

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

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE NOS.:	RULE TITLES:
1A-36.002	Definitions
1A-36.003	Program Information
1A-36.004	Program Description
1A-36.005	Eligibility Requirements
1A-36.006	Application Procedures
1A-36.007	Ad Hoc Florida Main Street Advisory Committee
1A-36.008	Application Review
1A-36.009	Program Administration
1A-36.010	Active Local Programs
1A-36.011	Secretary of State's Florida Main Street Awards Program

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to establish in rule the most recent application procedures, program guidelines and requirements, and forms for the Florida Main Street Program and the Secretary of State's Florida Main Street Awards Program.

**SUBJECT AREA TO BE ADDRESSED:** Guidelines and procedures of the Florida Main Street Program and the Secretary of State's Florida Main Street Awards Program.

**RULEMAKING AUTHORITY:** 267.031(1) FS.

**LAW IMPLEMENTED:** 267.031(5)(g), 267.0617(2) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Carlos A. Rey, Florida Department of State, 500 S. Bronough St., Tallahassee, FL 32399, (850)245-6536, Carlos.Rey@dos.myflorida.com

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

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE NO.:	RULE TITLE:
1A-46.001	Standards and Guidelines for Reports

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to establish in rule the most recent forms required by the Florida Master Site File for reporting archaeological and historical fieldwork activities.

**SUBJECT AREA TO BE ADDRESSED:** Florida Master Site File requirements for reporting archaeological and historical fieldwork activities.

**RULEMAKING AUTHORITY:** 267.031(1) FS.

**LAW IMPLEMENTED:** 267.031 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Carlos Rey, Florida Department of State, 500 S. Bronough St., Tallahassee, FL 32399, (850)245-6536, Carlos.Rey@dos.myflorida.com

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE NOS.:	RULE TITLES:
5B-2.001	Definitions
5B-2.0011	Purpose
5B-2.002	Registering with the Division
5B-2.0025	Certification and Quarantine of Nursery Stock
5B-2.004	Certificates of Inspection (Tags)
5B-2.008	Record of Movement of Nursery Stock or Plant Material Under Inspection
5B-2.010	Special Inspection and Certification Fees

**PURPOSE AND EFFECT:** The purpose of this amendment is to remove the exemption of aquatic plants from nursery stock classification, revise dates and titles of forms, add additional quarantine pests of limited distribution, remove fumigation services that are no longer offered by the Division, and revise the fee structure to have minimal impact on industry stakeholders. This will accurately outline plant pests of regulatory significance and actions taken when these pests are detected in the state while offsetting some of the increased expense to maintain service to the public.

**SUBJECT AREA TO BE ADDRESSED:** This amendment is to update the nursery stock classification, revise reference materials titles and revision dates, provide an update to quarantined pests of limited distribution in Florida, remove fumigation services no longer provided, and establish a fee structure to minimally impact the industry stakeholders.

**RULEMAKING AUTHORITY:** 570.07(13), (23), 581.031(1), (3), (4), (5), (8), (23) FS.

**LAW IMPLEMENTED:** 581.031 (4), (5), (6), (7), (19), (21), 581.083, 581.101, 581.121, 581.131, 581.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Greg Hodges; (352)395-4627

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: RULE TITLE:

64B2-11.001 Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the revised form.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Examination.

RULEMAKING AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 456.013, 456.0135, 456.017(1)(a), 456.039, 456.0635, 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony B. Spivey, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.: RULE TITLES:

69A-37.039 Prescribed Forms for Training and Certification

69A-37.065 Programs of Study and Vocational Courses

PURPOSE AND EFFECT: The purpose of the changes to Rule 69A-37.039, F.A.C., is to introduce two new training programs for firefighters as provided in Sections 633.418 and 633.406(2), F.S. The Florida State Fire College is required to provide professional and volunteer firefighters with essential professional instruction and training in subjects, including, hazardous materials and urban search and rescue, and other

disciplines. The proposed rule introduces a voluntary advanced training program designed for firefighters having search and rescue responsibilities. This program is based on the NFPA 1670, "Standard on Operations and Training for Technical Search and Rescue Incidents." This program is intended to prepare individuals for service as search and rescue responders in the five disciplines of Florida Urban Search and Rescue (FLUSAR). The changes to the rule also introduce a voluntary advanced training program designed for firefighters having hazardous materials responsibilities. This program is based on NFPA 472, "Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents." This program is intended to prepare individuals for service as hazardous materials responders. Rule 69A-37.039, F.A.C., will include amendments to adopt the forms necessary to implement changes being made in Rule 69A-37.065, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Prescribed Forms for Training and Certification and Programs of Study and Vocational Courses

RULEMAKING AUTHORITY: 633.104, 633.128(1)(I), 633.216(9), 633.406(2), 633.418(1), 633.508(2), FS

LAW IMPLEMENTED: 633.112(1), 633.128, 633.132, 633.138, 633.216, 633.406, 633.408, 633.412, 633.418, 633.508(2), 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: Friday, January 22, 2016, 1:00 p.m. – 2:30 p.m.

PLACE: Ocean Center, Room 202C, 101 N Atlantic Ave., Daytona Beach, FL. 32118

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: Bill Wentlandt, telephone: (352)369-2829, email: Bill.Wentlandt@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Wentlandt, Assistant Superintendent, Bureau of Firefighter Standards and Training, Division of State Fire Marshal, Department of Financial Services, telephone: (352)369-2829, email: Bill.Wentlandt@MyFloridaCFO.com

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

## Section II Proposed Rules

### BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-1.002	Definitions
18-1.004	Title
18-1.005	Appraisal Map and Survey
18-1.006	Appraisal Procedures, Report Requirements and Determining Maximum Amounts
18-1.007	Appraiser Eligibility and Selection
18-1.013	Donations

**PURPOSE AND EFFECT:** To remove or revise definitions and terminology to reflect accurate terms; to update and incorporate the supplemental standards; to provide for waivers of certain survey standards if warranted by certain conditions; and to allow for limited waiver of evidence of marketable title in accordance with statutes.

**SUMMARY:** Remove and revise definitions and terminology for redundancy, accuracy, and clarity; remove all references to the Uniform Standards of Professional Appraisal Practice (USPAP) since appraisals must be completed by State Certified Appraisers who must follow USPAP procedures and practices; update and incorporate the Supplemental Appraisal Standards for Board of Trustees; tie evidence of marketable title to statutory provisions setting forth those requirements; allow the Department to waive any portion of Supplemental Standards on land valued at \$100,000 or less if best professional judgment demonstrates it would not be detrimental to credible assignment result; add the requirement for an appraiser’s eligibility and selection to submit one appraisal report demonstrating such competence and expertise for one of the specialty property types, and also to demonstrate general appraisal competence by submission of an appraisal report that includes sales comparison, cost, and income approaches; allow approved appraisers to request reaffirmation to remain on the approved appraisers list every two years rather than every year; remove reward of additional points for professional appraisal designation by approved appraisal organization; remove requirement for Standard 3 review from rule, as this is an internal procedural matter not suited for rule; allow for limited waiver of evidence of marketable title in accordance with statutes.

**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: Ratification is not required on any of the proposed rules because the proposed changes are largely for clarity or to streamline processes, including streamlining how and when appraisers must follow the supplemental standards and, as such, there is no adverse impact or regulatory costs of the rule that exceed any of the criteria established in Section 120.541(2)(a), F.S., based on a review conducted in association with the “Proposed Rule: Is a SERC Required?” checklist.

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:** 253.03, 253.025, 259.041 FS.  
**LAW IMPLEMENTED:** 253.025, 259.041, 373.139 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:** Elaine Mann, Division of State Lands, Department of Environmental Protection, (850)245-2564, Elaine.Mann@dep.state.fl.us

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

##### 18-1.002 Definitions.

When used in this chapter, the following shall have the indicated meaning unless the context clearly indicates otherwise:

(1) No change.

~~(2) “Appraisal foundation” means the non-profit, educational corporation established in Washington, D. C. by the American appraisal industry to foster professionalism by promoting the Uniform Standards of Professional Appraisal Practice.~~

(3) renumbered (2) No change.

~~(3)(4) “Appraisal services” means valuation work in the form of an appraisal, or appraisal review, or appraisal consulting assignment, as outlined in the USPAP.~~

~~(5) “Appraiser” means one who is expected to perform appraisal services competently and in a manner that is independent, impartial and objective.~~

(4)(6) “Approved appraisal” means an appraisal service that has been approved by the Chief Appraiser, Bureau of Appraisal, Division of State Lands, or designee as in compliance with USPAP, the Supplemental Standards, this chapter, and the specific assignment requirements.

(7) ~~“Approved appraisal organization” means an organization that is a member of the Appraisal Foundation, a foundation authorized by the United States Congress as the source of appraisal standards and appraiser qualifications.~~

(8) through (17) renumbered (5) through (14) No change.

(18) ~~“Fee appraiser” means the person performing an appraisal of property.~~

(19) through (26) renumbered (15) through (22) No change.

(23)(27) “Supplemental Standards” means the Supplemental Appraisal Standards for Board of Trustees Land, effective date dated \_\_\_\_\_ June 15, 2010, hereby adopted by reference, and made available on the internet at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06292> or <http://www.dep.state.fl.us/lands/appraisal.htm> or by sending a request to: Department of Environmental Protection, Bureau of Appraisal, 3900 Commonwealth Boulevard, M.S. 110, Tallahassee, Florida 32399-3000 or by phone at (850) 245-2658 or by fax at (850) 245-2668. The Supplemental Standards which contain ~~contains~~ appraisal requirements that establish public policy and add procedures and practices, including those outlined in Chapters 253 and 259, F.S., that are to be used in addition to the standard appraisal procedures and practices of the appraisal profession, as regulated by Part II of Chapter 475, F.S., for the development and reporting of all appraisal services, including those outlined in Chapters 253 and 259, F.S., adopted by the Board of Trustees of the Internal Improvement Trust Fund, available on the internet at: <http://www.dep.state.fl.us/lands/appraisal> or by sending a request to: Department of Environmental Protection, Bureau of Appraisal, 3900 Commonwealth Boulevard, M.S. 110, Tallahassee, Florida 32399 3000 or by phone at (850) 245-2658 or by fax at (850) 245 2668.

(28) renumbered (24) No change.

(29) ~~“USPAP” means the Uniform Standards of Professional Appraisal Practice, effective January 1, 2010, which contains the generally accepted standards of the appraisal profession that deal with the procedures to be followed in developing an appraisal, analysis, or opinion and the manner in which such appraisal, analysis, or opinion is communicated, as promulgated by the Appraisal Foundation, available on the internet at: <http://www.appraisalfoundation.org> or by directing your request to: The Appraisal Foundation, 1155 15th Street, N. W., Suite 1111, Washington, DC 20005.~~

Rulemaking Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 10-30-91, 4-14-08, 6-15-10, \_\_\_\_\_.

