

## Section I

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

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Florida Building Commission

RULE NO.:                   RULE TITLE:

61G20-4.001               Procedures

PURPOSE AND EFFECT: To address mandatory rulemaking requirements as set forth in Section 553.512, F.S., requiring the Commission to establish by rule a fee to be paid upon submitting a request for a waiver.

SUBJECT AREA TO BE ADDRESSED: A fee to be paid upon submitting a request for a waiver.

RULEMAKING AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) 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: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Florida Real Estate Appraisal Board

RULE NO.:                   RULE TITLE:

61J1-2.001               Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the reference to the licensure status change fee and to renumber the rule accordingly.

SUBJECT AREA TO BE ADDRESSED: Licensure status change fee and to renumber the rule accordingly.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 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: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

RULE NO.:                   RULE TITLE:

64B2-11.001               Application for Licensure  
Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate an updated application form.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Examination.

RULEMAKING AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 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: Bill Miller, 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 Department is holding a third workshop for the purpose of exploring options with the public for the implementation of new programs of study and vocational courses relating to standards for Fire Officer Professional Qualifications. The workshop may also include a general discussion of the current Fire Officer Program including length of programs, content of programs, instructor requirements, prerequisite requirements, certification

requirements, and proposed rule development in that regard. The proposed amendment will also adopt Form DFS-K4-2085, Application for Fire Code Administrator Certification.

**SUBJECT AREA TO BE ADDRESSED:** Training and certification programs for the Fire Officer Program. Adoption of Application for Fire Code Administrator Certification form.

**RULEMAKING AUTHORITY:** 633.01(1), 633.081(9), 633.38(1), 633.45(2)(a) FS.

**LAW IMPLEMENTED:** 633.34, 633.35, 633.38, 633.45 FS.

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

**DATE AND TIME:** March 6, 2013, 1:00 p.m..

**PLACE:** Florida State Fire College, 11655 NW Gainesville Road, Ocala, FL 34482

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 at (352)369-2829 or 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 Fire Standards and Training, Division of State Fire Marshal, Phone (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com. The text of the proposed rules is also available on the Department's website: <http://www.MyFloridaCFO.com/LegalServices/ruleHearing/>

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

## Section II Proposed Rules

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Cost Management and Control

**RULE NO.:** 59B-12.001      **RULE TITLE:** Bone Marrow Transplantation

**PURPOSE AND EFFECT:** The Rule outlines what bone marrow transplant procedures an insurer or health maintenance organization (HMO) must cover.

**SUMMARY:** Per Section 627.4236, F.S., "The advisory panel shall conduct, at least biennially, a review of scientific evidence to ensure that its recommendations are based on current research findings and that insurance policies offer

coverage for the latest medically acceptable bone marrow transplant procedures." The advisory panel convened in late 2010 to update the Rule to meet current standards of care. The panel included a consumer representative and representatives from insurers.

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

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

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

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

**RULEMAKING AUTHORITY:** 627.4236 FS.

**LAW IMPLEMENTED:** 627.4236 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:** Karin Jacobson, Bureau of Managed Health Care, (850)412-4312

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

59B-12.001 Bone Marrow Transplantation.

Bone marrow transplant refers collectively to hematopoietic stem cell transplantation using stem cells that are collected from peripheral blood and cord blood as well as bone marrow following a conditioning regimen. As used in this rule, the term "appropriate oncological specialty" means that where a particular kind of tumor or disease is usually treated by a subspecialty group within the general discipline of oncology, those who practice within that subspecialty have had specific input into the decision making process.

(1) Upon the recommendation of the Bone Marrow Transplant Panel, each of the following procedures meets a minimum level of evidence based on high quality systematic reviews of case-control or cohort studies, high quality case-control or cohort studies with a very low risk of confounding, bias, or chance, and a high probability that the relationship is causal, and is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S. ~~Bone marrow transplant~~

refers collectively to hematopoietic stem cell transplantation using stem cells that are collected from peripheral blood and cord blood as well as bone marrow. As used in this rule, the term “appropriate oncological specialty” means that where a particular kind of tumor or disease is usually treated by a subspecialty group within the general discipline of oncology, those who practice within that subspecialty have had specific input into the decision-making process:

- (a) Autologous bone marrow transplant for acute myelogenous leukemia (stem cells collected in remission);
- (b) Allogeneic bone marrow transplant for acute myelogenous leukemia and myeloid sarcoma;
- ~~(c) Autologous bone marrow transplant for acute lymphoblastic leukemia (stem cells collected in remission);~~
- ~~(c)(d) Allogeneic bone marrow transplant for acute lymphoblastic leukemia;~~
- ~~(d)(e) Allogeneic bone marrow transplant for chronic myelogenous leukemia;~~
- ~~(e)(f) Autologous bone marrow transplant for Hodgkin’s lymphoma disease;~~
- (f) Allogeneic bone marrow transplant for Hodgkin lymphoma relapsed after autologous transplant but not progressing on salvage chemotherapy;
- (g) Autologous bone marrow transplant for nNon-Hodgkin’s lymphoma;
- (h) Allogeneic bone marrow transplant for nNon-Hodgkin’s lymphoma;
- (i) Autologous bone marrow transplant for Ewing’s sarcoma, chemotherapy sensitive after first relapse;
- (j) Autologous bone marrow transplant for nNeuroblastoma;
- (k) Autologous bone marrow transplant for germ cell tumor, after failure of first therapy but not progressing on salvage therapy;
- (l) Autologous bone marrow transplant for multiple myeloma (including double bone marrow transplant) and primary amyloidosis;
- (m) Allogeneic bone marrow transplant for myelodysplastic syndrome;
- (n) Autologous bone marrow transplant for primitive neuroectodermal tumor (PNET), (including medulloblastoma and pinealoblastoma), chemotherapy sensitive after first relapse;
- (o) Autologous bone marrow for medulloblastoma and other PNET tumors, metastatic, at diagnosis;
- (p) Allogeneic bone marrow transplant for chronic lymphocytic lymphoblastic leukemia;
- (q) Allogeneic bone marrow transplant for severe or very severe aplastic anemia from HLA compatible siblings for patients below 40 years of age, and any type of bone marrow transplant for severe aplastic anemia unresponsive to immunosuppression.

In cases where treatment for any of the above conditions includes a clinical trial that conforms to subsection (5), routine care costs associated with the bone marrow transplant will be covered.

(2) Each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S., provided that the bone marrow transplantation procedure is performed in the context of a well-designed and conducted Phase II or Phase III clinical treatment trial as described in subsection ~~(5)(3)~~.

- ~~(a) Autologous bone marrow transplant for chronic myelogenous leukemia;~~
  - ~~(a)(b) Autologous bone marrow transplant for chronic lymphocytic lymphoblastic leukemia;~~
  - ~~(b)(e) Autologous bone marrow transplant for plasma cell dyscrasias other than multiple myeloma (e.g., Waldenstrom’s);~~
  - ~~(c)(d) Allogeneic bone marrow transplant for multiple myeloma and other plasma cell dyscrasias (e.g., Waldenstrom’s, amyloid);~~
  - ~~(d)(e) Autologous bone marrow transplant for breast carcinoma;~~
  - ~~(e)(f) Autologous bone marrow transplant for Ewing’s sarcoma, localized, greater than eight cm or metastatic at presentation;~~
  - ~~(f)(g) Autologous bone marrow transplant for soft tissue sarcoma, pediatric, after failure of first therapy;~~
  - ~~(g)(h) Autologous bone marrow transplant for Wilms’ tumor, at relapse;~~
  - ~~(h)(i) Autologous bone marrow transplant for germ cell tumor, high risk, at diagnosis;~~
  - ~~(i)(j) Allogeneic bone marrow transplant for renal cell carcinoma;~~
  - ~~(j)(k) Multiple autologous bone marrow transplants for pediatric solid tumors;~~
  - ~~(k)(l) Allogeneic bone marrow transplant for Hodgkin’s lymphoma disease;~~
  - ~~(l)(m) Autologous bone marrow transplant for metastatic malignant melanoma;~~
  - (m) Allogeneic bone marrow transplant for sickle cell anemia, thalassemia, and other severe red cell disorders.
- (3) The following rare diseases, where there are no existing clinical trials available, are covered for bone marrow transplant at the Blood and Marrow Transplant Clinical Trials Network (BMT CTN) core or non-core facilities when deemed medically necessary:
- (a) Myelofibrosis;
  - (b) Chronic myelomonocytic leukemia (CMML);
  - (c) Paroxysmal nocturnal hemoglobinuria (PNH);
  - (d) POEMS syndrome.

(4) Any bone marrow transplant performed outside of a clinical trial will be covered when all of the following criteria are met:

(a) The plan of care follows a clinical trial protocol that meets the requirements of subsection (5);

(b) Patient cannot be enrolled in the proposed clinical trial;

(c) Bone marrow transplant treatment is medically necessary;

(d) Patient is an appropriate candidate for bone marrow transplant;

(e) Treatment center is part of the BMT CTN as a core or non-core center.

