocumented Non-Citizens (Aliens)

The first sentence will now read:

Medicaid reimburses providers for the treatment of undocumented non-citizens (aliens) for the treatment of emergency medical conditions as defined in Section 409.901(10), F.S.

Page 2-82 Children Enrolled in Children's Medical Services (CMS)

The section has been moved to after the Transplant Evaluation section.

Page 2-96 Supervision Requirements

The third and fourth paragraphs will now read:

Invasive radiological studies require personal physician supervision to be reimbursed by Medicaid.

Personal supervision pursuant to subsection 59G-1.010(276), F.A.C., means that the services are furnished while the supervising practitioner is in the building, and that the supervising practitioner signs and dates the medical records (chart) within 24 hours of the provision of the service.

Page 2-113 Recipient Requirements for Non-Hysterectomy Sterilization

The section will now read:

Voluntary sterilization procedures performed for the primary purpose of rendering a recipient (male or female) incapable of reproducing are reimbursable by Medicaid.

All of the following criteria per 42 CFR, 441.253, Subpart F must be met for Medicaid reimbursement:

- The recipient must be at least 21 years old at the time of signing the State of Florida Sterilization Consent Form;
- The recipient must voluntarily give informed consent;
- The recipient must be mentally competent and not institutionalized in a correctional, penal, or rehabilitation facility or a facility for mental diseases;
- A State of Florida Sterilization Consent Form must be correctly completed and signed at least 30 days, but not more than 180 days, prior to sterilization; and
- The provider must submit the State of Florida Sterilization Consent Form with the claim. Medicaid will not reimburse the provider without the required form.

A copy of the State of Florida Sterilization consent form is available in the Florida Medicaid Provider Reimbursement Handbook. The handbooks and forms are available on the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com).

Page 2-121 Emergencies: Medicaid for Undocumented Non-Citizens (Aliens)

The section will now read:

Medicaid reimburses providers for the treatment of undocumented non-citizens (aliens) for the treatment of emergency medical conditions as defined in Section 409.901(10), F.S.

Pages 4-9 through 4-16 Recipient Assignment Forms

(incorporated by reference in Rule 59G-4.230, F.A.C.) will be added to each form.

Pages 5-6 through 5-8 Family Planning Waiver, continued

The heading of these pages will now read Family Planning Waiver Services, continued

Pages 5-6 through 5-10 Family Planning Waiver Services

The bold headings within the table have been revised to be consistent with the rest of the table.

**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-35.0011: Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program

NOTICE IS HEREBY GIVEN that on April 23, 2013, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.0011(1)(h), F.A.C., from the Florida Department of Corrections (DoC) on behalf of David Herbert. The Petitioner wishes to waive that portion of the rule that states a Basic Abilities Test (BAT) score is only good for four years from the date of the test. The Petitioner stated that Herbert passed the BAT before his hire date in October 2012. Petitioner states that Herbert's BAT scores expired 48 days prior to his beginning basic recruit training. Howard successfully completed basic recruit training. He was scheduled to take the State Officer Certification Examination on April 24, 2013, but his scores will not be released without a waiver of the rule.

Petitioner states that the application of the rule violates the principles of fairness in Herbert's situation because the BAT is to show fitness to enter basic, and Herbert has already passed basic. Petitioner states that Herbert and Petitioner suffer economic hardship under the rule as it is applied. Petitioner states that the underlying statute has already been fulfilled because Herbert passed basic recruit training.

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.

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on April 24, 2013, the Southwest Florida Water Management District, received a petition for a variance or waiver.

Petitioner's Name: Highlands CDD.

Rule No.: 40D-22.201.

Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation.