18-1.004 Title.

(1) Initial Title Report. In order for the Division to obtain appraisals, a title report, including an adequate legal description of the property to be acquired sufficient to inform the Division and the fee appraisers of the status of ownership, encumbrances, exceptions, reservations, previous ownership history, and tax assessment history shall be obtained. If an acquiring agency has initiated the acquisition or the acquisition is for the benefit of an acquiring agency, then the title report shall be furnished to the Division by the acquiring agency.

(2) Evidence of Marketability.

(a) No change.

(b) ~~The Board may waive the requirement of the evidence of marketability for acquisition of property assessed by the county property appraiser at \$10,000 or less, where the Division finds, based upon such review of the title records as is reasonable under the circumstances, that there is no apparent impediment to marketability, or to management of the property by the state. Evidence of marketable title shall be provided or waived in accordance with Sections 253.025 or 259.041, F.S., as applicable.~~

(3) No change.

Rulemaking Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 4-14-08, \_\_\_\_\_.

18-1.005 Appraisal Map and Survey.

(1) For each project or parcel of property, the Division shall provide for use by the ~~fee~~ appraisers, at acquiring agency’s cost if an acquiring agency is involved in the acquisition, either a certified survey or appraisal map.

(2) No change.

Rulemaking Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 10-30-91, 4-14-08, \_\_\_\_\_.

18-1.006 Appraisal Procedures, Report Requirements and Determining Maximum Amounts.

(1) The development and reporting of all appraisal services by the ~~fee appraiser~~ shall be consistent with the USPAP, Supplemental Standards, this chapter, and the specific assignment, and Part II of Chapter 475, F.S. If the estimated value is \$100,000 or less, the Department shall waive any portion of the Supplemental Standards when best professional judgment demonstrates that it would not be detrimental to a credible assignment result.

(2) The acquiring agency shall provide, or coordinate through the Division, to the ~~fee~~-appraiser all pertinent title information developed, a specification of the rights to be acquired, a list of items, if any, considered to be noncompensable, minimum appraisal requirements that apply, required appraisal forms or formats, and a certified survey or appraisal map.

(3) The appraisal report shall state any extraordinary assumption or hypothetical condition made by the appraiser in determining market value and shall document and adequately support the ~~fee~~-appraiser's estimate or conclusion as to value.

(4) In accordance with Section 253.025(6)(f), F.S., the appraisal report shall be accompanied by a sales history of the parcel for the prior five years, with the following exceptions:

(a) through (b) No change.

(c) The most recent just value, as determined by the county property appraiser, is \$75,000 or less ~~ad valorem tax assessment for each parcel is \$75,000 or less, excluding tax exemptions.~~

(5) through (8) No change.

(9) When the Division requests the release of funds for appraising CARL, Save Our Coast, or Land Acquisition Trust Fund parcels, the Board shall be provided a status report indicating when negotiations for acquiring such parcels were or will be ~~might be~~ initiated.

Rulemaking Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041, 373.139 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 1-2-91, 10-30-91, 4-14-08, 6-15-10, \_\_\_\_\_.

18-1.007 Appraiser Eligibility and Selection.

(1) Approved Appraiser List – Eligibility and Selection.

(a) The Chief Appraiser shall maintain on the Department's \_\_\_\_\_ website, \_\_\_\_\_ at <http://www.dep.state.fl.us/lands/appraisal/pdfs/ApprovedAppraiserListApplication04192013.pdf> ~~information for annually send an announcement to each approved appraisal organization and to the Florida Real Estate Appraisal Board (FREAB) for publication in their respective newsletters, inviting for interested appraisers to apply for placement on the approved appraiser list.~~

(b) An appraiser shall be considered eligible and will be placed on the list when he has complied with all the following criteria:

1. through 2. No change.

3. The appraiser is an appraiser ~~licensed to do business in Florida and~~ certified by the FREAB Florida Department of Business and Professional Regulation.

4. The appraiser demonstrates a level of general appraisal competence through past appraisal experience. An acceptable level of general appraisal competence and quality shall be demonstrated by the submission of an appraisal report(s) that

includes sales comparison, cost, and income approaches ~~report prepared for a business client within the previous two years that substantially complies with the USPAP.~~

5. The appraiser identifies any specialty property types, as outlined in the Supplemental Standards, for which he professes appraisal expertise and competence, and submits one appraisal report demonstrating such competence and expertise for one of the specialty property types in accordance with the USPAP.

(c) The Chief Appraiser will request that the appraiser submit biennial ~~annual~~ reaffirmation of interest in and update his documentation in order to remain on the list of approved appraisers.

(d) Removal of the appraiser's name from the list of approved appraisers shall be made at the appraiser's request, by failure to submit biennial ~~annual~~ reaffirmation of interest or updated documentation after notice, for unsatisfactory performance, for disciplinary action given by the Florida Real Estate Appraisal Board (FREAB), ~~FREAB~~ or for material non-compliance with contract terms. If an appraiser's name is removed from the list pursuant to this rule, he must comply with the requirements of this rule to be placed back on the list of approved appraisers and if disciplined by the FREAB, supply evidence that he has fulfilled all requirements of the disciplinary action.

(2) Multiple Year Appraiser Contracts Eligibility and Selection. For cost and time efficiency regarding future appraisal services, appraisers will be selected and placed under multi-year contracts. Selection procedures shall be as follows:

(a) through (b) No change.

(c) When the Bureau of Appraisal has received proposals and after the invitation closing date, the appraisers' proposals will be evaluated for the purpose of awarding future multi-year contracts according to the following criteria listed in order of importance and scored based on a point system maintained by the Bureau of Appraisal:

1. No change.

~~2. Attainment of professional appraisal designations awarded by approved appraisal organizations. For a commercial designation 9 points are awarded and for a residential designation 4 points are awarded, for a possible total of 13 points.~~

3. through 4. renumbered 2. through 3. No change.

(d) through (f) No change.

(3) through (4) No change.

(5) Appraisal reviews are appraisal services that will be conducted for each assignment by qualified review appraisers ~~in accordance with the USPAP competency requirements.~~ Appraisal review reports shall be submitted to the Chief Appraiser or his designee for approval.

(a) For acquisition parcels with values greater than \$500,000 an appraisal review will be developed and reported according to ~~the requirements of Standard 3 of the USPAP~~, the Supplemental Standards, this chapter, and the specific requirements of the assignment. For acquisition parcels with values of \$500,000 or less, a cursory review by the Bureau of Appraisal or appraisal review will be conducted for assurance that requirements of the assignment were met. ~~For every 20th appraisal for conservation land acquisition with a value of \$500,000 or less, a Standard 3 review, as described above, will be developed and reported for quality assurance purposes.~~

(b) No change.

(6) Appraisers to be solicited for appraisal review assignments, as identified in paragraph (5)(a), above, will be from those on the approved appraiser list, under a multiple year contract and who possess competency for review work ~~in accordance with the USPAP.~~

Rulemaking Authority 253.03, 259.041 FS. Law Implemented 259.041 FS. History—New 6-16-86, Amended 1-29-90, 10-30-91, 4-14-08, 6-15-10, \_\_\_\_\_.

18-1.013 Donations.

(1) The Board will consider accepting donations of land if the following conditions are met:

(a) No change.

(b) Evidence of marketable title must be supplied either by the landowner, the Division, or the acquiring or managing agency or waived in accordance with Sections 253.025 or 259.041, F.S., as applicable.

(c) through (e) No change.

(2) through (3) No change.

Rulemaking Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 4-14-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Scott Woolam, Senior Program Analyst, Division of State Lands

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 1, 2015

**BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
18-2.017	Definitions
18-2.018	Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands
18-2.019	Procedures to Obtain Authorization
18-2.020	Payments and Consideration

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to perform clean-up of the definitions, update land and conservation management plans in accordance with Section 253.034(5), F.S., to provide for business plans in accordance with Section 253.034(13), F.S., and to update competitive bid and exception procedures in accordance with Section 253.034(6)(h), F.S.

**SUMMARY:** Update definitions to reflect changes in body of the rule and to eliminate unnecessary definitions; set forth when equitable compensation may be waived when leasing to a nonprofit corporation; update Land Use Plan and Management Plan requirements to better tie to statute and remove unnecessary requirements for those plans; allow counties and municipalities to apply for an exchange of state-owned uplands for privately-owned property; remove outdated references to Development of Regional Impact (DRI) and Preliminary Development Agreement (PDA) reviews; update application requirements for state agencies, state universities, and Florida College System institutions to require a business plan to be submitted to the Board of Trustees when applying to use uplands as required by changes in Chapter 2013-152, Laws of Florida; update rule to require appraisals when selling surplus land estimated to be valued over \$500,000 as required by changes in Chapter 2013-152, Laws of Florida; update when parcels must be initially offered for sale by competitive bid; update the determination of value for private easements; clarify that there are no fees for public easements; update earnest money deposit requirements for bids.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that the proposed rules 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 for proposed rules 18-2.017, .018, or .020, F.A.C. However, a SERC has been prepared by the Agency for proposed rule 18-2.019. In summary, costs associated with this proposed rule are not estimated to be more than \$10,000 total over the next 5 years.

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: Ratification is not required on any of the proposed rules because the changes are largely related to providing clarification and streamlining existing processes such that there is no adverse impact or regulatory costs of the rule that exceed any of the criteria established in Section 120.541(2)(a), F.S., based on a review conducted in association with the "Proposed Rule: Is a SERC Required?" checklist. For the changes requiring the submittal of a business plan when seeking surplus property as set forth in 18-2.019, F.A.C., the Department completed a SERC to evaluate any adverse impacts or regulatory costs and due to the anticipated infrequency that plans will be required and small cost associated with the plans when they are completed, there is no adverse impact or regulatory costs of the rule that exceeds any of the criteria established in Section 120.541(2)(a), F.S.

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: 253.03, 253.034, 259.035 FS.  
LAW IMPLEMENTED: 253.001, 253.02, 253.03, 253.034, 253.04, 253.111, 253.115, 253.42-44, 253.47, 253.51-.61, 253.571, 253.62, 253.77, 253.82, 259.035, 270.07, 270.08, 270.11, 259.035, 259.101, 259.105, 267.021 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: Elaine Mann, Division of State Lands, Department of Environmental Protection, (850)245-2564, Elaine.Mann@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

18-2.017 Definitions.

When used in this rule chapter, the following shall mean:

(1) through (4) No change.

~~(5) "Approved appraisal" has the same meaning as provided in Rule 18-1.002, F.A.C.~~

(6) through (9) renumbered (5) through (8) No change.

(9)(10) "Board" means the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida or its designated agents.