(5)(3) A well-designed and conducted clinical treatment trial is one which includes an IRB-approved written protocol. At a minimum, such protocol shall have specific criteria for evaluating the effect of treatment with defined endpoints that are precise, meaningful, and reliable and which allow valid conclusions to be drawn about therapeutic efficacy and safety. Protocols should include an adequate statistical section describing the method of randomization and stratification, if any, expected outcome parameters relating to response rates, time to progression, survival times and other relevant information. Such clinical treatment trials shall be consistent with protocols reviewed and approved by the National Cancer Institute for scientific merit.

(6)(4) It should be noted that there are other non-malignant (not oncological) diseases that are genetic disorders, or that result in bone marrow failure or lead to immunodeficiency syndromes for which bone marrow transplantation may be appropriate. While these non-malignant diseases are not described in the preceding lists, there are generally accepted and appropriate indications for bone marrow transplantation in these cases. In addition, there are malignant diseases that are uncommon in their occurrence that also are not detailed in the above lists for which the appropriateness of bone marrow transplantation may be determined on a case by case basis.

Rulemaking Specific Authority 627.4236 FS. Law Implemented 627.4236 FS. History—New 11-9-95, Formerly 10D-127.001, Amended 9-26-00, 8-10-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karin Jacobson, Medical Health Care Program Analyst,  
Agency for Health Care Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2013

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.:  
68B-13.008

RULE TITLE:  
Gear, Trap Construction,  
Commercial Trap Marking  
Requirements, Trap Working  
Regulations, Trap Transfer

PURPOSE AND EFFECT: The purpose of this rule amendment is to improve the enforceability of the stone crab gear Rule 68B-13.008, F.A.C. The current rule allows one commercial trap owner to authorize another commercial fisherman as a delegate to pull that owner’s traps using the form DMF-SL3030 (02-13), when extraordinary circumstances prevent that owner from working his/her own traps.

The effect of the rule amendment will be to strengthen the current trap pulling petition by requiring notarization. It will also aid enforcement by requiring a float plan be prepared in advance with the Division of Law Enforcement.

SUMMARY: Chapter 68B-13, F.A.C., would be amended to modify the Commission’s working regulations for stone crab (68B-13.008) to incorporate an official Florida notary section to the trap pulling petition form, DMF-SL3030, that is required to allow another fisher to work the owner’s traps under certain conditions, and to require the person designated to pull the petitioner’s trap to establish a float plan with the Division of Law Enforcement (DLE) Dispatch for each day traps will be pulled.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the Commission’s regular meeting April 17-18, 2013, 8:30 a.m. – 5:00 p.m.

PLACE: Florida Public Safety Institute, Pat Thomas Law Enforcement Academy, 215 Academy Drive, Havana, FL 32333

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

- (1) through (3) No change.
- (4) TRAP WORKING REGULATIONS.
- (a) through (b) No change.

(c) During any time of the year when it is legal to transport stone crab traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission may be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

- 1. through 6. No change.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL3030 (02-13 07-01) (Stone Crab Trap Pulling Petition) found online at: [www.flrules.org](http://www.flrules.org), herein incorporated by reference, and will be granted upon such conditions as the division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial

harvester, or a member of the harvester’s immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a notarized statement from the other person attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the stone crab fishery. The person designated to pull the petitioner’s traps is required to establish a float plan with Division of Law Enforcement Dispatch for each day traps will be pulled prior to pulling traps. If the person designated to pull the petitioner’s traps does not possess a saltwater products license with restricted species and stone crab endorsements, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee’s compliance with all regulations governing the stone crab fishery.

- (d) through (e) No change.
- (5) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History–New 7-1-00, Amended 7-22-01, 7-15-04, 7-13-08,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2012

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.:	RULE TITLE:
68B-24.006	Gear: Traps, Buoys, Identification Requirements, Prohibited Devices

PURPOSE AND EFFECT: The purpose of this rule amendment is to improve the enforceability of the spiny lobster gear Rule 68B-24.006, F.A.C. The current rule allows one commercial trap owner to authorize another commercial

fisherman as a delegate to pull the owner's traps using the form DMF-SL5030 (07-03) when extraordinary circumstances prevent that owner from working his/her own traps.

