

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF MANAGEMENT SERVICES**

**RULE NOS.: RULE TITLES:**  
60-1.001 Definitions  
60-1.015 Procurement of Leases of 5,000 Square Feet or More  
60-1.018 Nominal and No Consideration Leases

**PURPOSE AND EFFECT:** These rules amend the definitions of terms for Chapter 60H-1, F.A.C., and the agencies methods for competitive solicitations of leases. These rules create the process for agency reporting of leases for which nominal or no consideration is being paid.

**SUBJECT AREA TO BE ADDRESSED:** Definitions, Procurement of Leases of 5,000 Square Feet or More and Nominal and No Consideration Leases.

**RULEMAKING AUTHORITY:** 255.249, 255.25, 255.503 FS.  
**LAW IMPLEMENTED:** 255.249, 255.21, 255.25, 255.254, 255.257, 255.503 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** February 4, 2014, 3:30 p.m. – 4:00 p.m. (ET)

**PLACE:** 4050 Esplanade Way, Conference Room 315K, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dottie Young at (850)488-1310 or Dorothy.Young@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Dottie Young, Department of Management Services, 4050 Esplanade Way, Suite 315, Tallahassee, Florida 32399 or Dorothy.Young@dms.myflorida.com

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

**DEPARTMENT OF HEALTH**

**Division of Disease Control and Health Protection**

**RULE NOS.: RULE TITLES:**  
64D-4.001 Purpose  
64D-4.002 Definitions  
64D-4.003 Eligibility and Documentation Requirements  
64D-4.004 Determined Eligible or Ineligible  
64D-4.005 Re-Determination and Continued Eligibility  
64D-4.006 Rights and Responsibilities  
64D-4.007 AIDS Drug Assistance Program (ADAP)  
64D-4.008 AIDS Insurance Continuation Program (AICP)

**PURPOSE AND EFFECT:** The purpose and effect of this rule amendment is to delete unnecessary language, and/or eliminate unnecessary definitions, update terminology and clarify program requirements for the Patient Care Programs. The change is will reduce the rule, implement cost containment and increase program income allowing the program to continue meeting state needs.

**SUBJECT AREA TO BE ADDRESSED:** The proposed language eliminates unnecessary information and defines in more detail the program qualifications for patient care services.

**RULEMAKING AUTHORITY:** 381.003(2) FS.

**LAW IMPLEMENTED:** 381.001, 381.003, 381.0011 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

**DATE AND TIME:** February 17, 2014, 1:00 p.m. – 3:30 p.m.

**PLACE:** UF/Health Learning Resource Auditorium, 653 West 8<sup>th</sup> Street, Jacksonville, Florida 32209

**DATE AND TIME:** February 19, 2014, 9:00 a.m. – 11:30 a.m.

**PLACE:** Florida Conference Center, 555 West Pensacola Street, Tallahassee, Florida 32301

**DATE AND TIME:** February 25, 2014, 9:00 a.m. – 11:30 a.m.

**PLACE:** The Florida Hotel and Conference Center, 1500 Sandlake Road, Orlando, Florida 32809

**DATE AND TIME:** February 26, 2014, 9:00 a.m. – 11:30 a.m.

**PLACE:** Holy Cross Hospital Auditorium, 4700 North Federal Highway, Ft. Lauderdale, Florida 33308

**DATE AND TIME:** February 26, 2014, 1:00 p.m. – 3:30 p.m.

**PLACE:** FIU Kovens Conference Center, 300 N. E. 151<sup>st</sup> Street, Miami, Florida 33181

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Suzanne Stevens, Community Program Coordinator, Division of Disease Control and Health Protection, HIV/AIDS and Hepatitis Section, 4052 Bald Cypress Way, Bin#A09, Tallahassee, Florida 32399-1715 or by email at Suzanne.Stevens@flhealth.gov

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Daniel Biggins, Executive Director, Regulatory Council for Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

## Section II Proposed Rules

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

#### Regulatory Council of Community Association Managers

RULE NO.:       RULE TITLE:

61E14-2.001     Standards of Professional Conduct

PURPOSE AND EFFECT: The Council proposes the rule amendment to delete unnecessary language and add language to clarify the standards of professional conduct of community association managers or management firms.

SUMMARY: The rule amendment will delete unnecessary language and add language to clarify the standards of professional conduct of community association managers or management firms.

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

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

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

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

RULEMAKING AUTHORITY: 468.4315(2) FS.

LAW IMPLEMENTED: 468.433 468.4135(2), 468.436 FS.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-2.001 Standards of Professional Conduct.

Licensees shall adhere to the following provisions, standards of professional conduct, and such provisions and standards shall be deemed automatically incorporated, as duties of all licensees, into any written or oral agreement for the rendition of community association management services, ~~the violation of which shall constitute gross misconduct or gross negligence:~~

(1) Definitions. As used in this rule, the following definitions apply:

~~(a) The word "control" means the authority to direct or prevent the actions of another person or entity pursuant to law, contract, subcontract or employment relationship, but shall specifically exclude a licensee's relationship with a community association, its board of directors, any committee thereof or any member of any board or committee.~~

~~(a)(b)~~ "Licensee" means a person licensed pursuant to Sections 468.432(3)(+ and (4)(2), F.S.

(b) "Community association" means a residential homeowners' association as defined in Section 468.431(1), F.S., or an association created or operated, under Chapters 718, 719, and 720, F.S.

(c) "Community Association Management Services" means performing any of the practices requiring specialized knowledge, judgement, and management skill as defined in Section 468.431(2), F.S.

~~(d)(e)~~ The word "funds" "Funds" as used in this rule includes money and negotiable instruments including checks, notes and securities.

(e) "Professional competence" means exercising the level of care, diligence, and skill in the management, operation, and financial accountaability required of associations under Chapters 718, 719, and 720, F.S.

(2) Honesty. During the performance of management services, a licensee shall not do the following: ~~knowingly make an untrue statement of a material fact or knowingly fail to state a material fact.~~

(a) Make misleading, deceptive, or fraudulent representations in or related to the practice of community association management; or

(b) Make or employ a trick or scheme in or related to the practice of community association management.

(3) Professional Standards Competence. During the performance of management services, a licensee shall do the following: undertake to perform only those community association management services which he or it can reasonably expect to complete with professional competence.

(a) Undertake to perform only those community association management services which can reasonably expect to complete with professional competence.

(b) Comply with the requirements of the governing documents by which a residential association is created or operated under Chapters 718, 719, and 720, F.S.

(c) Only deposit or disburse funds received by the community association manage or management firm on behalf of the association for the specific purpose or purposes designated by the board of directors, community association management contract or the governing documents of the association.

~~(4) Due Professional Care.~~

~~(a) A licensee shall exercise due professional care in the performance of community association management services.~~

~~(b) A licensee shall not knowingly fail to comply with the requirements of the documents by which the association is created or operated so long as such documents comply with the requirements of law.~~

~~(5) Control of Others.~~ A licensee shall not permit others under his or the management firm's control to commit on his or the firm's behalf, acts or omissions which, if made by either licensee, would place that licensee in violation of Chapter 455, 468, Part VIII, F.S., or Chapter 61 20, F.A.C. or other applicable statutes or rules. A licensee shall be deemed responsible by the department for the actions of all persons who perform community association management related functions under his or its supervision or control.

~~(4)(6) Records.~~ During the performance of management services, a licensee shall not:

(a) Withhold A licensee shall not withhold possession of the associations's official records, pursuant to Sections 718.111(12), 719.104(2) and 720.303(4), F.S. or any original books, records, accounts, funds, or other property of a residential community association created or operated under Chapters 718, 719, and 720, F.S. when requested by the community association to deliver the same to the association upon reasonable notice. Reasonable notice shall extend no later than 10 business days after termination of any management or employment agreement and receipt of a written request from the association. The manager may retain those records necessary for up to 20 days to complete an ending financial statement or report. Failure of the association to provide access or retention of accounting records to prepare

the statement or report shall relieve the manager of any further responsibility or liability for preparation of the statement or report. The provisions of this rule apply regardless of any contractual or other dispute between the licensee and the community association. ~~It shall be considered gross misconduct, as provided by Section 468.436(2), F.S., for a licensee to violate the provisions of this subsection.~~

(b) Deny or delay A licensee shall not deny access to association official records to an owner or his or her representative who is entitled to access within the timeframe and under the procedures set out in Sections 718.111(12), 719.104(2), or 720.303(4), F.S. for the purpose of inspecting or photocopying the same, to a person entitled to such by law, to the extent and under the procedures set forth in the applicable law.

(c) ~~Create~~ A licensee shall not create false records or alter the official records of an community association pursuant to Chapter 718.111(12), 719.104(2), or 720.303(4), F.S., or of the licensee except in such cases where an alteration is permitted by law (e.g., the correction of minutes per direction given at a meeting at which the minutes are submitted for approval).

(d) Fail A licensee shall not, to the extent charged with the responsibility of maintaining records, fail to maintain the records for a community association manager or management firm or the official his or its records, and the records of any applicable community association, in accordance with the Sectons 718.111(12), 719.104(2) and 720.303(4), F.S. laws and documents requiring or governing the records.

(7) Financial Matters. A licensee shall use funds received by him or it on the account of any community association or its members only for the specific purpose or purposes for which the funds were remitted.

~~(5)(8) Other Licenses.~~

(a) A licensee shall not commit acts of gross negligence or gross misconduct in the pursuit of community association management or any other profession for which a state or federal license is required or permitted. It shall be presumed that gross negligence or gross misconduct has been committed where a licensee's other professional license has been suspended or revoked for reasons other than non payment of fees or noncompliance with applicable continuing education requirements.

~~(a)(b)~~ A licensee shall not perform, agree to perform or hold himself or itself out as being qualified to perform any services which, under the laws of the State of Florida or of the United States, are to be performed only by a person or entity holding the requisite license for the service same, unless the

licensee also holds such license or registration; provided, however, that no violation of this rule hereof shall be deemed to have occurred unless and until the authority administering the license or registration in question makes a final determination that the licensee or registrant has failed to obtain a license or registration in violation of the law ~~requiring same~~.

~~(b)(e)~~ A licensee shall reveal all other licenses or registrations held ~~by him or it~~ under the laws of the State of Florida or the United States, if, as a result of such license or registration, a licensee receives any payment for services or goods from the community association or its board.

~~(d) Violation of any provision of Section 455.227(1), F.S., or of any part of this rule shall subject the licensee to disciplinary measures as set out in Section 468.436, F.S.~~

(6) Other Discipline.

(a) A licensee who fails to follow written instruction or directives to a residential association resulting from an enforcement proceeding instituted by the Division of Florida Condominiums, Timeshares, and Mobile Homes pursuant to Section 718.501 or 719.501 F.S., may be subject to disciplinary measures as set forth in Section 468.436, F.S.

(b) Violation of any provision of Section 455.227(1), F.S., or of any of this rule shall subject the licensee to disciplinary measures as set out in Section 468.436, F.S.

Rulemaking Authority 468.4315(2) FS. Law Implemented 468.4135(2) ~~468.433~~, 468.436 FS. History—New 5-5-88, Amended 2-5-91, Formerly 7D-55.007, 61B-55.007, Amended 1-8-98, 5-31-99, Formerly 61-20.503, Amended 4-21-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Regulatory Council for Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Regulatory Council for Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

August 23, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:

January 14, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-31.011 Licensure and Exam Score Verification Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide information regarding the use of Department of Business and Professional Regulation’s online certification system for a licensure verification request.

SUMMARY: Information regarding the use of the Department of Business and Professional Regulation’s online certification system for a verification request will be provided.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 473.305 FS.

LAW IMPLEMENTED: 473.305, 473.308 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: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-31.011 Licensure and Exam Score Verification Fee.

The fee for verification of licensure and examination status to other states shall be \$50.00. In the event the verification request is completed using the Department of Business and Professional Regulation’s Online Certification system there will be no charge.