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

~~(14) "Convey" means to transfer title or interest in land from one party to another for consideration.~~

~~(15) "Conveyance" means an instrument or transfer of title of land from one party to another.~~

~~(16) "Cooperating agency" means a lessee which, as party to a multiple state agency lease, has designated management responsibilities to be carried out under the guidance of the lead agency so that each party utilizes its particular expertise in order to achieve the management goal.~~

(17) through (25) renumbered (13) through (21) No change.

~~(26) "Fine" means a monetary assessment imposed, pursuant to Section 253.04, F.S., on a person or the agent of a person who willfully damages state lands, willfully damages or removes products of state lands in violation of state or federal law, or knowingly refuses to comply with or willfully violates Chapter 253, F.S., or the rules of the Division.~~

(27) renumbered (22) No change.

(23)(28) "Historic resources" is as defined in Section 267.021, F.S. means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, or any part thereof, relating to the history, government, or culture of the state.

(29) renumbered (24) No change.

~~(30) "Lead agency" means that agency designated by the Board as being responsible for coordinating the development of a management plan for a cooperative management area with input from cooperating agencies pursuant to the terms of the management agreement/multiple agency lease.~~

(31) renumbered (25) No change.

~~(26)(32) "Letters—Letter of authorization" means a nonpossessory form of authorization that allows the applicant the right to erect specific structures or conduct specific activities on uplands.~~

(27)(33) "Management agreement/multiple agency lease" means the legal instrument by which the management purpose(s) of a property and the responsibilities of each managing party are delineated in a cooperative management situation. It is a contractual agreement between the Board and one or more agencies which does not create an interest in real property but merely authorizes conduct of certain management activities on lands owned by the Board.

(34) renumbered (28) No change.

~~(35) "Mean high water line" means the intersection of the tidal plane of mean high water with the shore. This is the boundary between sovereignty submerged land and the adjacent upland along tidal waterbodies.~~

(36) through (39) renumbered (29) through (32) No change.

~~(40) "Ordinary high water line" means the boundary between uplands and submerged lands beneath non-tidal navigable natural water bodies.~~

(41) renumbered (33) No change.

~~(34)(42)~~ “Plan” means a document management plan as required by Section 253.034, F.S.

(a) “Business Plan” means a plan submitted by a state agency, state university, or Florida College System institution to the Board regarding the intended use of a building or parcel of land before approval of a lease, as required by Section 253.034(13), F.S.

(b) “Land Use Plan” means a plan submitted by a manager of nonconservation lands to the Division as required by Section 253.034 F.S.

(c) “Management Plan” means a plan submitted by a manager of conservation lands to the Division as required by Section 253.034(5), F.S.

(43) renumbered (35) No change.

~~(44) “Preliminary Development Agreement (PDA)” means a written agreement between the developer and the Department of Community Affairs to allow the developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer’s own risk. This written agreement is entered into prior to issuance of a final development order which grants, denies or denies with conditions an application for a development permit.~~

(45) through (51) renumbered (36) through (42) No change.

~~(52) “Rule” means a rule adopted pursuant to Chapter 120, F.S.~~

~~(53) “Satisfactory evidence of title” means a current title insurance policy or current title insurance binder or commitment, not more than 6 months old, issued by a title insurance company authorized to do business in the State of Florida or an opinion of title prepared by a member of the Florida Bar, covering title to the lands involved and indicating any mineral or other interest.~~

(54) renumbered (43) No change.

~~(55) “Sole management” means management by one agency on a single or multiple use management tract.~~

(56) renumbered (44) No change.

~~(45)(57)~~ “State lands land” as used in this rule means land to which the title is vested in the Board.

(58) through (64) renumbered (46) through (52) No change.

~~(65) “USPAP” has the same meaning as provided in Rule 18 1.002, F.A.C.~~

(66) renumbered (53) No change.

Rulemaking Authority 253.03, 253.034, 259.035 FS. Law Implemented 253.03, 253.034, 259.035, 259.101, 259.105, 267.021 FS. History—New 6-4-96, Amended 5-15-08, 5-29-08, \_\_\_\_\_.

18-2.018 Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands.

Applications to use Trustees-owned uplands and decisions to approve or reject such applications will be based on all of the following:

(1) No change.

(2) General Policies.

(a) through (h) No change.

(i) Equitable compensation shall be required when the use of uplands will generate income or revenue for a private user or will limit or preempt use by the general public. The Trustees shall award authorization for such uses on the basis of competitive bidding rather than negotiation unless otherwise provided herein or determined by the Trustees to be in the public interest pursuant to the results of an evaluation of the impacts, both direct and indirect, which may occur as a result of the proposed use. Relevant factors to be considered in the evaluation shall include those specified in subsection 18-2.018(1), F.A.C. The Trustees shall make its final determination at a regularly scheduled meeting of the Governor and Cabinet. The Trustees reserve the right to reject any and all bids. Equitable compensation under this paragraph shall be waived in instances where all of the following conditions are met:

1. The managing entity proposes subleasing property to a duly-registered, not-for-profit corporation.

2. The sublease is directly related to the purpose of the primary lease, and

3. The lessee submits to the Board a certification that the first two conditions are met.

(j) The successful bidder shall pay all costs of legal advertisement, title work, all costs associated with estimating value, taxes or assessments for any activity requiring such items.

(k) through (p) No change.

(3) Standards and Criteria. The following standards and criteria must be met for approval of the following described authorizations to use state-owned uplands.

(a) Leases and Subleases.

1. Unless determined by the Trustees to be in the public interest, the term of any lease or sublease shall not exceed a maximum term of fifty years. Specific terms are as follows:

a. No change.

b. The standard lease term for agricultural or grazing leases shall not exceed ten ~~be six~~ years.

c. No change.

2. through 4. No change.

5. Lessees ~~and sublessees~~ shall be responsible for preparing either a management plan or a land use plan ~~an operational report~~ as follows:

a. All lessees of conservation lands shall prepare and submit to the Division parcel-specific management plans in accordance with Section 253.034(5), F.S., and Rule 18-2.021,



F.A.C. No physical alteration of the leased premises shall occur unless such activity has been authorized via an approved management plan.

b. All lessees of nonconservation lands shall prepare and submit to the Division parcel-specific land use plans in accordance with Section 253.034(5), F.S. No physical alteration of the leased premises shall occur unless such activity has been authorized via an approved land use plan.

~~a. All state agency lessees and sublessees, through the sublessor, shall prepare and submit to the division parcel-specific management plans in accordance with Rule 18-2.021, F.A.C. No physical alteration of the leased premises shall occur unless such activity has been authorized via an approved management plan.~~

b. All other lessees except agriculture, grazing and oil and gas lessees shall prepare a site specific operational report which shall be prepared and submitted to the division by lessee within a year of lease execution or other dates as designated in the lease. The operational report shall include the following:

- ~~(I) The common name of the property, if any;~~
- ~~(II) A map showing the approximate location and boundaries of the property, the location of any structures or improvements to the property, and a statement as to whether the property is adjacent to an aquatic preserve or a designated area of critical state concern or an area under study for such designation;~~
- ~~(III) The legal description and acreage of the property;~~
- ~~(IV) The land acquisition program, if any, under which the property was acquired;~~
- ~~(V) The designated single or multiple use management for the property, including use by other managing entities;~~
- ~~(VI) The approximate location and description of known renewable and non renewable resources of the property including archaeological and historical resources; fish and wildlife resources, both game and non game; mineral resources (such as oil, gas, phosphate, etc.); and natural resources (such as virgin timber stands, scenic vistas, rivers, streams, etc.);~~
- ~~(VII) A description of past and existing uses, including unauthorized uses of the property;~~
- ~~(VIII) A description of alternative or multiple uses of the property considered by the lessee and a statement detailing why such uses were not adopted;~~
- ~~(IX) An assessment of the impact of planned uses on the renewable and non renewable resources of the property and a description of the specific actions that will be taken to protect, enhance and conserve those resources and to compensate/mitigate the damage that is caused by such use;~~
- ~~(X) A description of management needs and problems on the property;~~

~~(XI) A description of the management responsibilities of each entity and how such responsibilities will be coordinated;~~

~~(XII) A statement concerning the extent of public involvement and local government participation, if any, in the development of the plan; and~~

~~(XIII) A statement of gross income generated, net income and expenses.~~

- c. through d. No change.
- 6. Additional specific criteria for subleases are as follows:
  - a. Subleases shall be in compliance with the lease and management plan or land use plan operational report for the master lease.
  - b. No change.
  - 7. through 8. No change.
  - (b) Disposal of Trustees-owned Uplands.
    - 1. No change.
    - 2. Parcels to be conveyed pursuant to this subsection shall be noticed in accordance with Rule Chapter 18-2.019, F.A.C., and applicable law.
    - 3. Conveyance of property pursuant to this section shall be in accordance with the following requirements:
      - a. No change.
      - b. The cost of title insurance, documentary stamp tax, recording fees, any property taxes due, abstract, title certificate, survey, all costs associated with estimating value, legal advertisement and purchaser's legal fees shall be the responsibility of the purchaser.
      - c. through d. No change.
      - 4. A state agency, any lessee of state-owned lands that is a county or municipality, or the Division may apply for an exchange of state-owned uplands for a parcel of privately-owned uplands by certifying:
        - a. That it needs a parcel of private land for a particular use; and
        - b. That it manages uplands vested in the Trustees which it wishes to use for a state agency exchange. If no uplands managed by the state agency can be identified as excess to its management needs, then uplands which have been selected through the land disposal process may be used instead.
      - 5. through 6. No change.
      - (c) through (f) No change.

Rulemaking Authority 253.03(7)(a), 253.034 FS. Law Implemented 253.001, 253.02, 253.03, 253.034, 253.04, 253.111, 253.115, 253.42-.44, 253.47, 253.51-.61, 253.62, 253.77, 253.82, 259.035, 270.07, 270.08, 270.11 FS. History—New 6-4-96, Amended 4-17-02, 5-15-08, 5-29-08,\_\_\_\_\_.

