

## Section I

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

#### DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-602.210	Use of Force
33-602.212	Escort Chair

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to clarify the use of the camera during a reactionary use of force, the use of force on inmates in mental health settings, how Form DC6-230, Report Of Force Used, is to be completed and the role of the warden in reviewing uses of force. The proposed rule also updates definitions, makes changes to Forms DC6-216 and DC6-281, removes the use of Form DC6-213, changes engagement distances on specialty impact munitions and adds the use of noise flash distraction devices. The proposed rule explains the use of escort chairs to transport inmates around the secure compound under specific circumstances.

**SUBJECT AREA TO BE ADDRESSED:** Use of Force and Escort Chair.

**RULEMAKING AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 776.07, 944.09, 944.35 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399

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

33-602.210 Use of Force.

(1) No change.

(2) Definitions.

(a) Direct Firing – The practice of firing specialty munitions directly into a group of rioters ~~from a distance of greater than 20 feet and~~ with a target area of the waist or below from a minimum distance designated by the manufacturer of the munitions.

(b) Correctional Emergency Response Team – A team comprised of staff trained in special tactics including the use of lethal force for the intervention and resolution of life-threatening crisis events.

~~(c)(b)~~ Emergency Action Center – The unit located in the Central Office charged with receiving reports regarding serious incidents, such as riots and escapes, from all Department of

Corrections' (Department) facilities and reporting the information to the proper authorities. This unit also receives requests for criminal histories, warrant confirmations, and offender location requests from law enforcement agencies throughout the United States.

~~(d)(e)~~ Incident Commander – The employee responsible for the management of emergency incidents, such as riots and natural disasters.

~~(e)(d)~~ Less Than Lethal Nondeadly Force – Any force that is neither intended nor likely to cause death or serious bodily harm.

~~(f)(e)~~ Organized Use of Force – Any force that may be administered to control, escort, or geographically relocate any inmate when the immediate application is not immediately necessary to prevent a hazard to any person.

~~(g)(f)~~ Reactionary Use of Force – Any force that must be administered quickly or immediately to compel the cessation of an inmate's violence or resistance to orders.

~~(h)(g)~~ Reasonable Force – Any force that is not excessive for protecting oneself or another or for gaining an inmate's compliance with a lawful order.

(i) Rapid Response Team – A team comprised of Correctional Officers specially trained in less lethal and lethal munitions, chemical munitions, crowd control, and riot suppression.

~~(j)(h)~~ Rubber Ball Rounds – Multiple pellets fired from cartridges at the lower extremities of rioters and designed to inflict pain compliance.

~~(k)(i)~~ S-2 – The mental health classification denoting mild impairment in the ability to meet the ordinary demands of living within general inmate housing (which includes segregation) due to a diagnosed mental disorder. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing with provision of mental health services. Clinical management of the disorder may require at least periodic administration of psychotropic medication, which the inmate may exercise his or her right to refuse.

~~(l)(j)~~ S-3 – The mental health classification denoting moderate impairment in the ability to meet the ordinary demands of living within general inmate housing, due to a diagnosed mental disorder. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing with provision of mental health services. Clinical management of the disorder may require at least periodic administration of psychotropic medication, which the inmate may exercise his or her right to refuse.

~~(m)(k)~~ Shift Supervisor – The highest ranking correctional officer of the on-duty shift.

~~(n)(l)~~ Skip Firing – The practice of firing specialty impact munitions 5-7 feet in front of rioters, thereby deflecting the munitions into the legs of the rioters.

~~(o)(m)~~ Serious Bodily Injury – A physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

~~(p)(n)~~ Specialty Impact Munitions – Munitions designed to incapacitate, distract, and control a subject with a relatively low likelihood of life-threatening injury.

~~(q)(o)~~ Wooden Baton Rounds – Multiple wooden projectiles fired from a 37/40-mm weapon, designed to be skip fired into the lower extremities of rioters to inflict pain compliance.

(3) A video camera operator shall commence recording all reactionary use of force incidents upon arrival at the scene as soon as possible. All organized use of force incidents shall be video recorded unless exigent or emergency circumstances prevent such action. Except in the circumstances described in sub-subparagraph ~~(9)(8)(n)~~2.e., video recordings shall continue uninterrupted from commencement until the situation is stable and under control and the inmate is placed in a secure cell or transport vehicle for transfer. Additionally, the camera operator shall, to the best of his or her ability, ensure that all staff actively involved in any use of force and captured within the view finder of the camera is identified by rank/title and name.