Rulemaking Authority 473.305 FS. Law Implemented 473.305, 473.308 FS. History—New 1-7-13, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Board of Accountancy  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 19, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: January 9, 2014

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:      RULE TITLES:  
62-555.330      Engineering References for Public Water  
                    Systems  
62-555.360      Cross-Connection Control for Public Water  
                    Systems  
62-555.900      Forms and Instructions

PURPOSE AND EFFECT: These rules are being amended to significantly reduce the overall regulatory burden of cross-connection control requirements on community water systems (CWSs) and their residential customers by: (1) allowing a dual check device to be used as backflow protection at or for residential service connections from CWSs to premises where there is any type of auxiliary or reclaimed water system; and (2) allowing biennial instead of annual testing of backflow preventer assemblies required at or for residential service connections from CWSs. Also, these rules are being amended to clarify, and thus, achieve more consistent compliance with, cross-connection control requirements for public water systems (PWSs). Furthermore, these rules are being amended to require large CWSs – i.e., CWSs serving more than 10,000 persons – to submit cross-connection control program annual reports using a brief new two-page form. The new reporting requirement will be a slight additional burden on large CWSs, but the annual reports will enable the Department to better ascertain the operational adequacy of large CWSs and more efficiently conduct sanitary surveys of large CWSs. (About 91% of those Florida residents who obtain their drinking water from a CWS are served by a large CWS even though large CWSs comprise only about 14% of the total number of CWSs in Florida.)

SUMMARY: Rule 62-555.330 is being amended to incorporate the current (third) edition of *AWWA Manual M14* instead of the second edition of this manual, which is no longer available from the publisher. Subsection 62-555.360(1) is being amended to clarify that cross-connections are prohibited unless appropriate backflow protection is provided to prevent backflow through the cross-connection; to clarify that a PWS may interconnect to another PWS of the same type without installing backflow protection; and to clarify

appropriate backflow protection for various applications. Subsection 62-555.360(2) is being amended to require that only CWSs must establish and implement a cross-connection control program; to clarify that the intent and purpose of a CWS cross-connection control program is to utilize backflow protection at or for service connections from the CWS in order to protect the CWS from contamination caused by cross-connections on customers' premises; and to add Tables 62-555.360-1 and 62-555.360-2. Table 62-555.360-1 clarifies the minimum components that each CWS shall include in its written cross-connection control plan in order to accomplish recommended practices in *AWWA Manual M14*, and this table also modifies recommended practices in *AWWA Manual M14* by allowing biennial instead of annual testing of backflow preventer assemblies required at or for residential service connections from CWSs. Table 62-555.360-2 clarifies the categories of customers for which each CWS shall ensure backflow protection is provided at or for the service connection from the CWS to the customer in order to accomplish recommended practices in *AWWA Manual M14*, and this table also modifies recommended practices in *AWWA Manual M14* by allowing a dual check device to be used as backflow protection at or for residential service connections from CWSs to premises where there is any type of auxiliary or reclaimed water system and at or for residential dedicated fire service connections from CWSs. Additionally, subsection 62-555.360(2) is being amended to require large CWSs to submit cross-connection control program annual reports using a brief new two-page form. Subsection 62-555.360(3) is being amended to clarify the action PWSs are required to take upon discovery of a prohibited or inappropriately protected cross-connection. Subsections 62-555.360(4) and 62-555.360(5) are being deleted as unnecessary because of the clarifications and modifications being made to subsections 62-555.360(1) through 62-555.360(3). Rule 62-555.900 is being amended to add new Form 62-555.900(13) to the list of forms in this rule. Both the Florida Section of the American Water Works Association Utility Council and the Florida Rural Water Association support all of the aforementioned rule amendments.

OTHER RULES INCORPORATING THIS RULE: 62-550.800, 62-550.824, 62-555.314, 62-555.315, 62-555.320, 62-555.325, 62-555.340, 62-555.348, 62-555.350, 62-555.405, 62-555.520, 62-555.528, 62-555.536, 62-610.419, 62-610.469, and 62-610.472, F.A.C.

EFFECT ON THOSE OTHER RULES: The amendments to Rules 62-555.330, 62-555.360, and 62-555.900, F.A.C., will not have any significant effect on the other rules cited above.

**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 Agency estimates that the rule amendment allowing a dual check device to be used as backflow protection at or for residential service connections from CWSs to premises where there is any type of auxiliary or reclaimed water system and the rule amendment allowing biennial testing of backflow preventer assemblies required at or for residential service connections from CWSs could reduce equipment installation and operating costs to CWSs and their residential customers by a total of approximately \$199 million over five years or approximately \$39.8 million per year. The Agency estimates that the rule amendment requiring large CWSs to complete and submit cross-connection control program annual reports will increase reporting costs to large CWSs by a total of approximately \$36,000 per year. The Agency believes that this increase in reporting costs will not affect any small business because the Agency believes that no large CWS in Florida is a 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.

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:** 403.086(8), 403.8055, 403.853(3), 403.861, 403.861(9) FS.

**LAW IMPLEMENTED:** 367.031, 403.086(8), 403.0877, 403.852(12), 403.853(1), 403.855(3), 403.861, 403.861(7), 403.861(17), 403.8615 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:** Thursday, February 27, 2014, 1:30 p.m., EST.

**PLACE:** Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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: John Sowerby at john.r.sowerby@dep.state.fl.us or (850)245-8637. 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:** John R. Sowerby, P.E., at john.r.sowerby@dep.state.fl.us or (850)245-8637

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

62-555.330 Engineering References for Public Water Systems.

In addition to the requirements of this chapter, the requirements and standards contained in the following technical publications are hereby incorporated by reference and shall be applied in determining whether permits to construct or alter public water system components, excluding wells (but including well pumping equipment and appurtenances), shall be issued or denied. Each of these publications is available from the publisher or source listed for the publication, and each of these publications is available for review at the Department of Environmental Protection, Source and Drinking Water Program, MS 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, at the Department of Environmental Protection district offices, and at the Approved County Health Departments. The specific requirements contained in this chapter supersede the requirements and standards contained in these publications. Where there are conflicts between these publications, suppliers of water and construction permit applicants shall comply with any one of the publications. Where there are multiple options or alternatives in these publications, suppliers of water and construction permit applicants shall comply with any one of the options or alternatives. The Department shall allow exceptions to the requirements and standards in these publications if suppliers of water or construction permit applicants provide justification for each exception and provide alternative design and construction features that achieve the same purpose and that afford a similar level of strength, durability, reliability, and public health protection.

(1) through (5) No change.

(6) *Recommended Practice for Backflow Prevention and Cross-Connection Control: AWWA Manual M14, Third Edition, 2004* ~~AWWA Manual M14, Second Edition, 2004~~ 1990, American Water Works Association (AWWA). Published by the AWWA, 6666 W. Quincy Avenue, Denver, CO 80235, [www.awwa.org](http://www.awwa.org).

(7) through (8) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.861(7) FS. History—New 11-19-87, Formerly 17-22.630, Amended 1-18-89, 1-3-91, 1-1-93, Formerly 17-555.330, Amended 9-22-99, 8-28-03, \_\_\_\_\_.

62-555.360 Cross-Connection Control for Public Water Systems.

(1) Cross-connections, ~~Cross-connection~~, as defined in Rule 62-550.200, F.A.C., ~~are~~ is prohibited unless appropriate backflow protection is provided to prevent backflow through the cross-connection into the public water system. This does not prohibit ~~However, a person who owns or manages~~ a public water system ~~from being interconnected~~ ~~may interconnect~~ to another public water system ~~of the same type~~ without backflow protection (i.e., a community water system [CWS] may be interconnected to another CWS without backflow protection, a non-transient non-community water system [NTNCWS] may be interconnected to another NTNCWS without backflow protection, and a transient non-community water system [TWS] may be interconnected to another TWS without backflow protection) if that system is operated and maintained in accordance with this chapter.

(a) Appropriate backflow protection for various applications is described in *Recommended Practice for Backflow Prevention and Cross-Connection Control: AWWA Manual M14*, Third Edition, as clarified and modified in paragraphs (b) and (c) below and in Table 62-555.360-2, which appears at the end of this section. The third edition of *AWWA Manual M14* is incorporated herein by reference; is available from the American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235, www.awwa.org; and is available for review at the Department of Environmental Protection, Source and Drinking Water Program, MS 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, at the Department of Environmental Protection district offices, and at the Approved County Health Departments.

(b) Except for the temporary cross-connections described in paragraph (c) below, cross-connections between a public water system and a wastewater system or reclaimed water system are prohibited (i.e., an air gap shall be maintained between any public water system and any wastewater system or reclaimed water system). The Department shall allow an exception to this requirement if the supplier of water provides justification for the exception and provides alternative backflow protection that achieves a level of reliability and public health protection similar to that achieved by an air gap (e.g., two biannually-tested reduced-pressure principle

assemblies installed in series); however, in no case shall the Department allow a single, annually-tested mechanical backflow preventer to be used as the only protection against backflow of wastewater or reclaimed water into a public water system.

(c) Temporary cross-connections may be made between a public water system and a wastewater system or reclaimed water system for either of the following purposes:

1. To supply water for flushing or testing a new wastewater force main or new reclaimed water main, in which case a double check valve assembly or reduced-pressure principle assembly shall be provided at the cross-connection.

2. To supply water for temporarily operating a new reclaimed water main that has not yet been connected to a reclaimed water supply, in which case a reduced-pressure principle assembly shall be provided at the cross-connection.

(2) ~~Each c~~Community water system (CWS) systems, and all public water systems that have service areas also served by reclaimed water systems regulated under Part III of Chapter 62-610, F.A.C., shall establish and implement a ~~routine~~ cross-connection control program utilizing backflow protection at or for service connections from the CWS in order to protect the CWS from contamination caused by cross-connections on customers' premises to detect and control cross-connections and prevent backflow of contaminants into the water system. This program shall include a written plan that is developed using recommended practices of the American Water Works Association set forth in *Recommended Practice for Backflow Prevention and Cross-Connection Control: AWWA Manual M14*, Third Edition, ~~AWWA Manual M14~~, as clarified and modified in paragraph (a) below ~~incorporated into Rule 62-555.330, F.A.C.~~ The third edition of *AWWA Manual M14* is incorporated herein by reference and is available as indicated in paragraph 62-555.360(1)(a), F.A.C.

(a) The minimum components that each CWS shall include in its written cross-connection control plan are listed and described in Table 62-555.360-1, which appears at the end of this section. The categories of customers for which each CWS shall ensure backflow protection is provided at or for the service connection from the CWS to the customer are listed in Table 62-555.360-2, which appears at the end of this section.

(b) Each CWS serving more than 10,000 persons shall prepare and submit cross-connection control program annual reports. The first annual report shall cover calendar year 2016, and subsequent annual reports shall cover each calendar year thereafter. These reports shall be prepared using Form 62-555.900(13), Cross-Connection Control Program Annual

Report, effective [insert the effective date of these rule amendments], which is incorporated herein by reference and which is available as described in Rule 62-555.900, F.A.C., and at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03326>. These reports shall be submitted to the appropriate Department of Environmental Protection district office or Approved County Health Department within three months after the end of the calendar year covered by the report.

(3) Upon discovery of a prohibited or inappropriately protected cross-connection, public water systems shall either shall ensure that eliminate the cross-connection is eliminated, shall ensure that by installation of an appropriate backflow protection is installed to prevent backflow into the public water system, prevention device acceptable to the Department or shall discontinue water service until the contaminant source is eliminated. If the discovered cross-connection is on the premises of a customer of a community water system (CWS) and if the customer's premises is in a category described in Table 62-555.360-2, which appears at the end of this section, the CWS shall ensure that appropriate backflow protection is provided at or for the water service connection to the customer regardless of whether the cross-connection is eliminated or whether internal backflow protection is installed at the cross-connection to the customer's plumbing system.

(4) Only the following are considered to be backflow prevention devices. They shall be installed in agreement with and under the supervision of the supplier of water or his designated representative (plumbing inspector, etc.) at the consumer's meter, at the property line of the consumer when a meter is not used, or at a location designated by the supplier of water or the Department. The devices are:

(a) Air gap separation — A physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved airgap separation" shall be at least double the diameter of the supply pipe measured vertically above the top of the rim of the vessel. In no case shall it be less than 1 inch.