- 18-2.019 Procedures to Obtain Authorization.
  - (1) No change.
  - (2) ~~Applications to use uplands which are subject to the DRI or PDA review process shall be processed only after the~~

~~DRI or PDA application review process is complete and the DRI or PDA has been authorized.~~

~~(3) through (4) renumbered (2) and (3) No change.~~

~~(5) State agency notice~~

~~(a) Before a parcel of land is offered for lease, sublease or sale to a local or federal unit of government or a private party, it shall first be offered to state agencies.~~

~~(b) This provision shall be waived in instances where:~~

~~1. A managing entity proposes subleasing property and that sublease is directly related to the purpose of the primary lease, as certified by the sublessor;~~

~~2. Management of a property has been determined through the selection process for a state acquisition list;~~

~~3. The proposed lease or sale is for subsurface rights or interests;~~

~~4. The Trustees determine that conveyance of the parcel by sale, gift or exchange provides a greater benefit to the public than retention in state ownership; or~~

~~5. The land is being exchanged pursuant to Chapter 18-2, F.A.C.~~

~~(6) through (7) renumbered (4) through (5) No change.~~

~~(6) Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies, state universities, and Florida College System institutions, with priority consideration given to state universities and Florida College System institutions.~~

~~(7) In lieu of the application procedure for leases in this rule, before a surplus parcel or building owned by the Board is leased to a state university, Florida College System institution, or state agency, Section 253.034(13), F.S., requires the applicant to submit a business plan to the Board for its review and approval. State universities, Florida College System institutions, and state agencies must follow the following application procedures:~~

~~(a) A state university, Florida College System institution, or state agency shall submit written notice of intention to submit a business plan and desire to apply for a lease after the offer for lease is published and prior to submission of the business plan. Failure to submit a notice of intention to submit a business plan shall be considered to be conclusive that there is no interest in leasing the parcel or building. Within the time period set forth in Section 253.034(13), F.S., the state agency, Florida College System institution, or state agency must submit its business plan.~~

~~(b) If the applicant chooses to combine elements in its business plan, it shall clearly indicate where in the business plan all statutory requirements of Section 253.034(13), F.S., and the requirements of this rule are met. The plan shall contain an explanation of such combinations.~~

~~(c) A business plan from a state agency shall consist of:~~

1. A description of the proposed use, including future use, of the building or parcel.

2. A timeline for the renovation or construction of any capital improvements.

3. A statement certifying that the plan submitted to the Board for its review and approval has been approved by the agency head.

4. A description of how the proposed use is of public benefit to the state.

5. All data, studies, and analyses that demonstrate the building or parcel meets an existing need of the applicant that cannot otherwise be met.

6. A capital improvement plan that includes, but is not limited to, projected costs for any building located on or proposed to be located on the parcel.

7. The estimated cost of renovations to any building located on the parcel.

(d) A business plan from a state university or Florida College System institution shall consist of:

1. A description of the proposed use, including future use, of the building or parcel, and a statement of how such future use is consistent with its campus master plan.

2. A timeline for the renovation or construction of any capital improvements.

3. A statement certifying that the plan submitted to the Board for its review and approval has been approved by the Trustees of the state university or Florida College System institution.

4. A description of how the proposed use is of public benefit to the state.

Rulemaking Authority 253.03, ~~253.034~~ FS. Law Implemented 253.03, 253.034, 253.115, 253.42, 253.52, 253.77 FS. History—New 6-4-96, Amended \_\_\_\_\_.

18-2.020 Payments and Consideration.

(1) No change.

(2) Disposal.

(a) For parcels with an estimated value in excess of \$500,000 ~~\$100,000~~, the sale price for the disposal of uplands shall take into consideration appraisal services as provided in Chapter 18-1, F.A.C.

(b) Parcels with an estimated value over \$500,000 must be initially offered for sale by competitive bid. Any parcels with an estimated value of over \$500,000 that were unsuccessfully offered for sale by competitive bid, and parcels with an estimated value of \$500,000 or less, may be sold by any reasonable means, including procuring real estate services, open or exclusive listings, competitive bid, auction, negotiated direct sales, or other appropriate services, to facilitate the sale. Disposal of surplus land shall be competitively bid except that parcels with a market value of \$100,000 or less may be sold

~~by any reasonable means, including open or exclusive listing with real estate sales services, competitive bid, auction, and negotiated direct sales.~~ In no case shall a real estate brokerage fee or auction fee exceed 10% of the purchase price.

(c) through (d) No change.

(3) No change.

(4) Easements.

(a) A one-time fee for private easements ~~of greater than one quarter acre in size~~ shall be assessed and based upon an appraisal, ~~a comparable sales analysis, or a broker's opinion of value.~~ Notwithstanding, private easements shall be assessed and based upon an appraisal if the Division, using best professional judgment, finds easement has an estimated value greater than \$10,000 or if the Division, using best professional judgment, is unable to determine an initial estimated value.

(b) ~~A one time fee for private easements of one quarter acre or less in size shall be negotiated by the Division if value information other than an appraisal is available. For the purposes of this rule, broker's opinion of value and comparable sales analysis are valuation techniques, which are not appraisals, that are performed under Chapter 475, Part 1, F.S., comparing available market data such as sales, listings, and contracts to the property being analyzed.~~

(c) No change.

(d) Public easements shall not be subject to an easement fee.

(5) through (6) No change.

(7) Competitive Bidding Procedures.

(a) When competitive bidding is required, notice to bidders shall be given by publication in a newspaper published in the county in which the lands are located not less than once a week for ~~two~~ three consecutive weeks. The notice shall provide the following:

1. Location of the parcel by Section, Township and Range, or by tax identification number;
2. The total approximate acreage of the parcel for lease or sale;
3. The term of lease and any renewal options, if applicable;
4. A statement of obligations of the grantee for taxes and drainage assessments;
5. The minimum value of improvements to be made, if any;
6. Any conditions deemed necessary by the Board Trustees;
7. The deadline, date and time, for the receipt of sealed bids in the office of the division; and
8. The address to which the bid shall be directed and posted; or
9. In lieu of all the foregoing, the publication may be limited to items 1., 2. and ~~8,9~~ and notice that a complete

statement concerning terms of the lease or sale will be forwarded to interested bidders upon request.

(b) through (c) No change.

(d) Sealed bids shall be accompanied by a certified check, cashier's check, or letter of credit from a financial institution as defined by Section 655.005, F.S., and shall not exceed either for 10% of the amount bid for the annual rental fee or 10% of the purchase price as payment for the earnest money deposit. ~~The deposits will be non-refundable to the successful bidder and will be credited toward the lease fee or purchase price.~~ The exact amount required as the earnest money deposit shall be set forth in the bid specifications packet. The successful bidder's deposit will be credited toward the lease fee or purchase price unless otherwise provided in the bid documents.

(e) No change.

(8) Administrative Fee.

Each government lessee shall pay to the division an annual administrative fee of \$300.00 for each lease, ~~sublease~~ or management agreement authorizing the lessee to occupy uplands.

(a) through (c) No change.

Rulemaking Authority 253.03, 253.034 FS. Law Implemented 253.03, 253.034, 253.42, 253.51-.54, 253.571, 270.11 FS. History—New 6-4-96, Amended 5-29-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Scott Woolam, Senior Program Analyst, Division of State Lands

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 1, 2015

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.:           RULE TITLE:  
61C-1.002           Licensing and Inspection Requirements  
PURPOSE AND EFFECT: To adopt current applications and conform to Food Code terminology.

SUMMARY: The proposed rule will adopt license and plan review applications, clarify the renewal process and conform to food code terminology.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of

\$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 509.032, 509.241 FS

LAW IMPLEMENTED: 213.0535, 509.032, 509.221, 509.241, 509.242, 509.251, 559.79 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Ross, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399; (850)488-1133; dhr.rules@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.002 Licensing and Inspection Requirements.

(1) No change.

(2) To apply for licensure, an applicant must submit the appropriate application and the required fee, pursuant to Section 509.251, F.S. and Rule 61C-1.008, F.A.C., to the division. Any license fee received by the division is non-refundable once the establishment commences operation.

(a) License Applications.

1. Public lodging establishments, except vacation rentals and timeshare projects, required to be licensed by the division, under Chapter 509, F.S., must submit DBPR HR-7027, Application for Public Lodging Establishment License (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06282> ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-01712>~~), incorporated herein by reference and effective 2015 December 1~~November 1, 2012~~.

2. Vacation rentals and timeshare projects required to be licensed by the division under Chapter 509, F.S., must submit DBPR HR-7028, Application for Vacation Rental or Timeshare Project License (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06283> ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-04589>~~), incorporated herein by reference and effective 2015 December 1~~July 1, 2014~~.

3. Public food service establishments required to be licensed by the division under Chapter 509, F.S., must submit one of the following applications, as appropriate to the establishment.

a. DBPR HR-7007, APPLICATION FOR PUBLIC FOOD SERVICE ESTABLISHMENT LICENSE (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06285> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04590>~~), incorporated herein by reference and effective 2015 December 1~~May 30, 2014~~.

b. DBPR HR-7030, Application for Public Food Service Establishment License with Plan Review (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06287> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-01861>~~), incorporated herein by reference and effective 2015 December 1~~October 15, 2012~~.

c. DBPR HR-7031, APPLICATION FOR MOBILE FOOD DISPENSING VEHICLE LICENSE WITH PLAN REVIEW (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06288> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02630>~~), incorporated herein by reference and effective 2015 December 1~~November 1, 2012~~.

4. No change.

(b) through (c) No change.

(3) through (4) No change.

(5) Public food service establishments, as defined in Section 509.013(5), F.S., are licensed in accordance with the following classifications and requirements:

(a) Nonseating:

1. through 4. No change.

5. Vending machines – Vending machines are classified as any self-service devices licensed pursuant to Chapter 509, F.S., which, upon insertion of coin or token, or by other means, dispense unit servings of time/temperature control for safety (potentially hazardous) food, either in bulk or packaged, without the necessity of replenishing the device between each operation. All vending machine owners shall submit the serial number of each vending machine to the division on DBPR HR-7007, APPLICATION FOR PUBLIC FOOD SERVICE ESTABLISHMENT LICENSE. The vending machine owner shall maintain an accurate and current list of vending machine locations with the corresponding serial number. This list shall be made available to the division upon request. The division shall coordinate with the vending machine owner to schedule inspections with the assistance of the owner or the owner's agent with the capability to open and demonstrate the machine.

6. No change.

(b) No change.

(c) Plan Reviews.

1. No change.

2. The plans and specifications shall indicate the general operation of the establishment; the intended menu items; location of employee and public bathrooms; proposed layout, including all work, guest, and employee areas and storage facilities; construction finishes of work areas; and equipment location, design and installation, including the type of proposed fixed equipment and facilities. Plans and specifications must be submitted by the owner, prospective operator or their designated representative along with DBPR HR-7005, APPLICATION FOR PLAN REVIEW (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06290> (~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-01864>~~), incorporated by reference herein and effective 2015 December 1~~October 15, 2012~~, or DBPR HR-7030, APPLICATION FOR PUBLIC FOOD SERVICE ESTABLISHMENT LICENSE WITH PLAN REVIEW. Plans and specifications, for mobile food dispensing vehicles must be submitted by the owner, prospective operator or their designated representative along with DBPR HR-7006, MOBILE FOOD DISPENSING VEHICLE PLAN REVIEW APPLICATION (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06291> (~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-02631>~~), incorporated herein by reference and effective 2015 December 1~~November 1, 2012~~, or DBPR HR-7031, APPLICATION FOR MOBILE FOOD DISPENSING VEHICLE LICENSE WITH PLAN REVIEW. The division shall grant or deny approval of the plans in writing pursuant to the provisions of Chapter 120, F.S.