The effect of the rule amendment will be to strengthen the current trap pulling petition by requiring notarization. It will also aid enforcement by requiring a float plan be prepared in advance with the Division of Law Enforcement.

SUMMARY: Chapter 68B-24, F.A.C., would be amended to modify the Commission's working regulations for spiny lobster (68B-24.006) to incorporate an official Florida notary section to the trap pulling petition form, DMF-SL5030, which is required to allow another fisher to work the owner's traps under certain conditions, and to require the person designated to pull the petitioner's trap to establish a float plan with the Division of Law Enforcement (DLE) Dispatch for each day traps will be pulled.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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:** Article IV, Section 9, Florida Constitution.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

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

**DATES AND TIME:** During the Commission's regular meeting April 17-18, 2013, 8:30 a.m. – 5:00 p.m.

**PLACE:** Florida Public Safety Institute, Pat Thomas Law Enforcement Academy, 215 Academy Drive, Havana, FL 32333

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

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

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) through (6) No change.

(7) During any time of the year when it is legal to transport spiny lobster traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission may be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

(a) through (f) No change.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL5030 (02-13 07-03) (Spiny Lobster Trap Pulling Petition) found online at: [www.flrules.org](http://www.flrules.org), herein incorporated by reference, and will be granted upon such conditions as the division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a notarized statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the spiny lobster fishery. The person designated to pull the petitioner's traps is required to establish a float plan with Division of Law Enforcement Dispatch for each day traps will be pulled prior to pulling traps. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and a crawfish endorsement, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the

designee’s compliance with all regulations governing the spiny lobster fishery. Permission to pull another’s traps shall not be granted to a person holding a commercial dive permit.

(8) through (11) No change.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02, 7-7-03, 4-1-04, 7-1-08,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2012  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2012

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: 68B-45.004  
 RULE TITLE: Regulation and Prohibition of Certain Harvesting Gear

PURPOSE AND EFFECT: The purpose of this rule amendment is to improve the enforceability of the blue crab gear Rule 68B-45.004, F.A.C. The current rule allows one commercial trap owner to authorize another commercial fisherman as a delegate to pull that owner’s traps using the form DMF-SL4590 (2-13), when extraordinary circumstances prevent that owner from working his/her own traps.

The effect of the rule amendment will be to strengthen the current trap pulling petition by requiring notarization. It will also aid enforcement by requiring a float plan be prepared in advance with the Division of Law Enforcement.

SUMMARY: Rule Chapter 68B-45, F.A.C., would be amended to modify the Commission’s working regulations for blue crab (68B-45.004) to incorporate an official Florida notary section to the trap pulling petition form, DMF-SL4590, that is required to allow another fisher to work the owner’s traps under certain conditions, and to require the person designated to pull the

petitioner’s trap to establish a float plan with the Division of Law Enforcement (DLE) Dispatch for each day traps will be pulled.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the Commission’s regular meeting April 17-18, 2013, 8:30 a.m. – 5:00 p.m.

PLACE: Florida Public Safety Institute Pat Thomas Law Enforcement Academy 215 Academy Drive Havana, FL 32333 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

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

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (9) No change.

(10) During any time of the year when it is legal to transport blue crab traps, a harvester may seek permission from the Division of Law Enforcement to allow the use of another vessel owned by the same harvester or another person to transport, deploy, pull, or retrieve his or her traps. Permission will be granted upon receipt of a written statement signed by the commercial harvester seeking to have his or her traps pulled and by the person designated to pull the traps, if applicable, which statement also shall contain the following:

(a) through (f) No change.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled using another vessel owned by the same harvester or by another person for a longer period of time must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL4590 (02-13 ~~01-11~~) (Blue Crab Trap Pulling Petition) found online at: [www.flrules.org](http://www.flrules.org), herein incorporated by reference, and will be granted upon such conditions as the Division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the Division. The petition shall include a complete description of the extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a notarized statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the spiny lobster fishery. The person designated to pull the petitioner's traps is required to establish a float plan with Division of Law Enforcement Dispatch for each day traps will be pulled prior to pulling traps. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and a blue crab endorsement, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee's compliance with all regulations governing the blue crab fishery.

(g) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06, 9-21-06, 10-15-07, 1-26-11, \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 28, 2012

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

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Construction Industry Licensing Board

RULE NO.: 61G4-18.001  
 RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

#### 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. 38, No. 62, October 31, 2012 issue of the Florida Administrative Register.