(b) Reduced pressure backflow preventer — A device containing within its structure a minimum of two independently acting approved check valves, together with an automatically operating pressure differential relief valve located between the two check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

~~(c) Atmospheric vacuum breaker — A backflow prevention device which is operated by atmospheric pressure in combination with the force of gravity. The unit is designed to work on a vertical plane only. The one moving part consists of a poppet valve which must be carefully sized to slide in a guided chamber and effectively shut off the reverse flow of water when a negative pressure exists.~~

~~(d) Pressure vacuum breaker — A pressure vacuum breaker is similar to an atmospheric vacuum breaker except that the checking unit poppet valve is activated by a spring. This type of vacuum breaker does not require a negative pressure to react and can be used on the pressure side of a valve.~~

~~(e) Double check valve assembly — An assembly composed of two single, independently acting, check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve. A check valve is a valve that is drip tight in the normal direction of flow when the inlet pressure is one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. The closure element (e.g., clapper) shall be internally weighted or otherwise internally loaded to promote rapid and positive closure.~~

~~(f) Residential Dual Check — A compact unit manufactured with two independent spring-actuated check valves. The residential dual check is acceptable only as added back flow prevention in areas served by reuse systems defined in Chapter 62-610, Part III, F.A.C., when the cross-connection control program identifies activities specific to paragraphs (5)(a) and (5)(b) of this section.~~

(5) Cross-connection control programs specific to reuse systems defined in Chapter 62-610, Part III, F.A.C., shall consider the following:

(a) Enhanced public education efforts towards prevention of cross-connections.

(b) Enhanced inspection programs for portions of the distribution system in areas of reuse for detection and elimination of cross-connections.

(c) Dual check valves shall be considered acceptable for reducing risks from back flow only at residential properties served by reclaimed water unless:

1. Local codes, ordinances, or regulations require greater levels of back flow prevention.

2. Other hazards exist on the property that require a greater level of back flow prevention.

Rulemaking Specific Authority 403.086(8), 403.853(3), 403.861(9) FS. Law Implemented 403.086(8), 403.852(12), 403.853(1), 403.855(3), 403.861(17) FS. History—New 11-19-87, Formerly 17-22.660, Amended 1-18-89, 1-3-91, 1-1-93, Formerly 17-555.360, Amended 8-28-03, \_\_\_\_\_.



62-555.900 Forms and Instructions.

The forms used by the Department in the Public Water System Supervision Program are listed below by form number and name. Each form has been incorporated into the rule that references it. Copies of these forms may be obtained by writing to the Department of Environmental Protection, Source and Drinking Water Program, Section, M.S. 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, these forms are available at the Department of Environmental Protection’s ~~d~~District offices, at the Approved County Health Departments, and on the Department of Environmental Protection’s web site at www.dep.state.fl.us. Persons and public water systems shall report to the Department using the forms listed below or using computer-generated versions of the forms listed below provided such versions are identical to the forms listed below in every respect other than font type and style, font size, and character spacing.

(1) through (12) No change.

(13) Cross-Connection Control Program Annual Report, effective [insert the effective date of these rule amendments]. Deleted.

(14) through (22) No change.

Rulemaking Authority 403.8055, 403.861, 403.861(9) FS. Law Implemented 367.031, 403.0877, 403.861, 403.8615 FS. History—New 1-18-89, Amended 1-3-91, Formerly 17-555.900, Amended 12-10-96, 9-22-99, 4-3-03, 4-10-03, 8-28-03, 10-14-04, 1-17-05, 10-1-10, \_\_\_\_\_.

Table 62-555.360-1: Minimum Components that Each Community Water System (CWS) Shall Include in Its Written Cross-Connection Control (CCC) Plan (Effective [insert effective date of these rule amendments])

<u>Component Number and Description</u>
<u>I. Legal authority for the CWS’s CCC program – i.e., an ordinance, a bylaw or resolution, or water service rules and regulations. The legal authority shall include or reference Components 2 and 3 below.</u>
<u>II. The CWS’s policy establishing where backflow protection at or for service connections from the CWS is mandatory.</u>
<u>A. This policy shall identify categories of customers for which the CWS is requiring backflow protection at or for the service connection to the customer and shall specify the minimum backflow protection that the CWS is requiring for each such category of customers.</u>
<u>B. This policy shall be no less stringent than Table 62-555.360-2, which appears at the end of Rule 62-555.360, F.A.C.</u>

<u>Component Number and Description</u>
<u>III. The CWS’s policy regarding ownership, installation, inspection/testing, and maintenance of backflow protection that the CWS is requiring at or for service connections from the CWS.</u>
<u>A. This policy shall specify whether the CWS or customer is responsible for installation, inspection/testing, and maintenance of backflow protection being required at or for service connections.</u>
<u>B. This policy shall specify design and performance standards, and shall specify installation criteria, for new backflow protection being required at or for service connections. Installation criteria shall be consistent with installation criteria in <i>AWWA Manual M14</i> as incorporated into Rule 62-555.360(2), F.A.C., and shall assure the backflow protection is installed as close as practical to the CWS’s meter or customer’s property line but, in all cases, before the first distribution line off of the customer’s water service line.</u>
<u>C. This policy shall specify the frequency for inspecting air gaps (AGs) being required at or for service connections and shall specify qualifications for persons inspecting such AGs. All AGs being required at or for service connections pursuant to Table 62-555.360-2, which appears at the end of Rule 62-555.360, F.A.C., shall be inspected at least annually.</u>
<u>D. This policy shall specify the frequency for testing backflow preventer assemblies<sup>1</sup> being required at or for service connections, shall specify qualifications for persons testing such assemblies, and shall specify test procedures for such assemblies. Assemblies being required at or for non-residential service connections<sup>2</sup> pursuant to Table 62-555.360-2, which appears at the end of Rule 62-555.360, F.A.C., shall be tested after installation or repair and at least annually thereafter and shall be repaired if they fail to meet performance standards. Assemblies being required at or for residential service connections<sup>2</sup> pursuant to Table 62-555.360-2 shall be tested after installation or repair and at least biennially thereafter and shall be repaired if they fail to meet performance standards.</u>
<u>E. This policy shall specify the frequency for refurbishing or replacing dual check devices (DuCs) being required at or for service connections. DuCs being required at or for service connections pursuant to Table 62-555.360-2, which appears at the end of Rule 62-555.360, F.A.C., shall be refurbished or replaced at least once every 5 to 10 years or at a lesser frequency determined by the CWS if the CWS documents that the lesser frequency is appropriate based on data from spot-testing DuCs in its system or based on data from backflow sensing meters in its system.</u>

<u>Component Number and Description</u>
<p>IV. The CWS’s procedures for evaluating customers’ premises to establish the category of customer and the backflow protection being required at or for the service connection(s) from the CWS to the customer.<sup>3</sup></p> <p>A. The CWS shall evaluate the customer’s premises at a newly constructed service connection before the CWS begins supplying water to the service connection.</p> <p>B. The CWS shall evaluate the customer’s premises at an existing – i.e., previously constructed – service connection whenever the customer connects to a reclaimed water distribution system, whenever an auxiliary water system is discovered on the customer’s premises, whenever a prohibited or inappropriately protected cross-connection is discovered on the customer’s premises, and whenever the customer’s premises is altered under a building permit in a manner that could change the backflow protection required at or for a service connection to the customer.</p>
<p>V. The CWS’s procedures for maintaining CCC program records.<sup>4</sup></p> <p>A. The CWS shall maintain a current inventory of backflow protection being required at or for service connections from the CWS.</p> <p>B. The CWS shall maintain records of the installation, inspection/testing, and repair of backflow protection being required at or for service connections from the CWS.</p>

<sup>1</sup> Backflow preventer assemblies include the following: double check valve assemblies (DCs) and double check detector assemblies (DCDAs); pressure vacuum breaker assemblies (PVBs); and reduced-pressure principle assemblies (RPs) and reduced-pressure principle detector assemblies (RPDAs).

<sup>2</sup> For the purpose of this table, “residential service connection” means any service connection, including any dedicated irrigation or fire service connection, that is two inches or less in diameter and that supplies water to a building, or premises, containing only dwelling units; and “non-residential service connection” means any other service connection.

<sup>3</sup> CWSs may evaluate customers’ premises using questionnaires, reviews of construction plans or pertinent records, on-site inspections, or any combination thereof.

<sup>4</sup> CWSs may maintain all records in either electronic or paper format.

Table 62-555.360-2: Categories of Customers for Which Each Community Water System (CWS) Shall Ensure Minimum Backflow Protection Is Provided at or for the Service Connection from the CWS to the Customer (Effective [insert the effective date of these rule amendments])

<u>Category of Customer</u>	<u>Minimum Backflow Protection<sup>1</sup> to Be Provided at or for the Service Connection from the CWS to the Customer</u>
<u>Beverage processing plant, including any brewery</u>	DC if the plant presents a low hazard <sup>2</sup> ; or RP if the plant presents a high hazard <sup>2</sup>
<u>Cannery, packing house, rendering plant, or any facility where fruit, vegetable, or animal matter is processed, excluding any premises where there is only restaurant or food service facility</u>	RP
<u>Car wash</u>	RP
<u>Chemical plant or facility using water in the manufacturing, processing, compounding, or treatment of chemicals, including any facility where a chemical that does not meet the requirements in paragraph 62-555.320(3)(a), F.A.C., is used as an additive to the water</u>	RP
<u>Dairy, creamery, ice cream plant, cold-storage plant, or ice manufacturing plant</u>	RP <sup>3</sup>
<u>Dye plant</u>	RP

<u>Film laboratory or processing facility or film manufacturing plant, excluding any small, noncommercial darkroom facility</u>	<u>RP</u>
<u>Hospital; medical research center; sanitarium; autopsy facility; medical, dental, or veterinary clinic where surgery is performed; or plasma center</u>	<u>RP</u>
<u>Laboratory, excluding any laboratory at an elementary, middle, or high school</u>	<u>RP</u>
<u>Laundry (commercial), excluding any self-service laundry or Laundromat</u>	<u>RP</u>
<u>Marine repair facility, marine cargo handling facility, or boat moorage</u>	<u>RP</u>
<u>Metal manufacturing, cleaning, processing, or fabricating facility using water in any of its operations or processes, including any aircraft or automotive manufacturing plant</u>	<u>DC if the facility presents a low hazard<sup>2</sup>; or RP if the facility presents a high hazard<sup>2</sup></u>
<u>Mortuary</u>	<u>RP</u>
<u>Premises where oil or gas is produced, developed, processed, blended, stored, refined, or transmitted in a pipeline or where oil or gas tanks are repaired or tested, excluding any premises where there is only a fuel dispensing facility</u>	<u>RP</u>
<u>Premises where there is an auxiliary or reclaimed water system<sup>4,5</sup></u>	<u>A. At or for a residential service connection<sup>6</sup>: DuC<sup>7</sup> B. At or for a non-residential service connection<sup>6</sup>: DC if the auxiliary or reclaimed water is a low hazard<sup>8,9</sup>; or RP if the auxiliary or reclaimed water is a high hazard<sup>8,9</sup></u>
<u>Premises where there is a cooling tower</u>	<u>RP</u>
<u>Premises where there is an irrigation system that is using potable water and that...</u> <u>I. Is connected directly to the CWS's distribution system via a dedicated irrigation service connection</u>  <u>II. Is connected internally to the customer's plumbing system</u>	<u>I. At or for a residential or non-residential dedicated irrigation service connection<sup>6</sup>: PVB if backpressure cannot develop in the downstream piping<sup>10</sup>; or RP if backpressure could develop in the downstream piping<sup>10</sup> II. None<sup>11</sup></u>

<p><u>Premises where there is a wet-pipe sprinkler, or wet standpipe, fire protection system that is using potable water and that...</u></p> <p><u>I. Is connected directly to the CWS’s distribution system via a dedicated fire service connection<sup>12</sup></u></p> <p><u>II. Is connected internally to the customer’s plumbing system</u></p>	<p><u>I.A. At or for a residential dedicated fire service connection<sup>6</sup>: DuC if the fire protection system contains no chemical additives and is not connected to an auxiliary water system<sup>4</sup>; or RP or RPDA if the fire protection system contains chemical additives or is connected to an auxiliary water system<sup>4,13</sup></u></p> <p><u>I.B. At or for a non-residential dedicated fire service connection<sup>6</sup>: DC or DCDA if the fire protection system contains no chemical additives and is not connected to an auxiliary water system<sup>4</sup>; or RP or RPDA if the fire protection system contains chemical additives or is connected to an auxiliary water system<sup>4,13</sup></u></p> <p><u>II. None<sup>11</sup></u></p>
<p><u>Radioactive material processing or handling facility or nuclear reactor</u></p>	<p><u>RP</u></p>
<p><u>Paper products plant using a wet process</u></p>	<p><u>RP</u></p>
<p><u>Plating facility, including any aircraft or automotive manufacturing plant</u></p>	<p><u>RP</u></p>
<p><u>Restricted-access facility</u></p>	<p><u>RP</u></p>
<p><u>Steam boiler plant</u></p>	<p><u>RP</u></p>
<p><u>Tall building—i.e., a building with five or more floors at or above ground level</u></p>	<p><u>DC if the customer has no potable water distribution lines connected to the suction side of a booster pump; or RP if the customer has one or more potable water distribution lines connected to the suction side of a booster pump</u></p>
<p><u>Wastewater treatment plant or wastewater pumping station</u></p>	<p><u>RP</u></p>
<p><u>Customer supplied with potable water via a temporary or permanent service connection from a CWS fire hydrant</u></p>	<p><u>Varies<sup>14</sup></u></p>

<sup>1</sup> Means of backflow protection, listed in an increasing level of protection, include the following: a dual check device (DuC); a double check valve assembly (DC) or double check detector assembly (DCDA); a pressure vacuum breaker assembly (PVB); a reduced-pressure principle assembly (RP) or reduced-pressure principle detector assembly (RPDA); and an air gap. A PVB may not be used if backpressure could develop in the downstream piping.