3. No change.

(d) A public food service establishment operating in conjunction with a public lodging establishment must obtain a separate public food service establishment license from the division, unless the only food served at the public lodging establishment is packaged or prepackaged as defined in the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. In such cases, the establishment which prepares the food is subject to the licensing provisions of this chapter, unless otherwise exempt.

(6) Renewal – The licensee is responsible for renewing the license prior to the expiration date. ~~The department provides to all licensees an application for license renewal, which contains all information required by law to renew the license.~~ Any public lodging establishment or public food service establishment operating on an expired license is deemed to be operating without a license, and subject to the penalties provided for this offense in law and rule. Annual renewal dates for all establishments are determined by district and county as follows:

- (a) through (g) No change.
- (7) through (9) No change.

Rulemaking Authority 509.032, 509.241 FS. Law Implemented 213.0535, 509.032, 509.221, 509.241, 509.242, 509.251, 559.79 FS. History—Amended 1-20-63, 9-19-63, 5-20-64, 2-23-66, 8-9-68, Revised 2-4-71, Amended 10-18-71, Repromulgated 12-18-74, Amended 9-1-83, 10-1-83, Formerly 7C-1.002, Amended 1-30-90, 12-31-90, 2-27-92, 6-15-92, Formerly 7C-1.002, Amended 3-31-94, 3-15-95, 10-9-95, 9-25-96, 5-11-98, 9-9-03, 1-1-13, 7-4-13, 7-1-14, 11-20-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diann Worzalla, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 08, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 17, 2015

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-24.017  
 RULE TITLE: Inactive Status License and Specialty Registration Fees

PURPOSE AND EFFECT: Amendment proposes to reduce inactive renewal fees

SUMMARY: Reduce fees.

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

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

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

RULEMAKING AUTHORITY: 477.016, 477.0212(2) FS.

LAW IMPLEMENTED: 477.0212(2), 477.026, 455.271(3) 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: Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)717-1394 or by electronic mail: Robyn.Barineau@myfloridalicense.com

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.017 Inactive Status License and Specialty Registration Fees.

(1) The fee for renewal of an inactive license shall be ~~forty~~ fifty dollars ~~(\$40.00)~~ (\$50.00).

(2) The fee for renewal of an inactive registration shall be ~~forty~~ fifty dollars ~~(\$40.00)~~ (\$50.00).

~~Rulemaking Specific~~ Authority 477.016, 477.0212(2) FS. Law Implemented 477.0212(2), 477.026, 455.271(3) FS. History--New 3-29-84, Formerly 21F-24.17, Amended 10-18-87, Formerly 21F-24.017, Amended 9-12-94, 8-27-98, 5-8-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 1, 2015

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-54.0041 Special Assessment Fee

PURPOSE AND EFFECT: The Council proposes the rule repeal because the rule imposed a special assessment fee in 2006-2008 and is obsolete.

SUMMARY: The rule repeal is necessary because the rule imposed a special assessment fee in 2006-2008 and is obsolete.

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: 456.025(5) FS.

LAW IMPLEMENTED: 456.025(5) 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 Medicine, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-54.0041 Special Assessment Fee (Repealed)  
~~Rulemaking Specific~~ Authority 456.025(5) FS. Law Implemented 456.025(5) FS. History--New 5-16-06, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2015

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: RULE TITLE:

64B32-6.006 AIDS Education and Medical Error Prevention Education

PURPOSE AND EFFECT: Amendment proposed to update rule text.

SUMMARY: Update rule text.

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: 456.013(7), 456.033 FS.

LAW IMPLEMENTED: 456.033 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, Department of Health, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-0797

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.006 AIDS Education and Medical Error Prevention Education.

(1) Each licensee must complete at least three continuing education ~~contact~~ hours of HIV/AIDS education through a Board approved course no later than upon the licensee's first biennial renewal of licensure. New licensees may complete a course no more than five (5) years preceding initial licensure date.

(2) through (4) No Change.

Rulemaking Authority 456.013(7), 456.033 FS. Law Implemented 456.013(7), 456.033 FS. History—New 6-20-89, Amended 7-28-92, Formerly 21M-38.006, Amended 1-2-94, Formerly 61F6-38.006, 59R-75.006, 64B8-75.006, Amended 4-27-00, 7-22-02, 6-20-07, 5-25-15, 9-17-15, Amended \_\_\_\_\_.

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: October 9, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 1, 2015

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:           RULE TITLE:  
1S-2.032           Uniform Primary and General Election  
Ballot

**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. 41 No. 192, October 2, 2015 issue of the Florida Administrative Register.

**(1) changed as follows:**

(1) Purpose. This rule prescribes a uniform ballot design for primary and general elections for each type of certified voting system. Prior to January 1, 2017, a supervisor of elections may comply with all standards to be set forth in this rule effective January 1, 2017, in lieu of complying with the existing standards in this rule, as amended on July 13, 2004, which will be effective until January 1, 2017.

**(4)(a)3. changed as follows:**

3. All fonts on a ballot shall be within the same sans-serif font family (a narrow version of the same font is considered within the same font family). Sans-serif font means a typeface that does not have small projecting features (serifs) at the end of characters. Recommended fonts are: Arial, Helvetica, Tahoma or Univers. All fonts shall be black. Colored text, however, may be used on the ballot to differentiate between precincts or ballot type (e.g., early voting, absentee ballot, or election day ballot); in the ballot footer to direct the voter to vote both sides of the ballot page as specified in paragraph (10)(g), below; and on a visual display ballot as specified in paragraph (11)(a), below.

**(4)(b) changed as follows:**

(b) Alignment. Unless otherwise indicated herein, all type on a ballot shall be aligned to the left of the page or column, as applicable. The ballot title ~~and may be centered on the page or column while~~ the ballot instructions may ~~shall~~ be centered or aligned to the left on the page or column.

**(4)(c)1. changed as follows:**

(c) Columns.

1. A paper ballot page shall contain no more than four ~~three~~ columns.

**(5) changed as follows:**

(5) Ballot Title. The ballot title shall be printed single-spaced, flush left or centered across the top of the first page of a paper ballot and on the first ballot screen of a visual display ballot. The date of the election within the ballot title shall list the full name of the month, the numeric day, and full numeric year (for example, November 8, 2016). The ballot title, in bold upper and lower case letters, shall be printed on the ballot for each election in no less than two and not more than four lines for each language in which the ballot is printed, for example:

**(7)(a)1.-7. & (7)(b)1.-8. changed as follows:**

(7) Listing of election contests. Under each ballot title, the ballot shall list the contests in the order specified in Sections 101.151 and 105.041, F.S., and as further specified herein as follows:

## (a) Partisan offices.

1. Federal office.
2. State office.
3. County office.
4. Municipal office.

5. District and special district office. The order of district and special district offices on a ballot shall be: multi-county, county, municipal, and districts covering a geographical area less than municipal. The special districts within each listing shall be listed alphabetically.

7. Party offices. The order of placement shall be state, district, and precinct committeemen and committeewomen.

## (b) Nonpartisan offices.

1. Justice of the Supreme Court (judicial merit selection and retention).
2. Judge of a District Court of Appeal (judicial merit selection and retention).
3. Circuit Judge (election or merit selection and retention).
4. County Judge (election or merit selection and retention).

~~5. School Board Member.~~

6. Nonpartisan county office. If a county elects ~~other~~ county officers listed in s. 101.151, F.S., on a nonpartisan basis, the order of those offices shall be the same as the order in s. 101.151, F.S. for partisan offices and shall appear before~~after~~ the contest for school board member.

6. School Board Member.

## 7. Nonpartisan municipal office.

8. Nonpartisan district and special district office. The order of district and special district offices on a ballot shall be: multi-county, county, municipal, and districts covering a geographical area less than municipal. The district and special

districts within each listing shall be listed alphabetically, with district offices listed before special district offices.

**(8)(a)-(b) changed as follows:**

(a) In contests for office in which the voter may make only one choice, including offices with paired or joint candidates, the instruction shall read: (Vote for 1) or it may be spelled out as (Vote for One).

(b) In contests for office in which the voter may make more than one choice, the instruction shall read: (Vote for up to [enter number to be elected]). The number may be written numerically or spelled out.

**(9)(a)2.a.-d. changed as follows:**

a. First name or a shortened form as provided by the candidate or nominee (*e.g.*, Rob, instead of Robert, or J. instead of James). A period shall immediately follow any designation of a first initial.

b. Middle initial or middle name, and if applicable, a bona fide nickname by which the candidate or nominee is commonly or customarily known. If the oath includes both the first and last names and the nickname of a candidate, the nickname shall be enclosed in quotation marks (*e.g.*, Garrett R. "Gator" Cane) on the ballot. If the candidate does not indicate on the oath that the nickname should be included with the candidate's first name (*e.g.*, Ted Davis printed on the oath for a candidate named Thomas Eugene Davis; or Dottie Smith printed on the oath for a candidate named Doris Smith), the nickname shall not be in quotation marks on the ballot (*e.g.*, Ted Davis, not "Ted" Davis; or Dottie Smith, not "Dottie" Smith). A period shall immediately follow any designation of any middle initial(s).

c. Surname (last name).

d. Suffix such as Sr.; or Jr.; or II or sequential numbers. No comma shall be included in the name before any suffix and no period shall be included after a suffix; for example, the name on the ballot shall appear as John O. Doe Jr without further punctuation.

**(9)(b)1.-3. changed as follows:**

1. In a contest in which one or more write-in candidates have qualified, the phrase "Write-in" or "Write-in Candidate" shall appear directly after the end of the list of candidate names printed or displayed on the ballot for that contest. A blank line shall be placed after or immediately over Write-in or Write-in Candidate, and a corresponding vote target shall be associated with the blank line. In a contest with joint candidacies, no second write-in line is required.

2. In a contest in which multiple candidates may be selected and more than one write-in candidate has qualified,



the phrase “Write-in” or “Write-in Candidate” shall be added and a blank line for each number of selections, or for each number of qualified write-in candidates, whichever is less, shall appear on the ballot. The write-in option shall be added directly below the list of candidate names printed on the ballot for that contest and a corresponding vote target shall be associated with each blank line with the word Write-in (or the words Write-in Candidate) immediately preceding the blank line or over it. For example, when a contest is “Vote for up to 2,” and three write-in candidates have qualified, the contest would reflect the phrase “Write-in” or “Write-in Candidate(s)” and have two blank lines placed after or immediately over the word Write-in or words Write-in Candidate(s) with a corresponding vote target associated with each blank line to ensure that voters could write in the names of two of the three qualified write-in candidates if they so choose.