The petition has been assigned Tracking No. 13-4159.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: RULE TITLE:

62-604.400: Design/Performance Considerations

NOTICE IS HEREBY GIVEN that on April 16, 2013, the Department of Environmental Protection received a petition for a variance from Miami-Dade Water and Sewer Department requesting to be exempted from subparagraph 62-604.400(2)(a)1., F.A.C., which would require the installation of an on-site emergency generator at an existing Pump Station located at 2202 SW 26 St., Miami, FL. Petitioner instead requests to be able to use a portable generator. The Petition has been assigned OGC File No. 13-0935. Written comments must be received by the person below no later than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cheryl Minskey, 2600 Blair Stone Rd., Tallahassee FL 32399, (850)245-8619, cheryl.minskey@dep.state.fl.us.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: RULE TITLE:

62-604.400: Design/Performance Considerations

NOTICE IS HEREBY GIVEN that on April 23, 2013, the Department of Environmental Protection received a petition for a variance from the City of Cape Coral seeking a variance from paragraph 62-604.400(2)(a), F.A.C., which would require the installation of an on-site emergency generator for the City's sewage Lift Stations 527 which is located on Sanoval Blvd. near Sunvale Ct., and generally serves the residential area to the north of that intersection. Petitioner instead requests to be able to use a portable generator. The Petition has been assigned OGC File No. 13-0944. Written comments must be received by the person below no later than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gary Maier, DEP South District Office, P.O. Box 2549, Fort Myers, FL 33902-2549, (239)344-5664, gary.maier@dep.state.fl.us.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: RULE TITLE:

62-610.462: Reliability and Operator Staffing

NOTICE IS HEREBY GIVEN that on January 31, 2013, the Department of Environmental Protection received a petition for a variance from the Town of Lake Placid requesting relief from subsection 62-610.462(3), F.A.C., which requires staffing by a Class C operator 6 hours per day, 7 days per week at the Petitioner's North wastewater treatment plant. The Petitioner requests a reduction in the staffing requirement for weekends and stipulates that the reuse system will not be utilized on the weekends. The Petition has been assigned OGC File No. 13-0055. Written comments must be received by the person below no later than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gary Maier, DEP South District Office, P.O. Box 2549, Fort Myers, FL 33902-2549, (239)344-5664, gary.maier@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on April 26, 2013, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by David P. Rubalsky, M.D., on February 21, 2013, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 39, No. 40, of the Florida Administrative Register, on February 27, 2013. The Board, at its meeting held on April 5, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Florida Commission on the Status of Women announces telephone conference calls to which all persons are invited.

DATE AND TIME: May 8, 2013, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: May 8, 2013, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

DATE AND TIME: May 9, 2013, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

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

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: May 7, 2013, 1:30 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: May 14, 2013, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards & Recognition Task Force.

DATE AND TIME: May 14, 2013, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: May 15, 2013, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: May 16, 2013, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mentoring Task Force.

DATE AND TIME: May 21, 2013, 1:30 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.



GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone (850)414-3300, fax (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050; phone (850)414-3300, fax (850)921-4131. 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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050; phone (850)414-3300, fax (850)921-4131.

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#### DEPARTMENT OF EDUCATION

University of West Florida

The University of West Florida, Florida Public Archaeology Network announces public meetings to which all persons are invited.

DATES AND TIMES: May 9, 2013, 2:00 p.m. – 5:00 p.m. EDT; May 10, 2013, 8:00 a.m. – 12:00 Noon EDT.

PLACE: Solarius Room, Flagler College, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual FPAN Board of Directors meeting to discuss current matters and review goal updates.

A copy of the agenda may be obtained by contacting: Cheryl Phelps, FPAN Office Administrator; email: cphelps@uwf.edu, or phone (850)595-0050.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Cheryl Phelps, (850)595-0050. 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: Cheryl Phelps, FPAN Office Administrator; email: cphelps@uwf.edu, or phone (850)595-0050.

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#### DEPARTMENT OF TRANSPORTATION

The Bicycle and Pedestrian Partnership Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 1, 2013, 9:00 a.m. – 4:00 p.m.

PLACE: FDOT, Tallahassee Burns Bldg., Suwannee Room.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council discussion.