<sup>2</sup> The CWS shall determine the degree of hazard. “Low hazard” or “non-health hazard” and “high hazard” or “health hazard” are defined in AWWA Manual M14 as incorporated in paragraph 62-555.360(1)(a), F.A.C., and subsection 62-555.360(2), F.A.C.

<sup>3</sup> A DC may be provided if it was installed before [insert the effective date of these rule amendments]; and if such a DC is replaced on or after [insert the effective date of these rule amendments], it may be replaced with another DC.

<sup>4</sup> For the purpose of this table, “auxiliary water system” means a pressurized system of piping and appurtenances using auxiliary water, which is water other than the potable water being supplied by the CWS and which includes water from any natural source such as a well, pond, lake, spring, stream, river, etc., includes reclaimed water, and includes other used water or industrial fluids described in AWWA Manual M14 as incorporated in paragraph 62-555.360(1)(a), F.A.C., and

subsection 62-555.360(2), F.A.C.; however, “auxiliary water system” specifically excludes any water recirculation or treatment system for a swimming pool, hot tub, or spa. (Note that reclaimed water is a specific type of auxiliary water and a reclaimed water system is a specific type of auxiliary water system.)

<sup>5</sup> The Department shall allow an exception to the requirement for backflow protection at or for a residential or non-residential service connection from a CWS to premises where there is an auxiliary or reclaimed water system if all of the following conditions are met:

- The CWS is distributing water only to land owned by the owner of the CWS.
- The owner of the CWS is also the owner of the entire auxiliary or reclaimed water system up to the points of auxiliary or reclaimed water use.
- The CWS conducts at least biennial inspections of the CWS and the entire auxiliary or reclaimed water system to detect and eliminate any cross-connections between the two systems.

<sup>6</sup> For the purpose of this table, “residential service connection” means any service connection, including any dedicated irrigation or fire service connection, that is two inches or less in diameter and that supplies water to a building, or premises, containing only dwelling units; and “non-residential service connection” means any other service connection.

<sup>7</sup> A DuC may be provided only if there is no known cross-connection between the plumbing system and the auxiliary or reclaimed water system on the customer’s premises. Upon discovery of any cross-connection between the plumbing system and any reclaimed water system on the customer’s premises, the CWS shall ensure that the cross-connection is eliminated. Upon discovery of any cross-connection between the plumbing system and any auxiliary water system other than a reclaimed water system on the customer’s premises, the CWS shall ensure that the cross-connection is eliminated or shall ensure that the backflow protection provided at or for the service connection is equal to that required at or for a non-residential service connection.

<sup>8</sup> Reclaimed water regulated under Part III of Chapter 62-610, F.A.C., is a low hazard unless it is stored with surface water in a pond that is part of a stormwater management system, in which case it is a high hazard; well water is a low hazard unless determined otherwise by the CWS; industrial fluids and used water other than reclaimed water are high hazards unless determined otherwise by the CWS; reclaimed

water not regulated under Part III of Chapter 62-610, F.A.C., and surface water are high hazards.

<sup>9</sup> Upon discovery of any cross-connection between the plumbing system and any reclaimed water system on the customer’s premises, the CWS shall ensure that the cross-connection is eliminated.

<sup>10</sup> A DC may be provided if both of the following conditions are met:

- The dedicated irrigation service connection initially was constructed before [insert the effective date of these rule amendments].

- No chemicals are fed into the irrigation system.

<sup>11</sup> The CWS may rely on the internal backflow protection required under the *Florida Building Code* or the predecessor State plumbing code. The CWS may, but is not required to, ensure that such internal backflow protection is inspected/tested and maintained the same as backflow protection provided at or for service connections from the CWS.

<sup>12</sup> The Department shall allow an exception to the requirement for backflow protection at or for a residential or non-residential dedicated fire service connection from a CWS to a wet-pipe sprinkler, or wet standpipe, fire protection system if both of the following conditions are met:

- The fire protection system was installed and last altered before [insert the effective date of these rule amendments].

- The fire protection system contains no chemical additives and is not connected to an auxiliary water system as defined in Footnote 4.

<sup>13</sup> Upon discovery of any cross-connection between the fire protection system and any reclaimed water system on the customer’s premises, the CWS shall ensure that the cross-connection is eliminated.

<sup>14</sup> The CWS shall ensure that backflow protection commensurate with the degree of hazard is provided at or for the service connection from its fire hydrant.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mark Thomasson, P.E., Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2013

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: RULE TITLE:

64B12-8.005 Public Comment

PURPOSE AND EFFECT: The Board proposes to develop and adopt a new rule to establish procedures for public participation in public meetings.

SUMMARY: Participation in public meetings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.005 Public Comment.

The Board of Opticianry invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to 5 minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits

(3) Members of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of 5 or more persons. Any person or entity appearing before the Board may use a pseudonym if he or she does not wish to be identified.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: RULE TITLE:

64B17-1.005 Public Comment

PURPOSE AND EFFECT: The Board proposes to develop and adopt a new rule to establish procedures for public participation in public meetings.

SUMMARY: The rule promulgation and adoption will establish procedures for public participation in public meetings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

RULEMAKING AUTHORITY: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-1.005 Public Comment.

The Board of Physical Therapy Practice invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to three (3) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

(3) A Member of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of five (5) or more persons.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History—New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: RULE TITLE:

64B32-1.011 Public Comments

PURPOSE AND EFFECT: The Board proposes to develop and adopt a new rule to establish procedures for public participation in public meetings.

SUMMARY: Participation in public meetings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 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: Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-1.011 Public Comment.

The Board of Respiratory Care invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to 10 minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

(3) Members of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of 3 or more persons. Any person or entity appearing before the Board may use a pseudonym if he or she does not wish to be identified.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History—New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014

### Section III

## Notice of Changes, Corrections and Withdrawals

**DEPARTMENT OF JUVENILE JUSTICE**

**Medical**

RULE NOS.:	RULE TITLES:
63M-2.002	Definitions
63M-2.0033	Nursing Staff Requirements
63M-2.0041	Healthcare Admission Screening
63M-2.0044	Tuberculosis (TB) Control and Screening
63M-2.0047	Health-Related History
63M-2.0048	Comprehensive Physical Assessment (CPA)
63M-2.0051	Routine Consent - Authority for Evaluation and Treatment (AET)
63M-2.0052	Special Consent
63M-2.006	Sick Call

63M-2.009	Episodic Care
63M-2.010	Girls Gender Responsive Medical Services
63M-2.022	Verification and Procurement of Medications Prescribed Prior to Admission
63M-2.023	Transfer of Youth's Medications
63M-2.027	Disposal of Medications
63M-2.032	Youth Refusal of Medication
63M-2.033	Youth Hoarding of Medication and Swallowing Difficulties
63M-2.036	Adverse Drug Events and Medication Errors
63M-2.040	Environmental and Exercise Precautions
63M-2.050	Infection Control - Regulations and Training
63M-2.051	Needle Stick Injuries / Exposure
63M-2.054	Methicillin Resistant Staphylococcus Aureas (MRSA)
63M-2.055	Health Department Reporting of Infectious Disease
63M-2.061	Record Documentation, Development and Maintenance
63M-2.070	Health Education
63M-2.081	Youth Release to the Community
	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. 231, November 27, 2013 issue of the Florida Administrative Register.

63M-2.002 Definitions.

(1) through (8) No change.

~~(9) Constant supervision: The continuous and uninterrupted observation of a youth by a staff member assigned to monitor the youth who has a clear and unobstructed view of the youth, and unobstructed sound monitoring of the youth at all times.~~

(10) through (13) renumbered (9) through (12) No change.

~~(13)(14) Detention Center: a temporary hardware-secure holding state-operated, county or municipal facility for juveniles, which compares to a jail in the adult system.~~

(15) through (16) renumbered (14) through (15) No change.

(16) Facility Management System (FMS): The computer based system used by state-operated juvenile detention centers as the primary source of documentation and reporting for facility operations. Forms and reports generated by FMS are considered to be both the official and original documentation for the area concerned.

(17) through (18) No change.

(19) First Aid: any one-time treatment, and follow-up visit for the purpose of observation, of minor injuries such as cuts, scratches, first degree burns and splinters. Ointments, salves, antiseptics, and dressings to minor injuries are considered to be first aid. ~~(OSHA, 30 CFR § 50.20-3)~~



(20) through (24) No change.

(25) Juvenile Justice Information System (JJIS): The department’s electronic information system used to gather and store information on youths having contact with the department.

(25) through (26) renumbered (26) through (27) No change.

~~(28)(27)~~ Medical Grade: One of five (5) categories or grades that can be assigned to a youth as part of the medical classification system. The specific Medical Grades are defined as follows:

(a) Medical Grade 1:

1. Youth has no identified chronic health conditions; and
2. Youth has no serious, chronic infectious, communicable disease; and
3. Youth has no periodic monitoring requirements; ~~and~~

(b) Medical Grade 2:

1. Youth has only one chronic condition, which has not required medical/nursing intervention within the last 12 months (except for routine periodic evaluations at the intervals required in this rule); and

2. Youth has no serious, chronic, infectious communicable disease (youth may or may not be prescribed oral medications); and

3. Youth being treated with prescription medication greater than 30 days.

(c) through (d) No change.

(e) Medical Grade 5:

~~4~~ Youth is prescribed any medication for diagnosed mental and/or emotional disorders.

(28) through (40) renumbered (29) through (41) No change.

~~(42)(41)~~ Sharp: Any object routinely used in medical procedures, including ~~including~~ but not limited to, hypodermic needles, scalpels, blades, broken glass, broken capillary tubes, breakable culture dish, and exposed ends of dental wires.

(42) through (45) renumbered (43) through (46) No change.

~~(47)(46)~~ Working Inventory: Inventory that is permitted to be kept in an area outside of regular stock for immediate access by nursing staff, including but not limited to, syringes, needles, phlebotomy equipment, suture kits, and all other potentially dangerous sharps and other devices ~~that are kept in the area where they are to be used.~~

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.0033 Nursing Staff Requirements.

(1) through (2) No change.

(3) The licensed healthcare professional that is providing the direction to the LPN is responsible for reviewing all medical cases daily with the LPN, and be available on-call for consultation. ~~and, when necessary, provides~~ Based upon the results of this clinical consultation, on-site assessment and management of medical cases must be provided by the licensed healthcare professional.

(4) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.0041 Healthcare Admission Screening.

(1) Each facility shall screen every youth upon admission to determine if the youth has an acute injury, illness, chronic medical condition, physical impairment (e.g., speech, hearing, visual), mental disability, or developmental disability that requires medical or mental health evaluation and treatment, and/or medication needs to be met.

(2) through (4) redesignated (a) through (c) No change.

~~(d)(5)~~ In detention facilities, a the Medical and Mental Health Admission Screening must be conducted and documented in the Facility document found on the Facilities Management System (FMS) shall be utilized.

(6) through (7) redesignated (e) through (f) No change.

(8) through (9) renumbered (2) through (3) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.0044 Tuberculosis (TB) Control and Screening.