(a) The shift supervisor during any organized use of force shall include in each video recorded markers of the following:

- 1. through 7. No change.
- 8. through 16. No change.
- (b) through (d) No change.

(e) In the event of a reactionary use of force, once the camera operator and shift supervisor arrive on the scene, the shift supervisor – upon assessing the situation and being properly briefed – shall:

- 1. Make a brief statement noting the reason(s) for the use of force. This shall be prior to the conclusion of recording;
- 2. The rank/title and name of staff involved in the use of force;
- 3. The rank/title and name of any staff who were present, but not involved in the use of force;
- 4. The name and DC number of the inmate(s) involved;
- 5. The type and amount of force used;
- 6. Any other pertinent information that he or she deems relevant.

(4) through (6) No change.

(7) Inmates shall not be carried, dragged, or lifted by restraint devices. This shall not be construed to prohibit the use of an escort chair pursuant to Rule 33-602.212, F.A.C.

(8) Hands-on physical force shall not be used if injury is less likely to occur by using chemical agents, specialty impact munitions, or EIDs. Batons, chemical agents, EIDs, specialty impact munitions, and other authorized less lethal weapons shall not be used on inmates who are assigned to inpatient

mental health care in an infirmary, transitional care unit, crisis stabilization unit, corrections mental health institution, or other mental health treatment facility, as such facilities are defined in Rule 33-404.103, F.A.C., except when attempts by available mental health staff to otherwise de-escalate and resolve the situation are unsuccessful and it appears reasonably necessary to:

(a) Prevent an inmate or inmates from taking control of the health unit, or to subdue a take-over of the health unit.

(b) Prevent an inmate or inmates from taking a hostage or to help free a hostage.

(c) Prevent an inmate or inmates from escaping.

(d) Stop an assault on staff or other inmates when other means of intervention are likely to be ineffective or pose a risk of injury to the intervening staff.

(e) Disarm an inmate in possession of a weapon capable of causing injury to staff when other possible means of disarming the inmate pose a risk of injury to the staff involved.

~~(9)(8)~~ Use of Chemical Agents. All chemical agents shall be used with caution and in accordance with the manufacturer’s instructions.

(a) The following chemical agents are authorized for use by the Department:

1. through 2. No change.

~~3. CN – Chloroacetophene – An agent that causes tearing of the eyes, nasal discharge, and skin and upper respiratory irritation. CN projectiles, grenades, and thermal foggers shall only be used within institutions, upon Department of Corrections property, in response to unauthorized mass gatherings, disturbances involving multiple inmates, or for crowd control. CN shall not be authorized for use after the expiration date noted on the canister.~~

(b) No change.

(c) Chemical agents shall only be used when the use of force is authorized and the level of force is necessary to prevent injuries to staff or inmates including any self injurious behavior exhibited by inmates.

(d) through (j) No change.

(k) All chemical agent dispensers shall be numbered and recorded on Form DC6-216, Chemical Agent Accountability Log. Form DC6-216 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01699>. The effective date of the form is 7-25-02. Form DC6-216 shall be maintained in any location where chemical agents are stored. Chemical agent dispensers shall be weighed prior to issuance and upon return to storage. The shift supervisor shall verify the weight of chemical agent dispensers upon return to storage. Additionally, the shift supervisor shall ensure all issued chemical agent

dispensers are accounted for and recorded on Form DC6-216. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the contents are consistent after a reported use of force and recorded on Form DC6-216.

(l) Issuance and use of chemical agents:

1. through 2. No change.

3. For those security positions assigned to housing units with a secure officer's station, an MK-4 sized canister or equivalent OC dispenser will be passed on from shift to shift and accounted for on Form DC6-209, Housing Unit Log, at the beginning of each shift with an entry for each canister indicated by canister number and officer initials who is assigned that canister. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C. Canisters that are not being worn by staff on shifts that have fewer assigned staff will remain in the officer station, stored in a secure, locked cabinet or drawer designated for this purpose. The number of chemical agent canisters assigned to a housing unit shall not exceed the maximum number of staff (officer and sergeant) assigned for the highest staffed shift per the institutional post chart. Any evidence of tampering, broken or missing seal, or signs that the canister is not functional will be immediately reported to the shift officer in charge. Additionally, on Form DC6-210, Incident Report, will be completed by the end of the officer's shift and a replacement of the canister will occur completed and a replacement made. Form DC6-210 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, FL 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01698>. The effective date of the form is ~~12-12~~. The canisters will be inventoried and inspected once per week by the arsenal sergeant with appropriate entry placed on the Housing Unit Log.