The change is in response to concerns by the Joint Administrative Procedures Committee in a letter dated November 16, 2012. The change is as follows:

Rule 61G4-18.001(3)(g) shall read as:

(g) Pursuant to Section 489.115(4)(b)2., F.S., specialized continuing education courses approved for the purpose of allowing Division I certificateholders or registrants to certify plans and specifications on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and alternate methodologies approved by the Florida Building Commission are required to comply with Florida Building Code 2010 Section 1609.1.1 Exceptions: 1.-3., hereby incorporated by reference into the rule, and must require the demonstration of proficiency at the completion of such course.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Licensing Board, P.O. Box 5257, Tallahassee, Florida 32314-5257



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**State Boxing Commission**

RULE NOS.:	RULE TITLES:
61K1-4.001	Amateur Sanctioning Organization Licensure, Criteria for Approval and Denial
61K1-4.004	Emergency Medical Equipment; Other Required Equipment
61K1-4.005	Arena Equipment; Ring Requirements
61K1-4.007	Insurance Requirements
61K1-4.009	Post-Match Physical of Amateur
61K1-4.012	Citations
61K1-4.014	Records
61K1-4.015	Disciplinary Guidelines
61K1-4.016	Boxing Weight Classes; Weigh-In
61K1-4.017	Boxing Conduct of Bout; Rounds
61K1-4.019	Boxing Bandages; Handwraps; Gloves
61K1-4.020	Kickboxing Weight Classes; Weigh-In
61K1-4.021	Kickboxing Conduct of Bout; Rounds
61K1-4.022	Kickboxing Apparel
61K1-4.023	Kickboxing Bandages and Handwraps; Gloves
61K1-4.024	Mixed Martial Arts Weight Classes; Weigh-In
61K1-4.025	Mixed Martial Arts Conduct of Bout; Rounds
61K1-4.027	Mixed Martial Arts Bandages and Handwraps; Gloves

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 57, October 24, 2012 issue of the Florida Administrative Register.

The following titles have been corrected:

61K1-4.004	Emergency Medical Equipment; Other Requirements
61K1-4.005	Arena Equipment Requirements; Ring Requirements; and Fenced Area Requirements

The following is a Summary of the Statement of Estimated Regulatory Costs created for the following rules: 61K1-4.001, 61K1-4.004, 61K1-4.005, 61K1-4.007, 61K1-4.009, 61K1-4.012, 61K1-4.014, 61K1-4.015, 61K1-4.016, 61K1-4.017, 61K1-4.019, 61K1-4.020, 61K1-4.021, 61K1-4.022, 61K1-4.023, 61K1-4.024, 61K1-4.025, 61K1-4.027, as approved by the Commission:

- The rules are not likely to directly or indirectly have an adverse impact on economic growth; private-sector job creation or employment, or private-sector investment in

excess of \$1 million in the aggregate within 5 years after the implementation of the rules.

- The rules are not likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.
- The rules are not likely to directly or indirectly to increase regulatory costs, including any transaction costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.
- The number of individuals and entities likely to be required to comply with the rules based on the number of licensees under Chapter 548, F.S. will be approximately 700.
- The department will not incur any costs for implementing or enforcing the proposed rules.
- There will be no cost to any other state and local government entities of implementing the proposed rules. <sup>2</sup> The total estimated costs to the licensees in a 5 year period is not in excess of \$1 million in the aggregate within 5 years after the implementation of the rules.
- The estimated number of small businesses that would be subject to the rules is between 100-499.
- There is no small county or small city that will be impacted by the rules.

The agency has determined that the proposed rules are 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 Commission prepared a SERC for the aforementioned rules., and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE NOS.:	RULE TITLES:
66B-1.005	Funds Allocation
66B-1.006	Application Process

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 96, December 21, 2012 issue of the Florida Administrative Register.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Commissioners, Florida Inland Navigation District.

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE NO.:	RULE TITLE:
66B-2.005	Funds Allocation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 96, December 21, 2012 issue of the Florida Administrative Register.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Commissioners, Florida Inland Navigation District.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

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 February 6, 2013, the Southwest Florida Water Management District, received a petition for a variance or waiver.

Petitioner's Name: Lakewood Ranch Inter District Authority. Rule No.: 40D-22.201, F.A.C. Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation.

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

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, x. 2298, water.variances@watermatters.org.