A copy of the agenda may be obtained by contacting: Paula San Gregorio, (850)414-4811.

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#### DEPARTMENT OF CITRUS

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

DATE AND TIME: May 8, 2013, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regularly scheduled meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, issues pertaining to Chapter 601, F.S., rulemaking; and any other matter addressed during regular meetings of the Commission.

A copy of the agenda may be obtained by contacting: Heather Facey, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831 or hfacey@citrus.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: Dianne Screws at dscrews@citrus.state.fl.us or (863)537-3984. 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.

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#### FLORIDA PAROLE COMMISSION

The Florida Parole Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Notice of Meeting Cancellation: May 1, 2013, 8:30 a.m.

PLACE: Florida Parole Commission, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting has been cancelled.

**FLORIDA PAROLE COMMISSION**

The Florida Parole Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 8, 2013, 8:30 a.m. Note: If not completed, meetings will continue on Thursday, May 9, 2013, 8:30 a.m.

PLACE: Florida Parole Commission, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, (850)488-1293.

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: Florida Parole Commission at [ada@fpc.state.fl.us](mailto:ada@fpc.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).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

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

DATES AND TIMES: May 15, 2013, 2:00 p.m., and May 28, 2013, 1:00 p.m.

PLACE: May 15: Medicaid Area Office 6, 6800 Dale Mabry Hwy, Suite 220, Tampa, FL 33614. This meeting will also be presented as a webinar.

May 28: Agency for Health Care Administration Headquarters, 2727 Mahan Drive, Bldg. 3, Tallahassee, FL 32308.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration is seeking to renew the federal waiver authority to continue to provide Medicaid eligibility to the MEDS-AD group, according to provisions of Section 409.904(1), Florida Statutes.

A link to the public notice document concerning this renewal request, instructions for how to submit comments, and a link to the Federal Centers for Medicaid and Medicare Services may be found at <http://ahca.myflorida.com/Medicaid/index.shtml>. All interested stakeholders will be able to provide comments for 30 days, from May 1 through May 30, 2013. The Agency will post all comments received for public review.

For a copy of the agenda for these meetings, or any person requiring special accommodations to participate in either meeting, please contact Marie Donnelly by email at [Marie.Donnelly@ahca.myflorida.com](mailto:Marie.Donnelly@ahca.myflorida.com), or call (850)412-4149.

Pursuant to the provisions of the Americans with Disabilities Act, for special accommodations, please advise the Agency at least 7 days prior. If you are hearing or speech impaired, please contact the Agency via the Florida Relay Service, (800)955-8771 (TDD) or (800) 955-8770 (voice).

A copy of the agenda may be obtained by contacting: Marie Donnelly by email at [Marie.Donnelly@ahca.myflorida.com](mailto:Marie.Donnelly@ahca.myflorida.com), or call (850)412-4149.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**State Boxing Commission**

**RULE NO.: RULE TITLE:**

61K1-1.0026: Approval of Matches, Fight Cards, Issuance of Permits; Assignment of Event Officials

The Florida State Boxing Commission announces a telephone conference call to which all persons are invited.

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

PLACE: Conference call number is (888)670-3525; passcode is 3051490078, then #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and vote regarding Rules 61K1-1.0026, 61K1-3.0055, 61K1-3.042, 61K1-4.008, 61K1-4.014, 61K1-4.019, 61K1-4.023, 61K1-4.025, and 61K1-4.028, F.A.C. and Chapter 61K1-3, F.A.C., regarding Professional boxing, kickboxing, and mixed martial arts matches, Commission office duties, pro-debut requirements, pro-am events, pre-match physical of amateurs, amateur handwraps, amateur reporting requirements, and amateur tournament variances.

A copy of the agenda may be obtained by contacting: Lina Hurtado, (850)488-8500.

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 24 hours before the workshop/meeting by contacting: Lina Hurtado, (850)488-8500. 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: Lina Hurtado, (850)488-8500.