4. For those staff assigned to internal security and designated A-Team members, exchange of approved canisters shall occur on the compound, with the canister number and confirmation of seal status and condition of canister called into the control room and notation made on the DC6-281, Control Room Security Equipment/ Weapons Check Out/In Log. Form DC6-281 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, FL 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01702>. The effective date of the form is ~~12-12~~. The canisters will be inventoried and inspected once per week by the arsenal sergeant with appropriate entry placed on the Control Room Log.

5. No change.

6. Chemical agent dispensers shall be securely encased and attached to the officer's belt. Each chemical agent dispenser shall be secured within a pouch or to a holstering

device by a numbered, breakable seal. ~~Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, will be utilized to document the name of the officer to whom each dispenser is assigned and the seal number on the dispenser he or she received. Form DC6-213 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01698>. The effective date of the form is 12-12.~~ Officers shall examine the condition of the canister and the safety seal at the time of receiving or being issued any chemical dispenser to ensure that the canister is not damaged and that the seal is intact and report any alteration or broken seal to the shift supervisor. Shift supervisors shall examine the seal of any chemical dispenser reported to be altered, broken, or manipulated and upon confirmation of alteration, breakage, or manipulation shall report the observation on Form DC6-210, Incident Report, prior to the end of the shift. The sergeant in charge of the arsenal shall maintain a master inventory of all individual chemical agent dispensers in storage. The master inventory shall indicate the weight of each dispenser at the time the original seal is attached and shall annotate the weight of the dispenser any time a dispenser is returned with a broken seal on Form DC6-216, Chemical Agent Accountability Log, and replace the seal or attach a new one. The arsenal sergeant shall report any discrepancies in the weight of the dispenser to the chief of security and complete Form DC6-210.

(m) through (o) No change.

(p) Medical requirements:

1. Inmates who have been administered any chemical agent shall be constantly monitored by a staff member or officer for no less than one (1) hour after application. The affected inmate shall remain in a standing or sitting position. The monitoring staff members or officers shall immediately seek medical attention by the appropriate medical staff or competent medical authority any time signs of respiratory distress, labored breathing, excessive or persistent coughing, or chest or arm pain are evident or if unconsciousness occurs or other signs of medical distress are observed. The absence of medical staff on scene does not preclude taking action as an emergency responder.

2. through 7. No change.

8. The shift supervisor shall comply with provisions stated in paragraph ~~(10)(9)~~(h) if, upon consultation with medical services staff, he or she is advised a decontamination shower is necessary for the safety of the inmate or the failure to complete a decontamination shower is a hazard to the inmate. The inmate shall be relocated to a decontamination cell.

a. through b. No change.

9. through 10. No change.

~~(10)~~(9) Non-deadly Force. In accordance with Section 944.35, F.S., officers are authorized to apply lawful and reasonably necessary physical force to:

(a) through (h) No change.

~~(11)~~(10) Only reasonable, lawful, and the minimal amount of force necessary shall be employed to control the situation. Force shall not be used solely as a response to verbal abuse. Utilization of the custodial touch, with the hand firmly grasped around the inmate's triceps or elbow, during internal transport of restrained inmates when resistance is not encountered shall not be considered a use of force when the transport hold is for the safety of the inmate or officer. The warden or designee shall be consulted and must authorize any organized use of force prior to application. The warden or designee shall be notified without unnecessary delay any time a reactionary use of force incident occurs and circumstances did not permit obtaining authorization prior to the use of force. The person who was responsible for requesting authorization to use force shall prepare, date, and sign Form DC6-232, Authorization for Use of Force, either prior to or immediately after the end of the shift when force was used. Form DC6-232 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01701>. The effective date of the form is 9-99. If the authorization for an organized use of force is granted after normal working hours, the authority granting the action shall complete and sign Form DC6-232 within one day following the incident, excluding weekends and holidays.