(1) All facilities shall implement routine screening for all youth for latent and active tuberculosis within 72 hours of admission, as well as environmental controls in the case of a youth with active Tuberculosis, in accordance with the Centers for Disease Control and Prevention recommendations ~~and OSHA Occupational Safety and Health Standards.~~

(2) through (4) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.0047 Health-Related History (HRH).

(1) The Health Related History (HS 014) shall be completed no later than seven (7) calendar days following the date of admission and prior to the youth engaging in strenuous exercise or being subjected to extreme outdoor weather conditions including, but not limited to, high heat indices and frigid temperatures ~~environmental stressors~~. The Health Related History (HS 014, August 2009) is incorporated into this rule and is available electronically at “(HYPERLINK)” or may be obtained by contacting: DJJ, Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399.

(2) through (4) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.0048 Comprehensive Physical Assessment (CPA).

(1) The Comprehensive Physical Assessment (HS 007) shall be completed no later than seven (7) calendar days following the date of admission and prior to the youth engaging in strenuous exercise or being subjected to extreme outdoor weather conditions including, but not limited to, high heat indices and frigid temperatures environmental stressors. For youth with a Comprehensive Physical Assessment completed prior to admission, see subsection 63M-2.0048(8), F.A.C.

(2) through (9) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.0051 Routine Consent – Authority for Evaluation and Treatment (AET).

(1) Because a signed AET is essential to providing routine health services to youth, the following procedure shall be employed to obtain this critical authorization:

(a) through (e)1. No change.

2. Where a signed AET has not been obtained, and the person with the power to consent to examination or treatment cannot be contacted after a diligent search, and has not expressly objected to consent, the Detention Facility Superintendent or Assistant Facility Superintendent may consent to ordinary and necessary medical treatment, including immunizations, and dental examination and treatment as set forth in Section 743.0645, F.S. The assigned JPO shall conduct the diligent search as set forth in the form Affidavit of Diligent Effort (HS 056, January 2012), which is incorporated into this rule and is available electronically at “(HYPERLINK)” or may be obtained by contacting: DJJ, Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399. The assigned JPO shall complete the Affidavit of Diligent Effort and attach to the youth’s Limited Consent for Evaluation and Treatment (HS 057, ~~December 2013~~ January 2012), which is incorporated into this rule and is available electronically at “(HYPERLINK)” or may be obtained by contacting: DJJ, Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399. The Facility Superintendent providing the consent for the youth shall sign the Limited Consent for Evaluation and Treatment.

3. Where the youth is in the dependency system and is served by the Department of Children and Families, the following process applies:

a. Where the youth has not been removed from the parent’s home, the JPO shall obtain the parent’s consent to

ordinary medical treatment by executing the Limited Consent for Evaluation and Treatment (HS 057, December 2013).

b. Where parental rights have not been terminated and the youth is in out-of-home care, such as a foster home, group home, or unlicensed caregiver, the JPO shall contact the Department of Children and Families or its contracted service provider to locate the parent to consent to ordinary medical treatment by executing the Limited Consent for Evaluation and Treatment (HS 057, December 2013). Parental consent is not required where the court order placing the youth in out-of-home care specifically gives authority to consent to ordinary medical treatment to the Department of Children and Families or the out-of-home caregiver. Where these circumstances exist, either the Department of Children and Families or the out-of-home caregiver may consent to ordinary medical treatment by executing the Limited Consent for Evaluation and Treatment (HS 057, December 2013).

c. Where parental rights have been terminated and the youth is in the custody of the Department of Children and Families, the Department of Children and Families or its contracted service provider may consent to ordinary medical treatment by executing the Limited Consent for Evaluation and Treatment (HS 057, December 2013).

~~a. Where parental rights have been terminated, consent for ordinary and necessary medical care and treatment may be obtained through the DCF case worker to sign the Limited Consent for Evaluation and Treatment according to Rule 65C-28.003, F.A.C.~~

~~b. Where parental rights have not been terminated, and the youth is in licensed placement, such as a foster home or group home, the JPO will contact the DCF case worker to locate the parent and obtain a signed AET. If unsuccessful, then the JPO shall seek limited consent from the case worker using the Limited Consent for Evaluation and Treatment (HS 057, January 2012).~~

~~c. Where parental rights have not been terminated, and the youth is placed with an unlicensed caregiver, the JPO will contact the DCF case worker to locate the parent and obtain a signed AET. If unsuccessful, then the JPO shall seek limited consent from the unlicensed caregiver or, failing this, the case worker, using the Limited Consent for Evaluation and Treatment (HS 057, January 2012).~~

(f) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.0052 Special Consent.

(1) Additional consent is required in special circumstances through the Parental Notification of Health

Related Care: General (HS 020, ~~January 2014 February 2010~~) and is incorporated into this rule and is available electronically at “(HYPERLINK)” or may be obtained by contacting: DJJ, Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399. Informed consent is required for the following:

- (a) through (b) No change.
- (c) Dental services other than evaluations ~~or routine prophylaxis~~;
- (d) through (f) No change.

(2) New medications, or a significant change to medications, excluding psychotropic medications, require parental consent through the Parental Notification of Health Related Care: Medications (HS 021 ~~January 2014 February 2010~~) and is incorporated into this rule and is available electronically at “(HYPERLINK)” or may be obtained by contacting: DJJ, Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399.;

(3) New Vaccinations and Immunizations require parental consent through the Parental Notification of Health Related Care: Vaccinations/Immunizations (HS 022, February 2010) ~~which and~~ is incorporated into this rule and is available electronically at “(HYPERLINK)” or may be obtained by contacting: DJJ, Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399.

- (4) through (5) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.006 Sick Call.

- (1) through (3) No change.

(4) Review and triage of Sick Call requests shall be conducted as follows:

(a) A licensed nurse, or higher licensure level, shall review, triage promptly, and screen for urgency all Sick Call requests such that emergency conditions are not ~~inappropriately~~ delayed for the next regularly scheduled sick call session.

(b) When a licensed health care professional is not on site, the shift supervisor shall review all sick call requests as soon as possible, within four (4) hours after the request is submitted. Issues for issues requiring ~~immediate~~ attention prior to the next scheduled Sick Call shall be addressed as per Rule 63M-2.009, F.A.C.

1. A Registered Nurse, or higher licensure level health care staff, after review of the Sick Call requests, shall make an assessment while conducting Sick Call, and determine whether a nursing or medical intervention is appropriate.

2. If a facility utilizes a Licensed Practical Nurse (LPN) without the presence of a Registered Nurse, ~~then~~ the LPN shall conduct the Sick Call. The LPN shall review all sick call

requests daily (either telephonically or in person) with someone at the level of a Registered Nurse or a higher licensure level.

(5) After appropriate evaluation of the Sick Call requests has been completed:

- (a) No change.
- (b) For detention facilities, the staff shall utilize JJIS ~~and~~ FMS to enter the Sick Call requests generated by the youth. This entry must then generate a notice to the nurse for his/her timely review. Every facility shall have a backup method for notification to the nurse in situations where the computerized system is unavailable.

- (6) No change.

(7) A youth ~~who that~~ has received medical evaluation and treatment by the ARNP or P.A. more than once repeatedly for the same complaint that has demonstrated no improvement after two medical evaluations shall be referred immediately to a physician (on-site, off-site or Emergency Room).

- (8) through (9) No change.

(10) The Sick Call documentation shall be as follows:

- (a) through (d) No change.

(e) Detention facilities shall utilize the established Facility Facilities Management System (FMS) and the Juvenile Justice Information System (JJIS) ~~(FMS/JJIS)~~ to coordinate and document Sick Call. A copy of the completed electronic Sick Call Request form shall be placed in the youth’s Individual Health Care Record.

- (f) through (g) No change.

- (11) through (12) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.009 Episodic Care.

- (1) through (2) No change.

(3) Non-licensed staff shall immediately report any youth who appears incapacitated to their supervisor ~~and/or~~ the onsite health care staff.

- (4) through (13) No change.

(14) A list of emergency telephone numbers and cell-phone numbers must be posted or located accessible to all staff, on all shifts and be inaccessible to youth.

- (15) through (16) No change.

(17) All episodic care provided shall be documented on the Episodic Care (First Aid/Emergency) Care Log (HS 009, October 2006). The Episodic Care (First Aid/Emergency) Care Log is incorporated into this rule and is available electronically at “(HYPERLINK)” or may be obtained by contacting: DJJ, Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399. The facility may utilize a form of their choice as long as the form includes all information required on the Episodic Care (First Aid/Emergency) Care

Log that is incorporated by reference into Chapter 63M-2, F.A.C.

(18) through (19) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.010 Girls Gender Responsive Medical Services.

(1) The Designated Health Authority or physician designee, PA or ARNP shall be responsible for appropriate gender responsive and age-related health care and services in addition to routine medical care and services.

(2) Gender responsive medical care shall include all of the following conditions:

(a) through (e) No change.

(f) Anorexia, Bulimia, and ~~or~~ additional specialized female adolescent complex medical conditions;

(g) through (i) No change.

(3) through (12) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.022 Verification and Procurement of Medications Prescribed Prior to Admission.

(1) through (4) No change.

(5) Only medications from a licensed pharmacy, with a current, patient-specific label intact on the original medication container may be accepted into a Department facility.

(6) Medications may not be administered unless all of the following have been met:

(a) The youth reports that he or she is taking a prescribed oral medication ~~an oral prescribed medication~~;

(b) through (d) No change.

(6) through (13) renumbered (7) through (14) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.023 Transfer of Youth’s Medications.

(1) No change.

(2) When nursing staff are not on site, medication verification shall be completed by trained non-licensed staff for those youth who arrive from home for transport. This shall be completed by review of medication labels, determining last dose(s) provided, (by verifying with the parent/guardian when available), and determining if medication is scheduled to be taken ~~necessary~~ during the transport of the youth. The Non-Licensed Staff Medication Record (HS 054, September 2010) shall be utilized to document when the non-licensed staff delivers medication to the youth. The Non-Licensed Staff Medication Record (HS 054, September 2010) is incorporated into this rule and is available electronically at “(HYPERLINK)” or may be obtained by contacting: DJJ,

Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399.

(3) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.027 Disposal of Medications.

(1) No change.

(2) Each facility must perform the following:

(a) Inventory Accountability;

(b) Monitoring pharmaceutical expiration dates;~~;~~

(c) Quarantine of unusable medication;~~;~~ and

(d) Disposal of medications.

1. through 3. No change.

4. Controlled medications shall be disposed of ~~by a three-party witness~~, and ~~must be~~ destroyed beyond reclamation, per 64B16, F.A.C, by a Pharmacist, Nursing staff, and administrator or designee.

5. All medication disposals shall be documented, and the documentation retained ~~Disposal of all medications shall be documented and maintained.~~

(3) through (6) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.032 Youth Refusal of Medication.

(1) through (3) No change.

(4) A youth’s refusal of prescribed injectable medications requires immediate notification to the DHA, ~~or~~ physician designee or ~~and~~ the prescribing psychiatric practitioner.

(5) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.033 Youth Hoarding of Medication and Swallowing Difficulties.

(1) through (2) No change.

(3) A practitioner’s order or general authorization must be provided by the Designated Health Authority or physician designee in order for a youth’s medications to be ~~that may be~~ appropriately crushed and sprinkled or mixed with food.

(4) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.036 Adverse Drug Events and Medication Errors.

(1) through (2) No change.

(3) Licensed health care professional staff shall monitor each youth daily, prior to administering medications, for potential medication side effects. For instances where licensed health care professional staff are not on-site and non-licensed

staff members assist youth with medication administration, see paragraph 63M-2.031(8)(h), F.A.C.

(4) Licensed health care professional staff, ~~at a minimum,~~ shall document ~~weekly~~ side effect monitoring on the MAR on at least a weekly basis.

(5) No change.

(6) The Designated Health Authority or physician designee, and the facility superintendent or Program Director shall review the medication error reports at least, ~~at a minimum,~~ every two weeks, These findings shall be reviewed and summarized quarterly during the quarterly Pharmacy and Therapeutics Committee CQI meetings per as per Rule 64B-16-27.300, F.A.C.

(7) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.040 Environmental and Exercise Precautions.

(1) through (2) No change.

(3) The Designated Health Authority or physician designee, PA or ARNP shall determine whether the facility’s full exercise regimen is appropriate for a youth with a chronic medical condition is appropriate for a facility’s full exercise regimen.

(4) through (10) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.050 Infection Control – Regulations and Training.