~~3. To familiarize a voter with the location of write in positions on the ballot, all sample ballots produced or distributed pursuant to Section 101.20, F.S., shall show the location where a voter will write in or input the name of a write in candidate in any race in which a write in candidate has qualified.~~

**(9)(e) changed as follows:**

(e) Multiple contests under one contest title. When there are multiple contests under one contest title (e.g., judicial retention or party office (committeemen and committeewomen) contests), the contests shall be separated by a solid line across the column in which the contest appears.

**(10)(b) changed as follows:**

(b) Paper color. The ballot color shall be white. Color markings may be on the white-colored ballot.

**(10)(d)1.-3. changed as follows:**

**(d) Ballot Instructions.**

1. Ballot instructions shall appear flush left or centered in normal or bold font with a minimum size of 10-point type (3.5mm) immediately below the ballot title either across the page or in the first column. The following instructions or substantially similar instructions shall appear:

- a. If the vote target is an oval, square, or rectangle:
  - Instructions: To vote, fill in the (oval) (square) (rectangle) completely (insert picture of either filled oval, filled square or filled rectangle) next to your choice. Use (insert type(s) of appropriate marking device).
  - If you make a mistake, ask for a new ballot. Do not cross out or your vote may not count.

Where a write-in candidate has qualified, add an additional instruction to read:

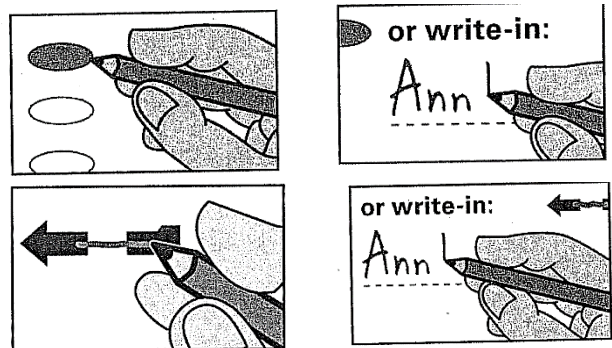
- To vote for a write-in candidate, fill in the (oval) (square) (rectangle) and print the name clearly on the blank line provided for the write-in candidate.
- b. If the vote target is a broken arrow:
- Instructions: To vote, connect the head and tail of the arrow pointing to your choice (insert picture of a completed arrow) next to your choice. Use (insert type(s) of appropriate marking device) ~~black roller-ball pen or felt pen.~~
  - If you make a mistake, ask for a new ballot. Do not cross out or your vote may not count.

Where a write-in candidate has qualified, add an additional instruction to read:

- To vote for a write-in candidate, complete the arrow and print the name clearly on the blank line provided for the write-in candidate.
2. The space for marking the vote target shall comply with the voting system’s specifications. In contests for retention, constitutional amendments or other public measures, the choices Yes and No shall follow ~~appear beneath~~ the ballot question; in upper and lower case letters on separate lines.

~~3. Additional instructions for absentee ballots. The following instructions or substantially similar instructions, along with other instructions as deemed necessary by the supervisor of elections, shall be printed on the secrecy sleeve or on a separate sheet as follows:~~

~~a. An applicable illustration depending on whether the system uses ovals, squares, rectangles, or broken arrows as vote targets. For example, the following represent depictions for oval and broken arrow vote targets:~~



~~b. The statement: IMPORTANT: If you make a mistake on your ballot, contact the Supervisor of Elections’ office for instructions.~~

**Regarding the above images: All images will be deleted.**

**(10)(e) changed as follows:**

(e) Vote target. The vote target may be an oval, square, rectangle, or broken arrow icon. The oval, square, and rectangle shall be in ~~dark~~ black outline. The broken arrow's head and tail shall be black and the broken area of the arrow shall have a narrow gray or black line between the arrow's head and tail. The alignment of the vote target shall be at an available location that allows it to be flush or indented from the left margin for an oval, square, or rectangle and from the right margin for a broken arrow.

**(10)(j) changed as follows:**

(j) Contest designation. Each contest title on the paper ballot shall be in a box outlined in black type or, in the absence of an outline box, each contest title shall have a straight black line above the top of the contest title.

**(11)(g) changed as follows:**

(g) Undervoted contest. The visual display ballot shall ~~have a method to indicate to the voter when the voter did not select the total number of all allowable vote(s) in a contest and the consequence for not fully selecting votes within a contest.~~

**(11)(h)1. changed as follows:**

1. The visual display shall indicate to the voter if the voter is about to cast a blank ballot and that no vote on the ballot will be counted ~~the consequences of casting a blank ballot.~~

**(12)(b) changed as follows:**

(b) Paper output requirements. The font of the paper output must be no less than 10 ~~9~~-point type and the paper output itself may be of any size and format so long as it includes all contests and selections and the output can be properly tabulated. The paper output must contain:

**(13)(a)4. changed as follows:**

4. The audio ballot shall have the capability for a voter to use either a headphone or tactile interface device ~~handset~~ to listen to the audio.

**(13)(d)4. changed as follows:**

4. When the voter has not made a selection in a contest or has selected less than the allowable number of choices for the contest ~~and the consequences for not fully selecting the available choices within a contest.~~

**(14) changed as follows:**

(14) Deviation from the rule.

~~(a)~~ A supervisor of elections may reasonably seek approval to deviate from the requirements of this rule to the extent necessary for any of the following reasons:

~~(a)4-~~ There are more candidates for a contest than will fit in one column or screen.

~~(b)2-~~ The candidate's name is longer than will allow the party abbreviation to fit to the right of the candidate's name.

~~(c)3-~~ A candidate's name is too long to fit on one line in the minimum font size.

~~(d)4-~~ The party abbreviation cannot be printed in the minimum font size without going onto a second line.

~~(e)5-~~ Printing the (Vote for 1) or (Vote for up to [enter number to be elected]) designations in the minimum font size will require an additional ballot card.

~~(f)6-~~ The voting system will not permit the suppression of party abbreviations on ballots when a universal primary contest exists.

~~(g)7-~~ Any other extraordinary circumstances which cannot reasonably be accommodated except by deviation from the requirements of the rule that dictate deviation.

~~(b) A supervisor must certify the basis for the request, and submit the request and copy of the proposed ballot for approval to the Division of Elections. Approval must be obtained prior to printing or distributing the ballot.~~

~~(c) The Division shall verify the facts and circumstances that justify deviation from the rule prior to giving its approval.~~

**(16) was deleted:**

~~(16) Effective date. This rule applies to any election scheduled to be held on or after January 1, 2016.~~

**The following "proposed effective date" and "editor's note" have been added:**

PROPOSED EFFECTIVE DATE: Subsections (1), (2)(f), (12), (14), and (15)(a)9. are effective 20 days following adoption. All remaining provisions shall be effective on January 1, 2017.

EDITOR'S NOTE [to be placed above the text proposed for adoption and below the current version of the rule]: The above-listed version of this rule, as amended on July 13, 2004, will be effective until January 1, 2017. The below-listed version, as amended on \_\_ 2015, will be effective on January 1, 2017, except for (1), (2)(f), (12), (14), and (15)(a)9., which will be effective 20 days following adoption (said provisions concern new voting technology and will not conflict with the prior rule).

**The following changes were made to the rulemaking authority:**

Rulemaking Authority 20.10(3), 97.012(1), ~~101.151(8)~~, 101.151(9), 103.101(6), 105.041(2), FS. Law Implemented 103.021, 103.101,

101.151, 101.161, 101.5608(3),(4), 105.041, FS. History—New 6-6-02, Amended 9-8-02, 07-13-04, \_\_\_\_\_.

**Twenty (20) days following adoption of the new version of rule 1S-2.032, the following changes will be made to the current version of rule 1S-2.032, which otherwise will remain effective until January 1, 2017:**

**(14) will change as follows:**

~~(14)(a) If in any election there are more candidates than will fit in one column or screen, or a candidate's name is so long that the party abbreviation will not fit to the right of the candidate's name, or a candidate's name is too long to fit on one line in the minimum font size, the supervisor of elections shall certify that fact and provide a copy of the proposed ballot to the Division of Elections for approval prior to the printing or distribution of the ballot. The Division shall verify that the facts and circumstances provided by the supervisor require deviation from the rule prior to giving its approval.~~

~~(b) Likewise, if circumstances dictate that a supervisor of elections must deviate from the rule in any other respect, the supervisor must certify the facts of the circumstances and obtain the approval of the Division of Elections prior to the printing or distribution of the ballot. The Division shall verify that the facts and circumstances provided by the supervisor require deviation from the rule prior to giving its approval.~~

(14) Deviation from the rule.

A supervisor of elections may reasonably deviate from the requirements of this rule to the extent necessary for any of the following reasons:

(a) There are more candidates for a contest than will fit in one column or screen.

(b) The candidate's name is longer than will allow the party abbreviation to fit to the right of the candidate's name.

(c) A candidate's name is too long to fit on one line in the minimum font size.

(d) The party abbreviation cannot be printed in the minimum font size without going onto a second line.

(e) Printing the (Vote for 1) or (Vote for up to [enter number to be elected]) designations in the minimum font size will require an additional ballot card.

(f) The voting system will not permit the suppression of party abbreviations on ballots when a universal primary contest exists.

(g) Any other extraordinary circumstances which cannot reasonably be accommodated except by deviation from the requirements of the rule.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-6.002      RULE TITLE: Biennial Renewal of Inactive Status  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 41 No. 172, September 3, 2015 issue of the Florida Administrative Register has been withdrawn.

**Section IV  
 Emergency Rules**

**NONE**

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

**WATER MANAGEMENT DISTRICTS**

Suwannee River Water Management District

RULE NO.: 40B-4.3030      RULE TITLE: Conditions for Issuance of Works of the District Permits

The Suwannee River Water Management District hereby gives notice:

On November 12, 2015, the District's Governing Board denied Final Order No. 15-0001 to Philip J. Raymond, 4419 Burlington Ave N, St. Petersburg, FL 33713. This Order (15-0001) denies variance under Section 120.542, F.S. The petition for waiver was received by the District on July 27, 2015. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Register, Vol. 41, No. 178, on September 14, 2015. No public comment was received. The petitioner has not demonstrated that the principles of fairness would be violated by requiring petitioner to comply with Florida Administrative Code paragraph 40B-4.3030(1)(e), and subsections 40B-4.3030(4) and 40B-4.3030(7). The petitioner has not demonstrated that the purpose of the statute underlying the rule will be met and that a substantial hardship would be created if the petitioner were required to comply with this rule. The project is located in Suwannee County, in Township 3 South, Range 11 East, Section 17. The petitioner was assigned WOD number WOD-121-225628-1, Lot 21 & 22 Suwannee River Terrace.