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 February 12, 2013 the Division issued an order. The Final Order was in response to a Petition for a Variance from Alford Inn @ Rollins, filed January 22, 2013, and advertised in Vol. 39, No. 16, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.1, 2.20.9, and 2.24.2 ASME A17.1b,

2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code from the requirements of a machine room and the use of coated steel belt to allow the installation of an Otis Gen2™ elevator system because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-023).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on February 12, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Church Street Station. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5 and 8.11.2.1.3(cc)(1) & (3) as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-046).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on February 11, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Transfiguration Manor #1. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.18.5.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-044).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on February 11, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Transfiguration Manor #2. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.18.5.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of a minimum of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-043).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on February 11, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for HCTA Professional Learning Ctr. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.18.5.1 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-044).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on February 6, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ragtops Motocards Inc/ McCoy Motors. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, 3.11.1 and 3.10.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations, car emergency signaling devices and types of operating devices which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-040).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on February 8, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Everbank Center. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' service automatic elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-042).

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on February 7, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 850 Trafalgar Association. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection

61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-041).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on February 8, 2013, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2009 FDA Food Code from Hola Cuban Cafe located in Fernandina Beach. 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 share the bathrooms located within an adjacent establishment under a different ownership for use by both customers and employees.

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

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

Section VI

Notices of Meetings, Workshops and Public Hearings

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: February 28, 2013; 9:00 a.m.

PLACE: The Hearing Room, Suite 101, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled commission business meeting.

A copy of the agenda may be obtained by contacting: Joel Lorde, Commissioner Coonrod's Office at (850)487-1978 or via email, joellorde@fpc.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Joel Lorde, Commissioner Coonrod's Office at (850)487-1978. 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).

DEPARTMENT OF ELDER AFFAIRS

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

DATE AND TIME: Monday, February 25, 2013, 9:00 a.m. - 11:00 a.m. (EST)

PLACE: Reserve your Webinar seat now at: <https://www2.gotomeeting.com/register/476500050>. Audio information: This webinar will be presented using Voice Over Internet Protocol (VOIP). To utilize VOIP, please have speakers and a microphone connected to your computer. If speakers and a microphone are not available to you, or your computer doesn't have a sound card, please login to the webinar and follow the prompts to call the conference line (long distance charges apply). To avoid long distance charges, please see the audio options below. If you have any questions prior to the webinar regarding the audio options, please contact: Shandra McGlohon, Florida Department of Elder Affairs, email: [mcglohonsa@elderaffairs.org](mailto:mcglohonsa@elderaffairs.org), (850)414-2317. Audio options (USB equipment is ideal): (1) USB or analog headset; (2) headphones and microphone; (3) speakers and microphone; (4) speakers only – questions and comments can be submitted via the Question Pane. After registering you will receive a confirmation email containing information about joining the Webinar. System Requirements, PC-based attendees: required – Windows® 7, Vista, XP, 2003 Server or 2000. Macintosh®-based attendees: required – Mac OS® X 10.4.11 (Tiger®) or newer.

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

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

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

email: [bistd@elderaffairs.org](mailto:bistd@elderaffairs.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Danielle Bist, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2140, email: [bistd@elderaffairs.org](mailto:bistd@elderaffairs.org).

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Health Facility and Agency Licensing

The Agency for Health Care Administration announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, February 22, 2013, 2:00 p.m. – 4:00 p.m. (EST)

PLACE: Agency for Health Care Administration, \*\*TELECONFERENCE CALL ONLY\*\*, dial-in number: (888)670-3525, conference code: 7873061052

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a teleconference meeting of the Organ and Tissue Procurement and Transplantation Advisory Board, created by Section 765.543, Florida Statutes. The purpose is to conduct general business of the advisory board including review and discussion on recommendations for changes to the laws and administrative rules related to organ and tissue procurement activities in Florida.

A copy of the agenda may be obtained by contacting: Dayle Mooney, Program Administrator, Agency for Health Care Administration, Laboratory Licensure Unit, 2727 Mahan Drive MS# 32, Tallahassee, Florida 32308, (850)412-4500, email: [Dayle.Mooney@ahca.myflorida.com](mailto:Dayle.Mooney@ahca.myflorida.com). The agenda will also be posted at:

[http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/Laboratory\\_Licensure/OrganTissueBoard.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/OrganTissueBoard.shtml) at least seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dayle Mooney at (850)412-4500. 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).

#### DEPARTMENT OF MANAGEMENT SERVICES

##### Division of Purchasing

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

DATE AND TIME: Wednesday, March 6, 2013, 9:30 a.m.