(1) All facilities shall conduct surveillance, screening and management of specific illnesses or potential infectious conditions ~~in accordance with state and federal regulations, established Occupational Safety and Health Administration (OSHA) (1910 Subpart I: 29CFR 1910.1030; 29CFR 1910.1200; App. A; and 29CFR 1910.1020), and the Centers for Disease Control (CDC).~~

(2) Each facility must develop and administer a comprehensive program of education and prevention regarding comply with federal and state legislation concerning blood borne pathogens. A comprehensive program of education and prevention shall be administered at each facility.

(3) An Exposure Control Plan shall be written ~~in accordance with OSHA standards.~~

(4) through (7) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.051 Needle Stick Injuries/Exposure.

(1) No change.

(2) If an exposure meets criteria for post-exposure treatment, the post-exposure chemoprophylaxis (PEP) must be

offered and initiated immediately after the exposure ~~in accordance with CDC regulations.~~

(3) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.054 Methicillin Resistant Staphylococcus Aureus (MRSA).

(1) through (4) No change.

(5) The DHA At a minimum, the DHA shall re-evaluate a youth at least one week after completion of antibiotic therapy for recurrent skin lesions and/or wound assessment to determine the need for further re-culture and treatment.

(6) through (8) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.055 Health Department Reporting of Infectious Disease.

(1) Any infectious disease outbreak shall be investigated and reported to the local County Health Department ~~in accordance with CDC reporting requirements.~~ The index case (youth) shall be interviewed as a part of the investigation.

(2) through (3) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.061 Record Documentation, Development and Maintenance.

(1) No change.

(2) The Individual Health Care Record consists of two sections:

(a) Section 1: Core Health Profile, and

(b) Section 2: Interdisciplinary Health Record. The Interdisciplinary Health Record contains the additional subsections of the Individual Health Care Record that include the current Practitioners orders and Chronological Progress Notes, historical medical documentation, and treatment records and documents of ancillary care.

(3) through (12) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.070 Health Education.

(1) Health education programs shall pertain to health issues of adolescents. These topics shall include, at a minimum, the following:

(a) through (b) No change.

(c) HIV/AIDS ~~as per CDC recommendations;~~

(d) through (o) No change.

(2) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

63M-2.081 Youth Release to the Community.

(1) through (15) No change.

(16) When required, a DNA specimen shall be obtained as per Section 943.325, F.S., using the FDLE kit prior to the youth’s release into the community.

(17) through (19) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.64(2), 985.145, 985.18 FS. History–New\_\_\_\_\_.

**DEPARTMENT OF JUVENILE JUSTICE**

**Mental Health/Substance Abuse/Developmental Disability Services**

RULE NOS.:	RULE TITLES:
63N-1.0033	Clinical Supervision of Mental Health Clinical Staff
63N-1.0035	Retaining a Designated Mental Health Authority or Clinical Coordinator
63N-1.0036	Referrals for Mental Health Services or Substance Abuse Services
63N-1.006	Suicide Risk Alerts and Mental Health Alerts
63N-1.0081	Mental Health Treatment Services
63N-1.0082	Substance Abuse Treatment Services
63N-1.0092	Screening for Suicide Risk
63N-1.00931	Licensed Mental Health Professional’s Off-Site Review of Assessment or Follow-Up Assessment of Suicide Risk

**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. 231, November 27, 2013 issue of the Florida Administrative Register.

63N-1.0033 Clinical Supervision of Mental Health Clinical Staff.

(1) A non-licensed Mental Health Clinical Staff Person who is carrying out mental health treatment in a departmental facility or program must be working under the direct supervision of a Licensed Mental Health Professional employed by, or under contract with, the departmental facility or program.

(1) through (3) renumbered (2) through (4) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.601(3)(a), 985.14(3)(a), 985.145(1), 985.18, 985.48(4), 985.64(2) FS. History–New\_\_\_\_\_.

63N-1.0035 Retaining a Designated Mental Health Clinician Authority or Clinical Coordinator.

(1) Designated Mental Health Clinician Authority.

(a) No change.

(b) The Designated Mental Health Clinician Authority must be on-site in the DJJ facility/program at least once a week for a sufficient time period to ensure that appropriate

coordination and implementation of mental health and substance abuse services is taking place, ~~at a minimum.~~

(2) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.601(3)(a), 985.14(3)(a), 985.145(1), 985.18, 985.48(4), 985.64(2) FS. History–New\_\_\_\_\_.

63N-1.0036 Referrals for Mental Health Services and Substance Abuse Services.

(1) Referrals to Mental Health Clinical Staff or Substance Abuse Clinical Staff in the facility or off-site outside mental health or substance abuse providers shall be documented on the Mental Health/Substance Abuse Referral Summary (MHSA 014) or a form developed by the program which contains all of the information required in form MHSA 014. The Mental Health/Substance Abuse Referral Summary (MHSA 014, August 2006) is incorporated by reference and is available at “(HYPERLINK)”, or may be obtained by contacting: DJJ, Office of Health Services, 2737 Centerview Drive, Tallahassee, FL 32399.

(2) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.601(3)(a), 985.14(3)(a), 985.145(1), 985.18, 985.48(4), 985.64(2) FS. History–New\_\_\_\_\_.

63N-1.006 Suicide Risk Alerts and Mental Health Alerts.

(1) Suicide Risk Alerts.

(a) through (c) No change.

(d) An exception is provided for residential commitment programs designated for Specialized Treatment Services where a Mental Health Clinical Staff Person conducts mental health screening at admission, and if a youth is identified with Suicide Risk Factors, immediately administers an Assessment of Suicide Risk. Based upon Assessment of Suicide Risk findings ~~In such instances,~~ the Mental Health Clinical Staff Person will determine whether a “Suicide Risk Alert” will be placed in JJIS, ~~based upon Assessment of Suicide Risk findings.~~

(2) through (5) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.601(3)(a), 985.14(3)(a), 985.145(1), 985.18, 985.48(4), 985.64(2) FS. History–New\_\_\_\_\_.

63N-1.0081 Mental Health Treatment Services.

(1) through (2) No change.

(3) Treatment techniques which constitute mental health treatment include the following:

(a) Individual therapy or counseling, which is one-to-one counseling between a youth with a diagnosed Mental Disorder and a Licensed Mental Health Professional or a Mental Health Clinical Staff Person working under the direct supervision of a Licensed Mental Health Professional. Individual counseling or

therapy shall be a planned and structured face-to-face therapy session designed to address the youth's symptoms and accomplish the goals and objectives in the youth's Initial or Individualized Mental Health Treatment Plan. Individual counseling or therapy shall be based on evidence-based therapy models such as cognitive behavioral therapy, reality therapy, gestalt therapy or rational emotive therapy, or identified as promising practices in published quantitative research showing positive outcomes and ~~with~~ demonstrated effectiveness in mental health treatment.

(b) Group therapy or counseling, which is an assembly of youths who have a diagnosed Mental Disorder and a Licensed Mental Health Professional or a Mental Health Clinical Staff Person working under the direct supervision of a Licensed Mental Health Professional for the purpose of using the emotional interactions of members of the group to help them get relief from distressing symptoms and to modify their behavior.

1. No change.

2. Group therapy/counseling shall be based on evidence-based treatment models such as cognitive behavioral therapy, reality therapy, gestalt therapy or rational emotive therapy and evidence-based curricula or curricula identified as promising practices in published quantitative research showing positive outcomes and demonstrated to be effective in mental health treatment.

3. No change.

(c) Family counseling or therapy, which is an assembly of a youth with acute or chronic Mental Disorder, his/her family members such as the youth's parents or guardians and siblings, and a Licensed Mental Health Professional or a Mental Health Clinical Staff Person working under the direct supervision of a Licensed Mental Health Professional for the purpose of improving the youth's and family's functioning in areas which appear to impact his/her Mental Disorder. Family counseling or therapy must be based on effective treatment approaches such as family systems therapy, functional family therapy and multi-systemic therapy or identified as promising practices in published quantitative research showing positive outcomes and demonstrated to be effective in family counseling.

(d) through (f) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.601(3)(a), 985.14(3)(a), 985.145(1), 985.18, 985.48(4), 985.64(2) FS. History—New\_\_\_\_\_.

63N-1.0082 Substance Abuse Treatment Services.

(1) No change.

(2) In facilities and programs where substance abuse services are provided by a Licensed Qualified Professional, substance abuse treatment shall be provided as follows:

(a) No change.

(b) Treatment techniques which constitute substance abuse treatment utilized for youths with Substance-Related Disorder include the following:

1. Individual substance abuse counseling or therapy, which is one-to-one counseling between a youth with Substance-Related Disorder and a Licensed Qualified Professional. Individual substance abuse counseling shall be a planned and structured face-to-face counseling session designed to address the youth's Substance-Related Disorder and accomplish the goals and objectives in the youth's Initial or Individualized Substance Abuse Treatment Plan. Individual substance abuse counseling must be based on evidence-based therapy models such as cognitive behavioral therapy, reality therapy, rationale emotive therapy or identified as promising practices in published quantitative research showing positive outcomes and demonstrated to be effective in substance abuse treatment.

2. Group substance abuse counseling or therapy, which is an assembly of youths with Substance-Related Disorder and a Licensed Qualified Professional who meet at least once a week for the purpose of promoting abstinence from all mood-altering Drugs and recovery from addiction.

a. No change.

b. Group substance abuse counseling must be based on evidence-based treatment models such as cognitive behavioral therapy, reality therapy, or rational emotive therapy or identified as promising practices in published quantitative research showing positive outcomes and demonstrated to be effective in substance abuse treatment.

c. No change.

3. Family substance abuse counseling or therapy, which is an assembly of a youth with substance abuse impairment, members of his/her family and a Licensed Qualified Professional, for the purpose of involving the family in the youth's alcohol/Drug treatment. Family counseling or therapy must be based on effective treatment approaches such as family systems therapy, functional family therapy and multi-systemic therapy, or identified as promising practices in published quantitative research showing positive outcomes and demonstrated to be effective in family substance abuse counseling.

4. No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.601(3)(a), 985.14(3)(a), 985.145(1), 985.18, 985.48(4), 985.64(2) FS. History—New\_\_\_\_\_.

63N-1.0092 Screening for Suicide Risk.

(1) through (2) No change.

(3) Suicide Risk Screening in Residential Commitment Programs.

(a) Suicide risk screening conducted upon a youth's admission to a residential commitment programs shall include:

1. No change.
2. Administration of the Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) or Clinical Mental Health/Substance Abuse Screening which includes administration of a ~~validated and reliable~~ suicide risk screening questionnaire which has been confirmed to be valid and reliable in published research.

- (b) No change.
- (4) No change.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.601(3)(a), 985.14(3)(a), 985.145(1), 985.18, 985.48(4), 985.64(2) FS. History—New\_\_\_\_\_.

63N-1.00931 Licensed Mental Health Professional's Off-Site Review of Assessment or Follow-Up Assessment of Suicide Risk.

In the circumstance where an Assessment of Suicide Risk or Follow-Up Assessment of Suicide Risk is conducted by a non-licensed Mental Health Clinical Staff Person within 24 hours of the referral but cannot be reviewed by a Licensed Mental Health Professional within 24 hours of the referral through face-to-face interaction, the Licensed Mental Health Professional shall accomplish a review of the Assessment of Suicide Risk or Follow-Up Assessment of Suicide Risk within 24 hours of the referral through one of the following methods:

- (1) Verbal consultation through telephonic communication with the non-licensed Mental Health Clinical Staff Person detailing the Assessment of Suicide Risk or Follow-Up Assessment of Suicide Risk findings.

(a) The verbal consultation shall be documented and summarized in the Assessment of Suicide Risk Form (MHSA 004) or Follow-Up Assessment of Suicide Risk Form (MHSA 005) by the non-licensed Mental Health Clinical Staff Person, including any instructions or recommendations made by the Licensed Mental Health Professional.

(b) The form MHSA 004 or form MHSA 005 shall be reviewed and signed by the Licensed Mental Health Professional the next scheduled time he/she is on-site.

(2) Verbal consultation through telephonic communication and electronically transmitted communications such as e-mail between the non-licensed Mental Health Clinical Staff Person and Licensed Mental Health Professional detailing the Assessment of Suicide Risk or Follow-Up Assessment of Suicide Risk findings.