**DEPARTMENT OF HEALTH**

Division of Emergency Medical Operations

The Bureau of Emergency Medical Oversight announces a public meeting to which all persons are invited.

DATE AND TIME: May 23, 2013, 1:00 p.m.

PLACE: 4042 Bald Cypress Way, A-22, Tallahassee, Florida 32399-1722, Room 210J

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting to discuss public and confidential cases.

Portions of the meeting will not be open to the public.

A copy of the agenda may be obtained by contacting: Kimberly Dodson, (850)245-4444, ext. 8206.

For more information, you may contact: Bureau of Emergency Medical Oversight, Emergency Medical Services Program, (850)245-4440.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Department of Children and Family Services announces public meetings to which all persons are invited.

DATES AND TIMES: See below.

PLACES: See below.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Two (2) public meetings will be held to discuss child welfare in Circuit 3 (Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties) and Circuit 8 (Alachua, Baker Bradford, Gilchrist, Levy, and Union Counties): what is working in the current system of care, identification of gaps in services, and critical areas needing improvement.

COLUMBIA COUNTY (Circuit 3): Wednesday, May 15, 2013, 5:30 p.m. – 7:30 p.m., Department of Transportation Building, District 2 Office, Madison Room, 1109 South Marion Avenue, Lake City, FL 32025.

ALACHUA COUNTY (Circuit 8): Thursday, May 16, 2013, 3:30 p.m. – 7:30 p.m., Department of Transportation Building, 5301 NE 39th Avenue, Gainesville, FL 32602.

A copy of the agenda may be obtained by contacting: James Taylor, phone (352)415-6269, email james\_e\_taylor@dcf.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: James Taylor, phone (352)415-6269. 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: James Taylor, phone (352)415-6269, email james\_e\_taylor@dcf.state.fl.us, 1000 NE 16th Avenue, Bldg. I, Gainesville, FL 32602.

**FINANCIAL SERVICES COMMISSION**

OIR – Insurance Regulation

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: May 13, 2013, 1:00 p.m.

PLACE: Senate Office Building Room 301, Tallahassee, Florida (adjacent to The Capitol)

GENERAL SUBJECT MATTER TO BE CONSIDERED: American Security Insurance Company has requested an average statewide rate change of 0.0% for its property collateral protection program, which is also known as “lender-placed insurance.” The proposed rate would be effective August 1, 2013 for new and renewal business. The requested rate change is not uniform. Some areas are subject to higher rates.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at ratehearings@flor.com; the subject line of your e-mail should read “American Security.”

A copy of the agenda may be obtained by contacting: Ken Tinkham, Esquire, (850)413-4292, or Cindy Walden, (850)413-2616.

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: Cindy Walden at (850)413-2616, email cindy.walden@flor.com. 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: Ken Tinkham, Esquire, (850)413-4292, or Cindy Walden, (850)413-2616.

**JUSTICE ADMINISTRATIVE COMMISSION**

The Justice Administrative Commission announces a public meeting to which all persons are invited.

DATE AND TIME: May 14, 2013, 10:00 a.m.

PLACE: Suite 2100, City Centre Building, 227 N. Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Jessica Kranert, jessica.kranert@justiceadmin.org, (850)488-2415, ext. 223.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by

contacting: Jessica Kranert. 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).

**PARSONS BRINCKERHOFF**

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

**DATES AND TIMES:** Freight and Stakeholders Taskforce – August 22, 2013, 9:00 a.m. – 11:00 a.m.; and Mayors Council – August 22, 2013, 1:30 p.m. – 3:00 p.m.