A copy of the Order or additional information may be obtained by contacting Tilda Musgrove, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on December 7, 2015, the Southwest Florida Water Management District received a petition for for a variance or waiver.

Petitioner’s Name: Wayne T. Hile

Rule No.: 40D-22.201

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

The Petition has been assigned tracking No. 16-4216.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

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

On December 15, 2015, the Department issued a Final Order that was in response to a Petition for Variance from Sand Cove Apartments (2), filed October 14, 2015, and advertised on October 20, 2015, in Vol.41, No.204, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators because the Petitioner has not provided the necessary information to make a decision on the petition (VW2015-255).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

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

On December 15, 2015, the Department issued a Final Order that was in response to a Petition for Variance from Sand Cove Apartments (1), filed October 14, 2015, and advertised on October 20, 2015 in Vol.41, No.204, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators because the Petitioner has not provided the necessary information to make an informed decision (VW2015-254).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

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

On December 15, 2015, the Department issued a Final Order that was in response to a Petition for Variance from Park at Barrington Place LLC, filed September 14, 2015, and advertised on September 16, 2015, in Vol. 41, No.180, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, 2.7.4, 3.3.2, 3.10.3 and 3.11.1, ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators from providing restricted opening of hoistway doors and/or car doors on passenger elevators, platform guards (aprons), top-of-car operating devices, car emergency signaling devices and firefighters’ service because the Petitioner has not met its burden as no means of meeting the intent of the code have been put forth, and Petitioner did not provide enough information for the Bureau to make an informed decision (VW2015-230).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

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

On December 15, 2015, the Department issued a Final Order that was in response to a Petition for Variance from Oceanway Condominiums, filed October 9, 2015, and advertised on October 13, 2015, in Vol. 41, No.199, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rules 2.8.1 and 2.8.2, A.S.M.E. A17.1, 2006 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., from providing equipment in hoistways, machinery spaces, machine rooms, control spaces, and control rooms because the Petitioner has not met its burden as no means of meeting the intent of the code have been put forth, and Petitioner did not provide enough information for the Bureau to make an informed decision (VW2015-248).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

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

On December 15, 2015, the Department issued a Final Order that was in response to a Petition for Variance from Sun & Sea Condominiums, filed October 9, 2015, and advertised on October 13, 2015, in Vol. 41, No. 199, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rules 2.8.1 and 2.8.2, A.S.M.E. A17.1, 2006 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., from providing equipment in hoistways, machinery spaces, machine rooms, control spaces, and control rooms because the Petitioner has not met its burden as no means of meeting the intent of the code have been put forth, and Petitioner did not provide enough information for the Bureau to make an informed decision (VW2015-249).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 6, 2015, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(2)(a), F.A.C., subsection 61C-4.010(7), F.A.C., subsection 61C-4.010(6), F.A.C., and Section 6-402.11, 2009 FDA Food Code from Hog’s Breath-Prep Kitchen located in Destin. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to utilize the bathroom facilities located within an adjacent establishment under the same ownership for use by both customers and employees.

The Petition for this variance was published in Vol. 41, No. 200, F.A.R., on October 14, 2015. The Order for this Petition was signed and approved on October 29, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that the bathroom facilities within Hog’s Breath Saloon & Cafe (SEA5603202) are maintained in a clean and sanitary manner, a hand sink is provided with hot and cold running water under pressure and are available during all hours of operation. The Petitioner shall also ensure that all handwash sinks used by employees are provided with a handwash sign, soap and approved hand drying devices. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Hog’s Breath Saloon & Cafe changed (Hog’s Breath Saloon & Cafe), a signed agreement for use of the facilities is required immediately.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 8, 2015, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Section 5-203.13, 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), F.A.C., Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), F.A.C., from Thirsty River and Trek Snack located in Bay Lade. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to share the mop sink, dishwashing and food storage areas with another food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 41, No. 201, F.A.R., on October 15, 2015. The Order for this Petition was signed and approved on October 30, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the mop sink, dishwashing and food storage areas within Pizzafari (SEA5808723) and Drinkwallah must be maintained in a clean and sanitary manner. All sinks must be provided with hot and cold running water under pressure. These areas must also be available to Thirsty River and Trek Snacks during all hours of operation. If the ownership of the Pizzafari, Drinkwallah or Thirsty River and Trek Snacks (Walt Disney World Co) changes, a signed agreement between the establishments for use of the shared facilities must be provided to the division immediately.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

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

On December 15, 2015, the Department issued a Final Order that was in response to a Petition for Variance from Cane Palm Beach Condo Assn., filed July 13, 2015, and advertised on July 16, 2015, in Vol.41, No.137, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators because the Petitioner has not provided the necessary information to make an informed decision on the petition (VW2015-164).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on December 14, 2015, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Paradise Harbour II. Petitioner seeks an emergency permanent variance of the requirements of ASME A17.1, Section 2.27.3.2.1, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators with phase I emergency recall operation by fire alarm initiating devices operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-306).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on December 15, 2015, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Wittner Center East. Petitioner seeks an emergency temporary variance of the requirements of an unspecified Section, as adopted by 61C-5.001(1), F.A.C., that requires upgrading the elevators operations which poses a

significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-308).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on December 15, 2015, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Wittner Center West. Petitioner seeks an emergency temporary variance of the requirements of an unspecified Section, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-307).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 15, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(a), F.A.C., and Paragraph 5-202.11(A), 2009 FDA Food Code from Rhokkoks Frozen Yogurt located in Daytona Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink in the new food preparation area.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of

publication of this notice. To be considered, comments must be received before 5:00 p.m.

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 12, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., Section 5-203.13, 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, subsection 61C-4.010(5), F.A.C., Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, and subsection 61C-4.010(1), F.A.C., from Serafina Waterfront Trattoria 2 located in Fort Lauderdale. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food preparation and storage. They are requesting to share the mop sink, dishwashing, food preparation and food storage areas with another licensed food service establishment under the same ownership.

The Petition for this variance was published in Vol. 41, No. 202, F.A.R., on October 16, 2015. The Order for this Petition was signed and approved on October 22, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that the mop sink, dishwashing sink and food preparation and storage areas within Serafina Waterfront Trattoria (SEA1617460) are maintained in a clean and sanitary manner, all sinks are provided with hot and cold running water under pressure and are available during all hours of operation. The handwash sinks must also be provided with soap, an approved hand drying device and a handwashing sign. If the ownership of Serafina Waterfront Trattoria and Serafina Waterfront Trattoria 2 (Vickster Two LLC) changes, a signed

agreement between the two establishments for the use of the shared facilities must be provided to the division immediately. A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 20, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., and Paragraph 5-202.11(A), 2009 FDA Food Code from Half Moon Empanadas located in Sunrise. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three-compartment sinks.

The Petition for this variance was published in Vol. 41, No. 208, F.A.R., on October 26, 2015. The Order for this Petition was signed and approved on November 4, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash and three-compartment sinks is emptied at a frequency so as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash and three-compartment sinks are provided with hot and cold running water under pressure; the handwash sink is provided with soap, an approved hand drying device and a handwashing sign.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 24, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), F.A.C., Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, subsection 61C-4.010(1), F.A.C., from Roast Cafe located in Orlando. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that each establishment have areas for food storage. They are requesting to share the dishwashing and food storage areas with another food service establishment under the same ownership and on the same premise.

The Petition for this variance was published in Vol. 41, No. 210, F.A.R., on October 28, 2015. The Order for this Petition was signed and approved on November 4, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring the dishwashing and food storage areas within Tabla Bar and Grill (SEA5800825) must be maintained in a clean and sanitary manner. These areas must also be available to Roast Cafe during all hours of operation. If the ownership of Tabla Bar and Grill and Roast Café (Caravan Hotel Properties LLC) changes, a signed agreement between the two establishments for the use of the shared facilities must be provided to the division immediately.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 26, 2015, the Division of Hotels and Restaurants 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), F.A.C., and subsection 61C-4.010(6), F.A.C., from Claudette Catering located in Pompano Beach. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle. The Petition for this variance was published in Vol. 41, No. 210, F.A.R., on October 28, 2015. The Order for this Petition was signed and approved on November 4, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

**RULE NO.: RULE TITLE:**

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On October 28, 2015, the Division of Hotels and Restaurants 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), F.A.C., and subsection 61C-4.010(6), F.A.C., from Noelson Emmanuel MFDV located in Pompano Beach. The above referenced F.A.C. addresses the

requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle. The Petition for this variance was published in Vol. 41, No. 213, F.A.R., on November 2, 2015. The Order for this Petition was signed and approved on November 9, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Beaches and Coastal Systems

**RULE NOS.:RULE TITLES:**

62B-33.002 Definitions

62B-33.0051 Coastal Armoring and Related Structures

NOTICE IS HEREBY GIVEN that on December 1, 2015, the Department of Environmental Protection received a petition for variance or waiver from Terry Posmer. The petitioner requested a variance or waiver from subsections 62B-33.002(18) and 62B-33.002(43) and subparagraph 62B-33.051(1)(a)1, F.A.C., which require that in order to qualify for a permit for coastal armoring, the structure proposed to be protected must be an eligible structure. The Petitioner, Terry Posmer, and the structure proposed to be protected is located at 1033 Gulf Shore Boulevard, Panacea, Florida 32346. The petition has been assigned OGC Case No. 15-6131 and File No. FR-925 AR V. Any interested person or agency may submit written comments on the petition within 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Celora Jackson, Department of Environmental Protection, MS 3522, 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-7668, celora.a.jackson@dep.state.fl.us during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays.

## Section VI

### Notice of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, “THE COMMISSION”, Electrical Technical Advisory Committee, announces a public meeting to which all persons are invited.

**DATE AND TIME:** December 28, 2015, 9:00 a.m. until completion

**PLACE:** Meeting to be conducted using communications media technology, specifically teleconference and webinar. You must access the teleconference number for audio only and the webinar for visual only.

Join the online meeting at <https://global.gotomeeting.com/join/329313789>. Use your microphone and speakers (VoIP) - a headset is recommended. Or call in using your telephone:

United States (toll-free) 1(877)568-4106, access code: 329-313-789, audio PIN: shown after joining the meeting, meeting ID: 329-313-789.

Public point of access: Florida Building Commission, Northwood Centre, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review and accept interim report for research project titled “Evaluation of the Cost Impact of the 2015 I-Code Changes”, and other business on behalf of the Commission as stated on the agenda.

A copy of the agenda may be obtained by contacting Mr. Joe Bigelow, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1824 or visiting our website at <http://floridabuilding.org/c/default.aspx>. 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 8 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and

Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, (850)487-1824, fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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

For more information, you may contact Mr. Joe Bigelow, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at <http://floridabuilding.org/c/default.aspx>.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, “THE COMMISSION”, Structural Technical Advisory Committee concurrently with the Fire and Roofing Technical Advisory Committees, announces a public meeting to which all persons are invited.