(a) The verbal consultation and e-mail communications shall be documented and summarized in the Assessment of Suicide Risk Form (MHSA 004) or Follow-Up Assessment of

Suicide Risk Form (MHSA 005) by the non-licensed Mental Health Clinical Staff Person, including any instructions or recommendations made by the Licensed Mental Health Professional.

(b) The form MHSA 004 or form MHSA 005 and e-mail must be reviewed and signed by the Licensed Mental Health Professional the next scheduled time he/she is on-site.

(3) Verbal consultation through telephonic communication and off-site review of an electronically transmitted or faxed copy of the completed Assessment of Suicide Risk Form (MHSA 004) or Follow-Up Assessment of Suicide Risk Form (MHSA 005).

(a) The Licensed Mental Health Professional shall fax or electronically transmit confirmation the Assessment of Suicide Risk Form (MHSA 004) or Follow-Up Assessment of Suicide Risk Form (MHSA 005) was reviewed and whether he or she concurs with the findings.

(b) The faxed or electronic transmission of form MHSA 004 or form MHSA 005 shall be placed in the youth's mental health file.

(c) The original form MHSA 004 or form MHSA 005 must be signed as reviewer by the Licensed Mental Health Professional the next scheduled time he/she is on-site.

Rulemaking Authority 985.64(2) FS. Law Implemented 985.601(3)(a), 985.14(3)(a), 985.145(1), 985.18, 985.48(4), 985.64(2) FS. History—New\_\_\_\_\_.

## Section IV Emergency Rules

NONE

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

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.201 Child Registration Procedures; Application; Parent Orientation Session

NOTICE IS HEREBY GIVEN that on January 13, 2014, the Office of Early Learning received a petition for Temporary Waiver of paragraph 6M-8.201(4)(a), F.A.C., which provides requirements for conducting parent orientation sessions for parents registering their children for the VPK program. The Petition was filed by the Early Learning Coalition of St. Lucie County, 804 S. 6th Street, Fort Pierce, FL 34950.



A copy of the Petition for Variance or Waiver may be obtained by contacting: Margaret O’Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, email: Maggi.Parker@oel.myflorida.com.

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

11B-27.00213 Temporary Employment Authorization  
 NOTICE IS HEREBY GIVEN that on January 24, 2014, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00213(4)(a), F.A.C., by Uxavier Bromfield. The rule requires recruits employed by agencies on a temporary employment authorization (TEA) to have a four-year break in service before they may enter into another TEA if their TEA is terminated prior to the recruit becoming certified. Petitioner’s employer lost the contract at the facility where he worked and the incoming operator did not elect to employ him. Petitioner seeks a waiver of this rule so that he may seek another TEA immediately at another facility and, thereby, remain employed while he fulfils the requirements of Section 943.13, F.S., to become certified.

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.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
 Division of Driver Licenses  
 RULE NO.: RULE TITLE:

15A-10.029 Special Supervision Services (SSS) and Statutory Eligibility  
 NOTICE IS HEREBY GIVEN that on January 21, 2014, the Department of Highway Safety and Motor Vehicles, received a petition for Variance from George Deirmenjjan, through his attorney, Justin E. Linn, Bogani & Robes, PLLC, 117 NE 5th Avenue, Suite A, Delray Beach, FL 33483. Pursuant to Section 120.542, Fla. Stats., and Rule 28-104.002, Florida Administrative Code, the Petitioner is seeking a variance from or a waiver of subsection 15A-10.029(5), Fla. Admin. Code, to allow Mr. Deirmenjjan reinstatement into the Special Supervision Services Program at Metro Traffic School, or Pride Integrated Services in Palm Beach County, Florida. This rule states: “No person shall be eligible for reinstatement in the Special Supervision Services who has previously been reinstated and had that reinstatement cancelled due to current substance abuse. In such a situation the entire statutory revocation period must be served.”

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sandra R. Coulter, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, A-432, MS 02, Tallahassee, Florida 32399-0504.

The Department will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. on February 11, 2014.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
 Division of Hotels and Restaurants  
 RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements  
 NOTICE IS HEREBY GIVEN that on January 15, 2014, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2009 FDA Food Code from Eagles Pizza located in Orlando. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize bathrooms located on a different level.

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

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Lydia.Gonzalez@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
 Division of Hotels and Restaurants  
 RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements  
 NOTICE IS HEREBY GIVEN that on January 22, 2014, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Jorge Quintero located in Tampa. 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 Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Lydia.Gonzalez@myfloridalicense.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Library and Information Services

The Division of Library and Information Services announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 12, 2014, 1:00 p.m. – 3:00 p.m., EST

PLACE: Online meeting:

https://suncom.webex.com/mw0306ld/mywebex/default.do?siteurl=suncom, meeting # 648 886 125

Participants can join by conference call only, using the following dial-in number and passcode:

Dial-in number: 1(888)670-3525 (US toll-free)

Participant Passcode: 932 550 5699 #

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Library Network Council will review Division of Library and Information Services programs and services related to statewide library network and resource sharing.

A copy of the agenda may be obtained by contacting: Stephanie Race, Florida Electronic Library Program Manager, at stephanie.race@dos.myflorida.com or (850)245-6630.

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: (850)245-6600 or TDD (850)922-4085. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF STATE

Division of Cultural Affairs

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

DATE AND TIME: Thursday, February 6, 2014, 12:00 Noon.

PLACE: R.A. Gray Building, 1st Floor, 500 S. Bronough St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Elyse Cornelison, Museum of Florida History, (850)245-6413. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Elyse Cornelison, Museum of Florida History, (850)245-6413.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

The Florida Department of Agriculture and Consumer Services announces a public meeting to which all persons are invited.

DATE AND TIME: March 6, 2014, 12:30 p.m. – 1:30 p.m.

PLACE: Holiday Inn Suites, 2725 Graves Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a meeting of the Florida Propane Gas Education, safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss and review council programs and budget issues.

A copy of the agenda may be obtained by contacting: Tianna Baity, Bureau of LP Gas Inspection at (850)921-1606.

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: Ms. Lisa Bassett, (850)921-1603. 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: Lisa M. Bassett, Chief, Bureau of LP Gas Inspection, 2005 Apalachee Pkwy., Tallahassee, Florida 32399.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Standards

The Florida Department of Agriculture and Consumer Services announces a public meeting to which all persons are invited.

DATE AND TIME: March 6, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: Holiday Inn Suites, 2725 Graves Road, Tallahassee, Florida 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Florida LP Gas Advisory Board to discuss industry related issues.

A copy of the agenda may be obtained by contacting: Tianna Baity, Bureau of LP Gas Inspection at (850)921-1606.

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: Ms. Lisa Bassett, (850)921-1603. 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: Lisa M. Bassett, Chief, Bureau of LP Gas Inspection, 2005 Apalachee Pkwy., Tallahassee, Florida 32399, (850)921-1603.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Food Safety

The Florida Food Safety and Food Defense Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2014, 10:00 a.m. – 12:00 Noon

PLACE: Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Seafood Issues, Deepwater Horizon News and Update, 2014 Conference for Food Protection Update, and other general organizational matters of the Advisory Council.

A copy of the agenda may be obtained by contacting: Darcy Poole, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)245-5595.

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: Darcy Poole, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)245-5595. 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: Darcy Poole, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)245-5595.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

The Water Resource Advisory Commission (WRAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 6, 2014, 9:00 a.m.

Water Resource Advisory Commission (WRAC) – Monthly Meeting

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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

A copy of the agenda may be obtained by contacting: Tia Barnett, (561)682-6286, tbarnett@sfwmd.gov or at our website: <http://my.sfwmd.gov/wrac.gov>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the District Clerk, (561)682-2087. 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: Tia Barnett, (561)682 6286.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Pilot Commissioners

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

DATE AND TIME: February 27, 2014, 10:00 a.m.

PLACE: 1(888)670-3525, participant passcode: 8492079683#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N Monroe St., Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 4, 2014, 11:00 a.m. – 12:00 Noon

PLACE: 1(888)670-3525, participant code: 395-187-4435

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Direct Exposure, Institutional Control/Engineering Control and Leachability workgroup of the Contaminated Media Forum is holding a teleconference to discuss alternative institutional controls.

A copy of the agenda may be obtained by contacting: Brian.Dougherty@dep.state.fl.us or (850)245-7503.

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: Brian.Dougherty@dep.state.fl.us or (850)245-7503. 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: Brian.Dougherty@dep.state.fl.us or (850)245-7503.

**DEPARTMENT OF HEALTH**

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

DATE AND TIME: Tuesday, February 4, 2013, 7:30 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 210J, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Discuss statutory revisions.

A copy of the agenda may be obtained by contacting: Brandy Durham, Senior Legal Assistant, 4052 Bald Cypress Way, Bin A02, Tallahassee, FL 32399, Brandy.Durham@flhealth.gov.

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

participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janine Myrick, Deputy General Counsel at Janine.Myrick@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Janine Myrick, Deputy General Counsel at Janine.Myrick@flhealth.gov.

**DEPARTMENT OF HEALTH**

Board of Acupuncture

The Board of Acupuncture announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2014, 9:00 a.m., EST

PLACE: Rosen Plaza, 9700 International Drive, Orlando, FL 32819, (407)996-9700

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This notice replaces Notice 13903318. The meeting is cancelled.

**DEPARTMENT OF HEALTH**

Board of Massage Therapy

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

DATE AND TIME: March 12, 2014, 8:30 a.m.

PLACE: Meet Me number: 1(888)670-3525; participant passcode: 4319491106

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This notice replaces Notice 14066278. The meeting is cancelled.

**DEPARTMENT OF HEALTH**

Board of Orthotists and Prosthetists

The Board of Orthotists & Prosthetists announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 28, 2014, 11:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399-3257

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Mears, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or by accessing the board's website at: <http://www.floridahealth.gov/licensing-and-regulation/ortho-pros-ped/meetings/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sherra W. Mears. If you are hearing or speech

impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**DEPARTMENT OF HEALTH**  
Board of Osteopathic Medicine  
The Probable Cause Panel of the Board of Osteopathic Medicine announces a telephone conference call to which all persons are invited.  
DATE AND TIME: April 19, 2014, 2:00 p.m.  
PLACE: Conference call number: 1(888)670-3525; participant passcode: 6558995979  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
This notice replaces Notice 14067248. The meeting is cancelled.

**DEPARTMENT OF HEALTH**  
Board of Osteopathic Medicine  
The Probable Cause Panel of the Board of Osteopathic Medicine announces a telephone conference call to which all persons are invited.  
DATE AND TIME: July 11, 2014, 2:00 p.m.  
PLACE: Conference call number: 1(888)670-3525; participant passcode: 6558995979  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
This notices replaces Notice 14074620. The meeting is cancelled.

**DEPARTMENT OF HEALTH**  
Board of Osteopathic Medicine  
The Probable Cause Panel of the Board of Osteopathic Medicine announces a telephone conference call to which all persons are invited.  
DATE AND TIME: October 17, 2014, 2:00 p.m.  
PLACE: Conference call number: 1(888)670-3525; participant passcode: 6558995979  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
This notices replaces Notice 14074717. The meeting is cancelled.

**DEPARTMENT OF HEALTH**  
Board of Osteopathic Medicine  
The Boards of Medicine and Osteopathic Medicine – Office Surgery Rule Subcommittee announces a public meeting to which all persons are invited.  
DATE AND TIME: Thursday, February 6, 2014, immediately following the Office Surgery Procedures Subcommittee Meeting

PLACE: Embassy Suites – Lake Buena Vista South, 4955 Kyngs Heath Rd., Kissimmee, Florida 34746, (407)597-4000  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
General business of the committee. Committee meetings may be cancelled prior to the meeting date. Please check the Board website at [www.FLBoardofMedicine.gov](http://www.FLBoardofMedicine.gov) for cancellations or changes to meeting dates or call the Board of Osteopathic Medicine at (850)245-4161 for information.

This notice replaces Notice 14065599.  
A copy of the agenda may be obtained by contacting: Christy Robinson at [christy.robinson@flhealth.gov](mailto:christy.robinson@flhealth.gov) or call (850)245-4161.