**PLACE:** Ramada Inn, 3260 U.S. Highway 98 N., Lakeland, Florida 33805

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Department of Transportation has initiated the Polk Rail Study to identify the best solutions for regional freight movement through Polk County while minimizing community and environmental impacts. The Freight and Stakeholders Taskforce and Mayors Council meetings are an important element in the process of seeking input from interested stakeholders. These meetings will have an interactive discussion and review the long and short term improvements from the previous FAST and Mayors Council meetings, stakeholder meetings, and the first round of public meetings. More project information can be found at the project’s website at [www.polkrail.com](http://www.polkrail.com).

Financial Project ID No: 430103-1-22-01

A copy of the agenda may be obtained by contacting:

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: Robin Parrish, Florida Department of Transportation, District One, 801 N. Broadway Street, Bartow, Florida 33830-3809, (863)519-2675 or email: [robin.parrish@dot.state.fl.us](mailto:robin.parrish@dot.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Debbie Tower, Public Information Director, at the address listed above or by phone at (863)519-2362 or Brian Bollas, Project Information Liaison, at (727)946-1869. You can also visit the project website: [www.polkrail.com](http://www.polkrail.com) or join the conversation at the virtual town hall: <http://ideas.polkrail.com/>.

**Section VII**

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

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-2.091: Publications Incorporated by Reference

40D-2.301: Conditions for Issuance of Permits

40D-2.331: Modification of Permits

40D-2.801: Water Use Caution Areas

NOTICE IS HEREBY GIVEN that on April 25, 2013, the Southwest Florida Water Management District has received the petition for declaratory statement from Dina L. Bardin. The petition seeks the agency's opinion as to the applicability of Sections 373.219 and 373.223, F.S., and Rules 40D-2.091, 40D-2.301, 40D-2.331, and 40D-2.801, F.A.C. as it applies to the petitioner.

Specifically, Petitioner requests an opinion as to whether her property is within the Hillsborough River Groundwater Basin.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Amy Brennan, 7601 US Highway 301 North, Tampa, FL 33637, (813)985-7481, ext. 4658, [amy.brennan@watermatters.org](mailto:amy.brennan@watermatters.org).

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-80.073: Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Strategy

NOTICE IS HEREBY GIVEN that on April 25, 2013, the Southwest Florida Water Management District has received the petition for declaratory statement from Dina L. Bardin. The petition seeks the agency's opinion as to the applicability of Sections 373.219 and 373.223, F.S., and Rule 40D-80.073, F.A.C. as it applies to the petitioner.

Specifically, Petitioner requests an opinion as to whether her property is within the Hillsborough River Groundwater Basin.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Amy Brennan, 7601 US Highway 301 North, Tampa, FL 33637, (813)985-7481, ext. 4658, [amy.brennan@watermatters.org](mailto:amy.brennan@watermatters.org).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-3.001: Scope

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from Innovative Insulation Inc. The petition seeks the agency's opinion as to the applicability of Rule 61G20-3.001 as it applies to the petitioner.

Petitioner seeks clarification of whether radiant barrier and reflective insulation products fall within the scope of Rule 61G20-3 and require approval from the Florida Building Commission to be sold for construction in Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2203.

Please refer all comments to: Mo Madani, Planning Manager, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida 32399.

## Section XII Miscellaneous

### DEPARTMENT OF TRANSPORTATION

FDOT announces a public comment period to gather input for the Florida's Future Corridors Initiative. Comment period is open and will close May 28, 2013. Please comment at [www.flfuturecorridors.org](http://www.flfuturecorridors.org).

## 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

**NONE**

### PUBLIC SERVICE COMMISSION

Docket No. 110303-OT – Section 120.745, F.S., Legislative Review of Agency Rules in Effect on or Before November 16, 2010

Notice is hereby given that on April 26, 2013, the Florida Public Service Commission published the following documents on its website pursuant to §120.745(5), Florida Statutes (F.S.), for Group 2 rules: Compliance economic reviews, certification of completion, and directions for submitting lower cost regulatory alternatives. The Internet addresses through which these publications may be accessed are:

- [http://www.floridapsc.com/2011\\_Rule\\_review/Economic\\_Review/Group2/](http://www.floridapsc.com/2011_Rule_review/Economic_Review/Group2/)
- [http://www.floridapsc.com/2011\\_Rule\\_review/Economic\\_Review/25-6.0131](http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-6.0131)
- [http://www.floridapsc.com/2011\\_Rule\\_review/Economic\\_Review/25-6.0423](http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-6.0423)
- [http://www.floridapsc.com/2011\\_Rule\\_review/Economic\\_Review/25-6.043](http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-6.043)
- [http://www.floridapsc.com/2011\\_Rule\\_review/Economic\\_Review/25-30.120](http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-30.120)
- [http://www.floridapsc.com/2011\\_Rule\\_review/Economic\\_Review/25-30.437](http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-30.437)

Pursuant to Section 120.745(5)(c), F.S., no later than August 1, 2013, the rule ombudsman in the Executive Office of the Governor may submit lower cost regulatory alternatives to the Florida Public Service Commission. No later than June 15, 2013, other interested parties may submit lower cost regulatory alternatives to any rule. The person designated to receive lower cost regulatory alternatives, all inquiries, public comments, and objections pertaining to the publications identified in this notice is as follows: Julie Phillips, c/o Ann Cole, Commission Clerk, Docket No. 110303-OT, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, fax number (850)717-0118, email address [jphillip@psc.state.fl.us](mailto:jphillip@psc.state.fl.us).

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-4.244: Mixing Zones: Surface Waters

## NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the Palm Beach County, File No. 0311339-002-BV, to allow a 500 meter mixing zone for beach fill placement in conjunction with the Ocean Ridge Shore Protection Project. The nourishment site is located in Ocean Ridge, Palm Beach County, Section 27, Township 45 South, Range 43 East, Atlantic Ocean, Class III Waters. The variance is being granted because there is no practicable means known or available for the adequate control of the pollution involved. The request for a variance was received on April 17, 2012. The Department's file on this matter is available for public inspection at the Department of Environmental Protection's website: [ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/palm\\_bch/pending/0311339\\_Ocean%20Ridge%20Shore%20Protection%20Project/001-JC/](ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/palm_bch/pending/0311339_Ocean%20Ridge%20Shore%20Protection%20Project/001-JC/).

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a

motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Subsection 28-106.111(2) and Subparagraph 62-110.106(3)(a)4, F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

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#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

##### Emergency Action

On April 25, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Meds Rx Pharmacy, LLC, License # PH 24081. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### DEPARTMENT OF FINANCIAL SERVICES

##### Compliance Economic Reviews for Group 2 for the 2011 Enhanced Biennial Rule Review

The Department of Financial Services has published completed CERs for Group 2 in compliance with Section 120.74 and 120.745, F. S. The completed CERs and the Chief Financial Officer's certification of completion were published on the agency Internet website on or before May 1, 2013 and may be accessed at [http://www.myfloridacfo.com/2011\\_Rule\\_Review](http://www.myfloridacfo.com/2011_Rule_Review). All lower cost regulatory alternatives to the completed Compliance Economic Reviews for Group 2, pursuant to Section 120.745(5), F.S., must be submitted on or prior to June 15, 2013. Submittals should be directed to: DFS Agency Clerk,

200 E. Gaines Street, Room 612G, Larson Bldg., Tallahassee, FL 32399-0390, fax #(850)488-0697, email: [Julie.jones@myfloridacfo.com](mailto:Julie.jones@myfloridacfo.com).