~~(12)~~(11) Any time force is used, the officer initially using force shall complete Form DC6-230, Report of Force Used. The completed form must contain a clear and comprehensive narrative of the circumstances that led to the use of force, the specific justification and necessity for the use of force, and a description of the actual events that occurred as well as, and the post-event actions. An incident report prepared by the author of the DC6-230, Report of Force Used, may be referenced in Section A., Narrative of Pre-event, and attached to the report to provide additional detail regarding the justification and necessity for using force. If more than one officer was involved in the use of force, the initial officer using force shall complete the report. Any participant who objects to information recorded by the reporting officer or who has additional observations to add to the narrative or description of the incident written by the reporting officer shall complete and attach Form DC6-230, Report of Force Used. No officer or employee shall receive discipline for providing updated information to a use of force report, provided the updated information is presented without unnecessary delay after discovery of the discrepancy. Updates or addendums recorded on any Form DC6-230, Report of Force Used, should be completed and forwarded to the warden not later than one (1)

business day (excluding weekends and holidays) following the date that the original Form DC6-232, Authorization for Use of Force, is signed and dated.

(a) Form DC6-230, Report of Force Used, shall be completed by those staff involved in any application of force, reactionary or organized, that occurred during their shift. Form DC6-230 shall be completed no later than the end of the shift during which the use of force occurred. The warden or designee is authorized to permit a delay of completing required use of force reports for up to 72 hours when circumstances prohibit completion of the reports by the end of the shift. All reports must be typed. No use of force report may be altered, changed, or destroyed by any employee. Officers may submit amendments to a report at any time with authorization from the warden or designee. The warden or designee shall then appoint a staff member of equal or higher rank than those involved in the use of force incident to collect all pertinent information and required documentation. This information shall include the reports of all involved staff who do not agree with the account as reported in the DC6-230 or the statements of staff witnesses, inmate witnesses, or the inmate subject. All inmate statements (subject and witnesses) shall be made in writing using Form DC6-112C, Witness Statement. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. Any employee who witnesses but does not participate in a use of force and suspects inappropriate action shall complete Form DC6-210, Incident Report. The warden shall ensure that Form DC4-701C, Emergency Room Record, and Form DC4-708, Diagram of Injury, are included in the review of all uses of force and also forwarded with the rest of the required documentation to the Office of the Inspector General – Use of Force Unit. The Office of Inspector General field offices within each region shall provide the institutions, via electronic mail, with a use of force number once one is assigned and entered into the Office of Inspector General electronic logging system.

(b) The warden or designee shall conduct a preliminary review of facts recorded in reports to determine if the application or demonstration of force was lawful and a procedurally appropriate application. All use of force incidents involving physical force will be reviewed by a designee of the rank of Correctional Officer Major or above and shall include a review of all videotapes of the incident. The warden shall ensure that any or designee that reviews any shall review all use of force incident conducts the review in a comprehensive manner and that, in addition to procedural concerns, the review ensure that the force used was necessary, justified, proper, and not excessive reports. Any time improperly applied or unlawful use of force is indicated in a report, the warden or designee shall personally review ~~any available video recording of the incident.~~ The warden shall personally review the reports, and all videotapes of any use of force incident that results in outside medical treatment for the involved inmate; this

includes transfers to another correctional facility specifically for medical treatment. The warden shall consult with the Health Service Administrator or other medical personnel as appropriate, regarding the nature of the injuries and required treatment determined to be necessary by the outside medical entity and incorporate this information into the determination if the force used was excessive, improper, or unnecessary.

(c) If during any part of the review process there is any indication of excessive, improper, or unnecessary force, the reviewer will notify the warden, who shall conduct a personal review of all pertinent information, reports, documentation, and videotapes and notify the Office of the Inspector General – Chief or Assistant Chief of Investigations in Central Office within one business day. Any time a warden or designee assigned to review and evaluate use of force reports suspects the application of force was contrary to this rule or was unlawful, he or she shall notify the Office of Inspector General without unnecessary delay.