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: Christy Robinson at [christy.robinson@flhealth.gov](mailto:christy.robinson@flhealth.gov) or call (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.  
For more information, you may contact: Christy Robinson at [christy.robinson@flhealth.gov](mailto:christy.robinson@flhealth.gov) or call (850)245-4161.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
Substance Abuse Program  
The Department of Children and Families announces a hearing to which all persons are invited.  
DATE AND TIME: Thursday, February 6, 2014, 10:00 a.m. – 12:00 Noon

PLACE: Sebring Chamber of Commerce, 227 US Hwy 27 South, Sebring, FL 33870  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A public forum will be held in Highlands County area on the transportation exemption plan between Florida Hospital Lake Placid and Peace River Center in Bartow, FL. This forum is in compliance with Statute 394.463. The transportation exemption plan addresses mental health individuals that are fifty-five years of age or less that will be transported to Peace River Center. This is open for any interested parties that would like to attend.

A copy of the agenda may be obtained by contacting: Erma Rohrer, 400 W. Robinson St., Orlando, FL 32801, (407)317-7010, [erma\\_rohrer@dcf.state.fl.us](mailto:erma_rohrer@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 24 hours before the workshop/meeting by contacting: Carolann Duncan, 400 W. Robinson St., Orlando, FL (407)317-7010. 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: Carolann Duncan, 400 W. Robinson St., S-1106, Orlando, FL 32801.

**NORTHWOOD SHARED RESOURCE CENTER**

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

DATE AND TIME: February 6, 2014, 1:30 – 3:30 p.m.

PLACE: Department of Children and Families, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes, Items Requiring Operational Committee Action, Exceptions to Standard Server Naming Convention, Storage Capacity, NSRC Updates/Informational Items, Project Status Report, Outage Report, Workload Indicator Report, Old Business, New Business, DR Study discussion, and open discussion.

A copy of the agenda may be obtained by contacting: Robin Tucker at (850)717-0072 or by emailing: robin.tucker@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Robin Tucker at (850)717-0072 or email: robin.tucker@nsrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**Section VII**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that on January 17, 2014, the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, has

received the petition for declaratory statement from Petitioner, Jeffrey M. Borysiewicz, DS 2014-004. The petition seeks the agency’s opinion as to the applicability of Sections 561.22, 561.42, and 565.03, F.S., as they apply to the petitioner.

The Petitioner will be a minority owner in a business entity structured as either a limited liability corporation (LLC) or another corporate form that has ownership interests divided among different investors (“Corporate Entity”). Corporate Entity is planning on owning and operating a Craft Distillery in the State of Florida. Corporate Entity is substantially affected by Florida Statutes Sections 561.22 and 561.45, as to whether Petitioner’s position at Corona Cigars prevents Petitioner from maintaining an ownership interest in Corporate Entity holding a license as a Craft Distillery in the State of Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joy.Cottrell@myfloridalicense.com, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1020.

Please refer all comments to: Michael Ross, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1020.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Mark Winn, In Re: Poinciana Place Condominium Association, Inc., Docket No. 2013045753, on November 5, 2013. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a Declaratory Statement because it may not issue a statement concerning events that have already taken place; or to determine the conduct of another person; or where a dispute of fact exists. The order was filed with the Agency Clerk on January 14, 2014.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

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

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

**NONE**

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

**NONE**

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

**NONE**

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

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Qualifications 2014-01 Inclusion in a Pool of Energy Auditors

The Florida Housing Finance Corporation invites all qualified Offerors to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2014-01, relating to energy audit services. Florida Housing expects to select a pool of qualified energy auditors to perform audits on properties seeking loans through the Multifamily Energy Retrofit Program (MERP). Proposals shall be accepted until 2:00 p.m. (Eastern Time), Tuesday, February 11, 2014, to the attention of Della Harrell, Contracts Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Della Harrell at (850)488-4197 or [della.harrell@floridahousing.org](mailto:della.harrell@floridahousing.org). To obtain a copy of the Request for Qualifications, which outlines selection criteria and applicant’s responsibilities, please submit your request to the attention of Della Harrell, or you can download the Request for Qualifications from the Florida Housing Finance Corporation website at: <http://www.floridahousing.org/BusinessAndLegal/Solicitations/RequestForQualifications/>. Any modifications that occur to the Request for Qualifications will be posted at the website and may result in an extension of the deadline.

**JACKSONVILLE PORT AUTHORITY  
REQUEST FOR PROPOSAL No. 13-11  
RAIL YARD OPERATOR  
FOR  
INTERMODAL CONTAINER TRANSFER  
FACILITY (ICTF)  
FOR THE  
JACKSONVILLE PORT AUTHORITY**

Proposals will be received by the Jacksonville Port Authority (JAXPORT) until 2:00 p.m. (EST), Thursday, February 27, 2014, at which time they will be opened in the First Floor Conference Room, 2831 Talleyrand Avenue, Jacksonville, Florida 32206.

A mandatory pre-proposal meeting will be held at the Port Central Office Building on Friday, February 7, 2014 at 10:00 a.m., First Floor Conference Room located at 2831 Talleyrand Ave., Jacksonville, Florida 32206.

All Proposals must be submitted in accordance with the Specifications of Proposal No. 13-11, which may be obtained from the bidding opportunities website: <http://www.jaxport.com/about/projects.cfm>.

Procurement & Contract Services Department, P. O. Box 3005, (2831 Talleyrand Avenue), Jacksonville, Florida 32206, (904)357-3017.

**Section XII  
Miscellaneous**

**DEPARTMENT OF TRANSPORTATION**

New Site Approval Order for Miami Seaquarium Heliport  
The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

Miami Seaquarium Heliport, a private airport, in Miami-Dade County, at Latitude 25° 44' 02.5" and Longitude 80° 10' 00.3",

to be owned and operated by Marine Exhibition Corporation, Miami Seaquarium 4400 Rickenbacker Causeway Miami, FL 33149-1095.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 State Revolving Fund Program  
 NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTICE

Charlotte County

The Department of Environmental Protection has determined that Charlotte County's proposed project to construct new wastewater collection and transmission facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$11,900,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Thomas Montgomery, State Revolving Fund Program, Department of Environmental Protection, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400, calling: (850)245-8368 or emailing: [thomas.montgomery@dep.state.fl.us](mailto:thomas.montgomery@dep.state.fl.us).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Beaches and Coastal Systems

NOTICE OF AVAILABILITY OF ST. AUGUSTINE INLET  
 MANAGEMENT IMPLEMENTATION PLAN UPDATE

The Florida Department of Environmental Protection (Department) announces the availability and adoption of the St. Augustine Inlet Management Implementation Plan Update. Summary of the St. Augustine Inlet Management Implementation Plan Update: Pursuant to Subsection 161.101(2), F.S., the Department is the beach and shore preservation authority for the State of Florida. As part of the beach management plan adopted pursuant to Section 161.161, F.S., the Department is adopting this inlet management plan for St. Augustine Inlet in St. Johns County, Florida. This plan updates an existing plan for St. Augustine Inlet to make the plan consistent with current statutes and observed erosion conditions. Future inlet management activities shall be consistent with the strategies set forth in the Inlet Management Plan. To obtain a copy of the St. Augustine Inlet Management Implementation Plan Update, visit:

[http://www.dep.state.fl.us/beaches/publications/index.htm#Inlet\\_Management](http://www.dep.state.fl.us/beaches/publications/index.htm#Inlet_Management) or contact Kamie Carney, Department of Environmental Protection, telephone: (850)488-7816, email: [kamie.carney@dep.state.fl.us](mailto:kamie.carney@dep.state.fl.us).

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 of the 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, MS 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F. S., is not available.

Because the administrative hearing process is designed to redetermine final agency action on the adoption, the filing of a petition for an administrative hearing may result in a modification of the agency action. 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 adoption of the Inlet Management Plan, subject to the result of the administrative review process.

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 Rules 28-106.111 and 62-110.106, F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 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 21 days of publication of the notice or within 21 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 21 days of receipt of such notice, regardless of the date of publication.

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. 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 action 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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**Section XIII**  
**Index to Rules Filed During Preceding**  
**Week**

RULES FILED BETWEEN JANUARY 21, 2014 AND  
JANUARY 24, 2014

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Marketing and Development**

5H-23.001	1/24/2014	2/13/2014	39/138	39/209
5H-23.002	1/24/2014	2/13/2014	39/138	39/209
5H-23.003	1/24/2014	2/13/2014	39/138	39/209
5H-23.004	1/24/2014	2/13/2014	39/138	39/209

**DEPARTMENT OF CITRUS**

20-53.003	1/22/2014	2/11/2014	39/223	40/07
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**DEPARTMENT OF CORRECTIONS**

33-302.110	1/21/2014	2/10/2014	39/245	
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**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

41-2.018	1/24/2014	2/13/2014	39/248	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**

59-1.039	1/24/2014	2/13/2014	39/229	39/236
59-1.044	1/24/2014	2/13/2014	39/229	39/236
59-1.045	1/24/2014	2/13/2014	39/229	39/236
59-1.046	1/24/2014	2/13/2014	39/229	39/236
59-1.047	1/24/2014	2/13/2014	39/229	39/236

**Medicaid**

59G-6.010	1/24/2014	2/13/2014	39/123	39/234
59G-6.045	1/24/2014	2/13/2014	39/125	39/234

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

61J1-6.001	1/21/2014	2/10/2014	39/215	
61J1-10.001	1/21/2014	2/10/2014	39/215	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	1/24/2014	1/24/2014	39/249	
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**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

64B10-10.002	1/21/2014	2/10/2014	39/236	
64B10-15.001	1/21/2014	2/10/2014	39/236	
64B10-16.001	1/22/2014	2/11/2014	39/121	39/236

**Board of Pharmacy**

64B16-28.301	1/21/2014	2/10/2014	39/218	
64B16-28.810	1/21/2014	2/10/2014	39/217	

**Board of Podiatric Medicine**

64B18-17.005	1/23/2014	2/12/2014	39/245	
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-9.012	1/24/2014	2/13/2014	39/238	
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**Marine Fisheries**

68B-14.005	1/24/2014	1/24/2014	39/248	
68B-58.001	1/24/2014	2/13/2014	39/248	40/14
68B-58.003	1/24/2014	2/13/2014	39/248	40/14
68B-58.004	1/24/2014	2/13/2014	39/248	40/14
68B-58.005	1/24/2014	2/13/2014	39/248	40/14
68B-58.006	1/24/2014	2/13/2014	39/248	40/14
68B-58.007	1/24/2014	2/13/2014	39/248	40/14
68B-58.011	1/24/2014	2/13/2014	39/248	40/14

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

69I-40.002	1/21/2014	2/10/2014	39/207	
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**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Strategic Business Development**

73A-2.003	1/23/2014	2/12/2014	39/208	39/237
73A-2.004	1/23/2014	2/12/2014	39/208	39/237

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO SECTION 120.541(3), FLORIDA STATUTES**

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

64J-2.006 7/12/2013 \*\*\*\*\* 39/53 39/103

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-772.300 12/27/2013 \*\*\*\*\* 39/194 39/224

62-772.400 12/27/2013 \*\*\*\*\* 39/194 39/224

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

69L-7.020 10/24/2011 \*\*\*\*\* 37/24 37/3

**OIR Insurance Regulation**

69O-186.013 12/30/2013 \*\*\*\*\* 39/201 39/230

40E-7.523	1/17/2014	*****	39/189	39/235
40E-7.525	1/17/2014	*****	39/189	
40E-7.526	1/17/2014	*****	39/189	39/235
40E-7.527	1/17/2014	*****	39/189	39/235
40E-7.528	1/17/2014	*****	39/189	
40E-7.529	1/17/2014	*****	39/189	39/235
40E-7.530	1/17/2014	*****	39/189	39/235
40E-7.532	1/17/2014	*****	39/189	
40E-7.534	1/17/2014	*****	39/189	39/235
40E-7.535	1/17/2014	*****	39/189	39/235
40E-7.537	1/17/2014	*****	39/189	39/235
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40E-7.538	1/17/2014	*****	39/189	39/235
40E-7.5382	1/17/2014	*****	39/189	39/235
40E-7.5383	1/17/2014	*****	39/189	
40E-7.5384	1/17/2014	*****	39/189	

**LIST OF RULES AWAITING LEGISLATIVE REVIEW AND CONSIDERATION PURSUANT TO SECTION 373.1391, F.S.**

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

40E-7.511 1/17/2014 \*\*\*\*\* 39/189 39/235

40E-7.520 1/17/2014 \*\*\*\*\* 39/189 39/235

40E-7.521 1/17/2014 \*\*\*\*\* 39/189