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#### DEPARTMENT OF FINANCIAL SERVICES

##### Division of Rehabilitation and Liquidation

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH UNIVERSAL HEALTH CARE, INC.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2013-CA-000375

In Re: The Receivership of UNIVERSAL HEALTH CARE, INC. a Florida corporation authorized to transact an insurance business in Florida.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH UNIVERSAL HEALTH CARE, INC.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 21st day of March, 2013, the Department of Financial Services of the State of Florida was appointed as Receiver of UNIVERSAL HEALTH CARE, INC. and was ordered to liquidate the assets of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of UNIVERSAL HEALTH CARE, INC. shall present such claims to the Receiver on or before 11:59:59 p.m. on March 21, 2014, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Florida Department of Financial Services, Division of Rehabilitation and Liquidation, Receiver of UNIVERSAL HEALTH CARE, INC., 2020 Capital Circle, SE, Alexander Building, Suite 310, Tallahassee, Florida 32301. Additional information may be found at: [www.myfloridacfo.com/division/receiver](http://www.myfloridacfo.com/division/receiver).

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#### DEPARTMENT OF FINANCIAL SERVICES

##### Division of Rehabilitation and Liquidation

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH UNIVERSAL HEALTH CARE INSURANCE COMPANY, INC.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2013-CA-000358

In Re: The Receivership of UNIVERSAL HEALTH CARE INSURANCE COMPANY, INC. a Florida corporation authorized to transact an insurance business in Florida.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH UNIVERSAL HEALTH CARE INSURANCE COMPANY, INC.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 22nd day of March, 2013, the Department of Financial Services of the State of Florida was appointed as Receiver of UNIVERSAL HEALTH CARE INSURANCE COMPANY, INC. and was ordered to liquidate the assets of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of UNIVERSAL HEALTH CARE INSURANCE COMPANY, INC. shall present such claims to the Receiver on or before 11:59:59 p.m. on March 22, 2014, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Florida Department of Financial Services, Division of Rehabilitation and Liquidation, Receiver of UNIVERSAL HEALTH CARE INSURANCE COMPANY, INC., 2020 Capital Circle, SE, Alexander Building, Suite 310, Tallahassee, Florida 32301. Additional information may be found at: www.myfloridacfo.com/division/receiver.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
 Division of Community Development  
 FINAL ORDER NO. DEO-13-039  
 STATE OF FLORIDA  
 DEPARTMENT OF COMMUNITY AFFAIRS  
 In re: LAKE COUNTY LAND DEVELOPMENT  
 REGULATIONS ADOPTED BY  
 CITY OF AUBURNDALE ORDINANCE NO.1406

FINAL ORDER

The Department of Economic Opportunity (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., approving City of Auburndale Ordinance No. 1406 (the "Ordinance") as it relates to the Green Swamp Area of Critical State Concern.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern.  
 § 380.0551, Fla. Stat. The City of Auburndale is a local government within the Green Swamp Area.
2. The Ordinance was adopted by the City Commission of Auburndale, Florida, on March 4, 2013, and was rendered to the Department on March 18, 2013.
3. The Ordinance amends Chapter 5, Zoning, Chapter 6, Special Provisions, and Chapter 7, Signs, of the City's land development regulations relating to free-standing signs. On sites less than five acres, free-standing signs shall not exceed 80 square feet in area per side or 160 square feet in combined surface area. On sites five acres or more in size, free-standing signs shall not exceed 200 square feet in surface area per side

or 400 square feet in total combined surface area. The Ordinance provides size criteria for free-standing signs in the CG-General Commercial and CH-Highway Commercial zoning districts, and in Planned Development-Commercial Districts.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat.

5. The City of Auburndale is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat., and Rule Chapter 28-26, Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").

8. Ordinance No. 1406 is consistent with the Principles in Rule 28-26.003, Fla. Admin. Code, as a whole and is not inconsistent with any Principle.

9. Ordinance No. 1406 is consistent with the City of Auburndale Comprehensive Plan as a whole and furthers Future Land Use Element Objective 4 and Policy 4.1.

WHEREFORE, IT IS ORDERED that City of Auburndale Ordinance No. 1404 is found to be consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/  
 William B. Killingsworth, Director  
 Division of Community Development  
 Department of Economic Opportunity  
 NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR



PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER. IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS AFTER PUBLICATION OF THIS FINAL ORDER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK  
 DEPARTMENT OF ECONOMIC OPPORTUNITY  
 OFFICE OF THE GENERAL COUNSEL  
 107 EAST MADISON STREET, MSC 110  
 TALLAHASSEE, FLORIDA 32399-4128  
 Fax (850)921-3230

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS AFTER PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 26th day of April, 2013.