PLACE: 4050 Esplanade Way, Tallahassee, FL 32399, Conference Room #101

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In accordance with Section 120.525, Florida Statutes, a Pre-Bid Vendor Conference is hereby noticed for the following ITN (Number: 09-405-215-U) for Capacity Management and Acquisition of Natural Gas Supply. The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Register (FAR). Access the VBS at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting: Claudia Cooper at (850)487-9847, [Claudia.cooper@dms.myflorida.com](mailto:Claudia.cooper@dms.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Claudia Cooper at (850)487-9847, [Claudia.cooper@dms.myflorida.com](mailto:Claudia.cooper@dms.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Claudia Cooper at (850)487-9847, [Claudia.cooper@dms.myflorida.com](mailto:Claudia.cooper@dms.myflorida.com).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: March 1, 2013, 9:00 a.m.

PLACE: Westmonte Recreation Center, 624 Bills Lane, Altamonte Springs, FL 32714.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a general meeting of interested stakeholders to discuss issues related to the Wekiva River and Rock Springs Run Basin Management Action Plan (BMAP). The meeting will provide an opportunity for stakeholders to provide their comments and recommendations to the Department of Environmental Protection regarding the Draft Wekiva River and Rock Springs Run BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDL). The primary topic of discussion during this meeting will be the ongoing process of BMAP development.

A copy of the agenda may be obtained by contacting: Charles Gauthier, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or by e-mail at [Charles.Gauthier@dep.state.fl.us](mailto:Charles.Gauthier@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Charles Gauthier at (850)245-8555. 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).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Substance Abuse Program**

The Substance Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2013, 10:00 a.m. – 4:00 p.m.

PLACE: School Board of Orange County, 445 West Amelia Street, Orlando, FL 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly Meeting of the Department of Children and Families-Substance Abuse and Mental Health, Child Welfare, Managing Entity Organizations, Community Based Care Organizations will be held February at the DCF Regional office in Orlando. These meetings are held to better coordinate Substance Abuse, Mental Health and Child Welfare Integration statewide.

A copy of the agenda may be obtained by contacting: Hayden Mathieson, hayden\_mathieson@dcf.state.fl.us, (850)717-4140. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Hayden Mathieson, hayden\_mathieson@dcf.state.fl.us, (850)717-4140. 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).

**FLORIDA HOUSING FINANCE CORPORATION**

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

DATE AND TIME: March 15, 2013, 8:30 a.m. until adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.

5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the March 15, 2013, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at [www.floridahousing.org](http://www.floridahousing.org) approximately two days before the scheduled meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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

#### FLORIDA HOUSING FINANCE CORPORATION

The FHFC, II, Inc., Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2013, 11:00 a.m., or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting, until adjourned.

PLACE: Tallahassee City Hall Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

#### GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC II, INC.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC II, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC II, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the March 15, 2013, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197, or by visiting the Corporation's website at [www.floridahousing.org](http://www.floridahousing.org) approximately two days before the scheduled meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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

#### FLORIDA HOUSING FINANCE CORPORATION

The FHFC III, Inc., Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2013, 11:00 a.m., or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting, until adjourned.

PLACE: Tallahassee City Hall Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

#### GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of FHFC III, INC.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by FHFC III, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of FHFC III, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the Agenda for the March 15, 2013, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at [www.floridahousing.org](http://www.floridahousing.org) approximately two days before the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney, (850)488-4197. 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.

**OTHER AGENCIES AND ORGANIZATIONS**

The Kenneth C. Thompson Institute of Public Safety announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 28, 2013, 2:00 p.m.

PLACE: Polk State College, Kenneth C. Thompson Institute of Public Safety, 999 Avenue H NE, Winter Haven, FL 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve minutes from August 30, 2012 & mini meeting January 24, 2013. Old Business; new business; training issues; other issues; adjournment.

A copy of the agenda may be obtained by contacting: Debbie Bull, Secretary at the Polk State College address listed above.

For more information, you may contact: Captain William T. Mann, Director or Debbie Bull, Secretary, (863)669-2908.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The Florida Automobile Joint Underwriting Association announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 15, 2013, 9:00 a.m.

PLACE: York Risk Services Group, 605 Crescent Executive Court Suite 300, Lake Mary, FL 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Claims Provider performance in claims handling and any other matters that may come before the committee.

A copy of the agenda may be obtained by contacting: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, lstoutamire@fajua.org.

**NORTHWOOD SHARED RESOURCE CENTER**

The Northwood Shared Resource Center Board of Trustees announces a public meeting to which all persons are invited.