**DATE AND TIME:** December 28, 2015, 1:00 p.m. until completion

**PLACE:** Meeting to be conducted using communications media technology, specifically teleconference and webinar. You must access both the teleconference number for audio only and the webinar for visual only.

Join the online meeting at <https://global.gotomeeting.com/join/993716261>. Use your microphone and speakers (VoIP) - a headset is recommended. Or, call in using your telephone:

United States (toll-free): 1(877)309-2073, access code: 993-716-261, audio PIN: shown after joining the meeting, meeting ID: 993-716-261.

Public point of access: Florida Building Commission, Northwood Centre, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review and accept interim report for research project titled “Evaluation of the Cost Impact of the 2015 I-Code Changes.” Separately, the FIRE TAC will review and accept interim report for research project titled, “Evaluation of Fire Separation Requirements for Zero Lot Line -Residential”, and other business on behalf of the Commission as stated on the agenda.

A copy of the agenda may be obtained by contacting Mr. Joe Bigelow or Mr. Robert Benbow, Building Codes and

Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, calling (850)487-1824 or visiting our website at <http://floridabuilding.org/c/default.aspx>.

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 8 days before the workshop/meeting by contacting Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, (850)487-1824, fax: (850)414-8436. 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: Mr. Joe Bigelow or Mr. Robert Benbow, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit our website at <http://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, "THE COMMISSION", Plumbing Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 29, 2015, 9:00a.m. until completion

PLACE: Meeting to be conducted using communications media technology, specifically teleconference and webinar: You must access both the teleconference number for audio only and the webinar for visual only.

Join the online meeting at <https://global.gotomeeting.com/join/950408901>. Use your microphone and speakers (VoIP) - a headset is recommended. Or, call in using your telephone:

United States (toll-free): 1(877)568-4106, access code: 950-408-901, audio PIN: shown after joining the meeting, meeting ID: 950-408-901.

This meeting can also be accessed with an iPhone®, iPad®, Android® or Windows Phone® device via the GoToMeeting app.

Public point of access: Florida Building Commission, Department of Business and Professional Regulation,

Northwood Centre, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and accept interim report for research project titled "Evaluation of the Cost Impact of the 2015 I-Code Changes" and other business on behalf of the Commission as stated on the agenda.

A copy of the agenda may be obtained by contacting: Mr. Chip Sellers, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90, 1940 N. Monroe Street, Tallahassee, Florida 32399, calling (850)717-1824 or visiting the calendar on our website at <http://www.floridabuilding.org>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 8 days before the workshop/meeting by contacting Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, (850)487-1824, fax: (850)414-8436. 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 Mr. Chip Sellers, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)717-1824 or visit the calendar on our website at <http://www.floridabuilding.org>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, "THE COMMISSION", Mechanical Technical Advisory Committee concurrently with the Energy Technical Advisory Committee, announces a public meeting to which all persons are invited.

DATE AND TIME: December 29, 2015, 1:00 p.m. until completion

PLACE: Meeting to be conducted using communications media technology, specifically teleconference and webinar. You must access both the teleconference number for audio only and the webinar for visual only.

Join the online meeting at <https://global.gotomeeting.com/join/762344365>. Use your microphone and speakers (VoIP) - a headset is recommended. Or, call in using your telephone:

United States (toll-free) 1(866)899-4679, access code: 762-344-365, audio PIN: shown after joining the meeting, meeting ID: 762-344-365.

Public point of access: Department of Business and Professional Regulation, Northwood Centre, Florida Building Commission, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review and accept interim report for research project titled “Evaluation of the Cost Impact of the 2015 I-Code Changes” and other business on behalf of the Commission as stated on the agenda.

A copy of the agenda may be obtained by contacting Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90, 1940 N. Monroe Street, Tallahassee, Florida 32399, calling (850)487-1824 or visiting the calendar on our website at <http://floridabuilding.org/c/default.aspx>.

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 8 days before the workshop/meeting by contacting Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, (850)487-1824, fax: (850)414-8436. 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 Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90, 1940 N. Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visiting the calendar on our website at <http://floridabuilding.org/c/default.aspx>.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

The Department of Health, Board of Dentistry, announces the cancellation of a probable cause meeting where reconsiderations were scheduled to be heard, which was published in the Florida Administrative Register on November 18, 2015.

**DATE AND TIME:** December 18, 2015, 9:00 a.m.

**PLACE:** Department of Health, 4052 Bald Cypress Way, Room #301, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review reconsideration cases.

The above meeting has been cancelled.

For questions, please contact the Board office at (850)245-4474.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

The Electrolysis Council, under the Board of Medicine announces a public meeting to which all persons are invited.

**DATE AND TIME:** Please note the meetings scheduled for January 25, 2016; April 11, 2016; July 11, 2016; October 17, 2016, 9:00 a.m. have been changed to 2:00 p.m.

**PLACE:** Conference call: 1(888)670-3525; when prompted, insert: 7811783909 followed by the # sign

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting.

A copy of the agenda may be obtained by contacting: The Electrolysis Council, 4052 Bald Cypress Way, BIN C-05, Tallahassee, FL 32399-3255, by visiting our website: [www.floridahealth.gov/licensing-and-regulation/electrolysis](http://www.floridahealth.gov/licensing-and-regulation/electrolysis), or by calling the board office at (850)245-4373, ext. 2510.

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: The Department of Health at (850)245-4444, ext. 3418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

**DATE AND TIME:** January 7, 2016, 2:00 p.m., Eastern Time

**PLACE:** Florida Housing Finance Corporation, 227 N. Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida

The workshop will also be available by telephone. The call-in information is posted on the Florida Housing website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-104>.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The workshop will be held to solicit comments and suggestions from interested persons relative to Florida Housing’s proposed Request for Applications (RFA) 2016-104, offering an estimated \$4,500,000 of State Apartment Incentive Loan (SAIL) funding for the rehabilitation of

existing Farmworker or Commercial Fishing Worker Developments that are currently in the Corporation’s portfolio and/or the United States Department of Agriculture Rural Development (RD) portfolio. Prior to the workshop, a draft of the RFA will be available on the Florida Housing website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-104/>

A copy of the agenda may be obtained by contacting Ken Reecy at (850)488-4197.

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 Jean Salmonsens at (850)488-4197. 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 FINANCIAL SERVICES**

Division of State Fire Marshal

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

DATE AND TIME: Updated time: January 22, 2016, 8:00 a.m.

PLACE: Updated room number: Ocean Center, Room 202 C, 101 N. Atlantic Avenue, Daytona Beach, FL 32118

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Department is holding a second workshop for the purpose of exploring options with the public for the implementation of potential changes to the fire safety inspector program. The workshop may also include a general discussion of the fire safety inspector program, instructor requirements, provider requirements, recommended course work, general procedures, exams, and proposed rule development in that regard. This workshop will take input from affected persons as to what rule amendments are necessary to implement this statutory change.

A telephone conference line is available: (850)413-1558, conference ID: 7896905. To ensure our conference call participants have the opportunity to provide public comment or testimony, we are providing the following information.

All public comment requests must be submitted by email to [Bill.Wentlandt@MyFloridaCFO.com](mailto:Bill.Wentlandt@MyFloridaCFO.com) with the subject title “Request to Speak”. In the body of the email, please provide all of the following: 1. Your name 2. Telephone number 3. Email address 4. Subject on which you will be providing comment All requests to speak from our conference call participants will be provided to the moderator. Comments will be heard from attendees in the room, and then the moderator will call upon speakers attending by conference line. Please remember to unmute your line to speak when you are called

upon, as all lines will be muted at the start of the workshop to minimize disruptions.

A copy of the agenda may be obtained by contacting Bill Wentlandt, Superintendent, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services, 11655 NW Gainesville Road, Ocala, FL 34482, (352)369-2833, [Bill.Wentlandt@MyFloridaCFO.com](mailto:Bill.Wentlandt@MyFloridaCFO.com).

**FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY**

The Florida Atlantic Research & Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 20, 2016, 12:00 Noon – 5:00 p.m.

PLACE: Technology Business Incubator Conference Room, 3651 FAU Blvd., Suite 400, Boca Raton, FL 33431

**GENERAL SUBJECT MATTER TO BE CONSIDERED: FARDA Meeting and Strategy Session.**

A copy of the agenda may be obtained by contacting: Christine Burres; [cc@research-park.org](mailto:cc@research-park.org).

**Section VII**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Robert J. Hynds, PL on behalf on Unit Owner Regis Sanson, In Re: Reflection Key Condominium Association, Inc., Docket No. 2015053832, filed on December 10, 2015. The petition seeks the agency’s opinion as to the applicability of Chapter 709, Florida Statutes, as it applies to the petitioner: whether Chapter 709, Florida Statutes, is applicable to the appointment of a representative to participate in the board of administrative meetings on behalf of a member.

A copy of the Petition for Declaratory Statement may be obtained by contacting Rikki Anderson, Administrative Assistant II, at the Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1415, [Rikki.Anderson@myfloridalicense.com](mailto:Rikki.Anderson@myfloridalicense.com).

Please refer all comments to Robin E. Smith, Chief Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has declined to rule on the petition for declaratory statement filed by National Aten Coin (NAC) aka NAC Foundation, LLC on September 29, 2015. The following is a summary of the agency’s declination of the petition:

The petition sought a declaratory statement from the Office on whether Petitioner’s activities (of acting as an Administrator of the Aten “Black Gold” Coin solely for the purposes of validating/monitoring transactions and requiring user identification) requires licensing under Florida’s money transmitting statute Chapter 560, Florida Statutes. On December 15, 2015, the Office of Financial Regulation issued a Final Order denying the Petition for Declaratory Statement; (a declaratory statement is not available to Petitioner because the facts provided in the Petition are not clearly identified or delineated, and because it is seeking approval of acts which may have already occurred, and may be currently ongoing.)

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643.

Please refer all comments to: the Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643.

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

NONE

Section XII  
Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid

Intermediate Care Facility Services SPA

The Agency for Health Care Administration announces that it is requesting an amendment to the Title XIX Medicaid State Plan. The amendment modifies aspects of intermediate care facility services effective December 31, 2015. The changes are to ensure the provision of 24-hour medical, habilitative, and health-related services to recipients diagnosed with an intellectual disability or related condition. Modifications include the renaming of the service, collapsing of payment structures, and separation of long-term care services SPA pages.

Interested parties may contact the following staff for further information: Tracy Thompson, Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)412-4270, tracy.thompson@ahca.myflorida.com.

Section XIII  
Index to Rules Filed During Preceding  
Week

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

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