\_\_\_\_\_/s/\_\_\_\_\_  
 Miriam Snipes, Agency Clerk

By U.S. Mail:

The Honorable Richard Hamann, Mayor  
 City of Auburndale  
 1 Bobby Green Plaza  
 Auburndale, FL 33823

Shirley Lowrance, City Clerk  
 City of Auburndale  
 1 Bobby Green Plaza  
 Auburndale, FL 33823

Amy Palmer, AICP  
Community Development Director  
P. O. Box 186  
Auburndale, FL 33823

By Hand Delivery or Interagency Mail:

Rebecca Jetton, Community Planning Administrator, DEO Tallahassee  
Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
FINAL ORDER NO. DEO-13-038  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: LAKE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
CITY OF AUBURNDALE ORDINANCE NO.1404

FINAL ORDER

The Department of Economic Opportunity (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., approving City of Auburndale Ordinance No. 1404 (the "Ordinance") as it relates to the Green Swamp Area of Critical State Concern.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern. § 380.0551, Fla. Stat. The City of Auburndale is a local government within the Green Swamp Area.
2. The Ordinance was adopted by the City Commission of Auburndale, Florida, on February 4, 2013, and was rendered to the Department on March 18, 2013.
3. The Ordinance amends Chapter 5, Zoning, Chapter 6, Special Provisions, and Chapter 7, Signs, of the City's land development regulations to provide location, size, setback and other criteria for billboards. The amendments to Chapters 5 and 6 relate to billboards in the CH-Highway Commercial,

LI-Light Industrial, and HI-Heavy Industrial zoning districts and in the Planned Development-Commercial Districts and Industrial Planned Unit Developments. The amendments to Chapter 7, Signs, General Requirements, allow billboard/off site advertising signs only within 200 feet of the Polk County Parkway (SR 570 toll) and Interstate 4 and provide that billboards are only permitted in Commercial Highway, Light Industrial, Heavy Industrial, Planned Development Commercial-1, Planned Development Commercial-2, and Industrial Planned Development zoning districts.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat.
5. The City of Auburndale is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat., and Rule Chapter 28-26, Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development for the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").
8. Ordinance No. 1404 is consistent with the Principles in Rule 28-26.003, Fla. Admin. Code, as a whole and is not inconsistent with any Principle.
9. Ordinance No. 1404 is consistent with the City of Auburndale Comprehensive Plan as a whole and furthers Future Land Use Element Objective 4 and Policy 4.1.

WHEREFORE, IT IS ORDERED that City of Auburndale Ordinance No. 1404 is found to be consistent with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
/s/

William B. Killingsworth, Director  
Division of Community Development  
Department of Economic Opportunity

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED

REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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AGENCY CLERK

DEPARTMENT OF ECONOMIC OPPORTUNITY  
OFFICE OF THE GENERAL COUNSEL  
107 EAST MADISON STREET, MSC 110  
TALLAHASSEE, FLORIDA 32399-4128  
Fax (850)921-3230

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Miriam Snipes, Agency Clerk

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 26th day of April, 2013.

By U.S. Mail:

The Honorable Richard Hamann, Mayor  
City of Auburndale  
1 Bobby Green Plaza  
Auburndale, FL 33823

Shirley Lowrance, City Clerk  
City of Auburndale  
1 Bobby Green Plaza  
Auburndale, FL 33823

Amy Palmer, AICP  
Community Development Director  
P. O. Box 186  
Auburndale, FL 33823

By Hand Delivery or Interagency Mail:

Rebecca Jetton, Community Planning Administrator, DEO Tallahassee  
Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee

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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