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

PLACE: Northwood Shared Resource Center, 1940 N. Monroe Street, CR3000, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General.

A copy of the agenda may be obtained by contacting: monica.cash@nsr.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 3 days before the workshop/meeting by contacting: Monica Cash, (850)921-4479. 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.

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

**DEPARTMENT OF HEALTH**

Board of Psychology

**NOTICE OF PETITION FOR DECLARATORY STATEMENT**

The Board of Psychology hereby gives notice that it has received a petition for Declaratory Statement, filed on January 9, 2013, by Dalea Alawar, Psy.D. The Petitioner seeks the Board's interpretation of Sections 490.005(4)(c), Florida Statutes in regards the requirement that an licensee have at least 2 years or 4,000 hours of experience in association with or under the supervision of a licensed psychologist meeting the academic and experience requirements of this chapter or the equivalent as determined by the board.

Comments on this petition should be filed with the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Allen Hall, Executive Director, at the above address or telephone (850)245-4444.

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

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

**NONE**



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

**NONE**

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

**NONE**

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

**NONE**

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

**NONE**

**Section XII  
Miscellaneous**

STATE BOARD OF ADMINISTRATION  
Florida Prepaid College Board  
Notice Of Maximum Account Balance Limit  
Florida Prepaid College Plan and Florida 529 Savings Plan  
The Florida Prepaid College Board hereby gives notice that the maximum account balance limit for the Florida Prepaid College Plan and for the Florida 529 Savings Plan is \$418,000

until subsequently revised by the Board. The redemption value of advance payment contracts under the Florida Prepaid College Plan, plus the account balance of accounts in the Florida 529 Savings Plan, for the same beneficiary may not exceed the maximum account balance limit.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Certificate of Need

**DECISION ON EXPEDITED APPLICATION**

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

County: Collier Service District: 8/2  
CON#: 10177 Decision Date: 2/13/2013 Decision: A  
Applicant/Facility/Project: The Arlington of Naples, Inc.  
Project Description: Establish a 44-bed sheltered nursing home  
Approved Cost: \$10,556,463

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No. DEO-13-016

**STATE OF FLORIDA**

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE OF  
ISLANDS, FLORIDA, ORDINANCE NO.12-13  
FINAL ORDER  
APPROVING ISLAMORADA ORDINANCE NO. 12-13

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Florida Statutes (2012), approving land development regulations adopted by Islamorada, Village of Islands, Florida, Ordinance No. 12-13 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Florida Statutes, as an area of critical state concern. Islamorada, Village of Islands, is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Islamorada, Village of Islands, on November 29, 2012, and rendered to the Department on January 8, 2013.

3. The Ordinance amends Chapter 30 of the Village Land Development Regulations, Article VI, “Specific Use Restrictions,” to establish Division 5, “Dog Friendly Restaurants,” and create sections 30-1261 through 30-1266. The Ordinance provides procedures, criteria and restrictions under which a food service establishment with outdoor seating may obtain a permit from the Village to allow patrons’ dogs in the establishment’s outdoor seating area. Such permits expire in one year unless timely renewed.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11) and § 380.0552(9), Florida Statutes.

5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

6. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Florida Statutes.

7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principle:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

8. The Ordinance is consistent with Policy 1-4.2.1 of the Islamorada, Village of Islands, Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Islamorada, Village of Islands, Ordinance No. 12-13 is found to be consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

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

DONE AND ORDERED in Tallahassee, Florida.

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

J. THOMAS BECK, AICP

Director, Division of Community Development

Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

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

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO

SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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

AGENCY CLERK

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

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

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

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

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 13th day of February, 2013.

\_\_\_\_\_/s/\_\_\_\_\_  
 Miriam Snipes, Agency Clerk  
 Department of Economic Opportunity  
 107 East Madison Street, MSC 110  
 Tallahassee, FL 32399-4128  
 Telephone: (850)717-8531

By U.S. Mail:

Honorable Ken Philipson  
Mayor, Islamorada, Village of Islands  
86800 Overseas Highway  
Islamorada, FL 33036

Ariana S. Lawson  
Village Clerk  
Islamorada, Village of Islands  
86800 Overseas Highway  
Islamorada, FL 33036

Edward Koconis, Director  
Planning and Development Services  
Islamorada, Village of Islands  
86800 Overseas Highway  
Islamorada, FL 33036

By Hand Delivery or Interagency Mail:

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

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Section XIII  
Index to Rules Filed During Preceding Week

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

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