(d) The warden or designee shall review the information and note any inappropriate actions in memorandum and attach the information to Form DC6-230, Report of Force Used. The warden or designee's signature in the Warden's Review signature block on Form DC6-230 indicates that the review of the reports, and videotapes as required, did or did not reveal, in addition to procedural concerns, any indication of excessive, improper, or unnecessary force. All videotape recordings of force applications and the original and one copy of Form DC6-230 shall be forwarded to the Office of Inspector General within eleven (11) business days. Requests for extensions for DC6-230s to be forwarded after eleven (11) days shall require authorization from the Assistant Secretary of Institutions and the Inspector General or designee. Requests for extensions for submission of DC6-230s beyond eleven (11) days may be granted if required staff is unavailable for signatures due to extended leave or similar circumstances, e.g., a staff member was injured in the use of force, etc., and major incidents occurring at the institution necessitate an extension, e.g., a riot or other major disturbance, nature disaster evacuation, etc.

(e) through (q) No change.

(13)(12) Use of Deadly Force. For the purposes of this rule, deadly force refers to force that is likely to cause death or great bodily harm. An officer is authorized to use deadly force only when the officer believes that such force is necessary to prevent imminent death or great bodily harm to him or herself or another.

(a) through (b) No change.

(c) Shot guns are approved for use by the Department's designated armed response team, Rapid Response Teams, Correctional Emergency Response Teams and/or other trained staff as authorized by the Assistant Secretary of Institutions for use during riots and mass disturbances. The type of authorized lethal or non-lethal ammunition used will be at the discretion of the Incident Commander. Only #6 shot is authorized to be

~~discharged from shotguns during attempts to cease riots or mass disturbances unless otherwise specifically authorized by the warden or designee.~~

(d) through (j) No change.

(14)(13) Use of Deadly Force to Prevent Escape or to Recapture Escapee. Officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a correctional institution.

(a) No change.

(b) Apprehension of escaped inmates once they are outside an institutional perimeter.

1. No change.

2. The officer in charge of the incident shall be the Incident Commander until relieved by a higher authority or the incident is turned over to a law enforcement agency or the Office of Inspector General. The Incident Commander of the escape attempt shall determine when active recapture efforts are terminated. Upon order of incident termination, the Incident Commander of the escape attempt may provide assistance to any law enforcement agency that is conducting an investigation of the incident. Officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force pursuant to Florida law.

3. No change.

(c) No change.

(15)(14) Other authorized uses of force. The use of electronic immobilization devices (EIDs), batons, chemical agents, specialty impact munitions, or other less lethal weapons within institutions shall be authorized only by the warden or designee. Such weapons shall be utilized by officers who have completed training on their use and shall be used in accordance with manufacturer specifications. ~~Hands on physical force shall not be used if injury is less likely to occur by using chemical agents, specialty impact munitions, or EIDs. Batons, chemical agents, EIDs, specialty impact munitions, and other authorized less lethal weapons shall not be used on inmates who are assigned to inpatient mental health care in an infirmary, transitional care unit, crisis stabilization unit, corrections mental health institution, or other mental health treatment facility, as such facilities are defined in Rule 33-404.103, F.A.C., except when attempts by available mental health staff to physically control dangerous or violent behavior are unsuccessful.~~

(a) No change.

(b) Specialty impact munitions. Specialty impact munitions shall be used primarily by the Department's designated armed response teams, Rapid Response Teams, Correctional Emergency Response Teams and/or trained staff as authorized by the Assistant Secretary of Institutions for use and correctional emergency response teams during riots and disturbances and to respond to staff assaults. They are intended

as a less lethal alternative to the use of deadly force. Specialty impact munitions shall not be used on anyone other than an inmate during an authorized use of force.

1. The following specialty impact munitions have been approved for use by the Department:

- a. 37/40-mm rubber ball pellet rounds ~~(minimum engagement distance is 15 feet);~~
- b. 12 gauge rubber ball pellet rounds – high velocity ~~(minimum engagement distance is 15 feet);~~
- c. 12 gauge rubber ball pellet rounds – low velocity ~~(minimum engagement distance is 3 feet);~~
- d. 12 gauge drag stabilized (bean bag) rounds ~~(minimum engagement distance is 15 feet);~~
- e. 37/40-mm wooden baton rounds ~~(minimum engagement distance is— skip fired 6 feet in front of target, no direct fire);~~
- f. Stinger rubber ball grenades ~~(no minimum engagement distance— stun grenade);~~
- g. ~~40mm impact munitions 40-mm exact/direct impact— (OC, marking and inert foam) long range rounds/short range (minimum engagement distance is 5 feet); and~~
- h. ~~40mm impact munitions 40-mm exact/direct impact— (OC, marking and inert foam) short range rounds/long range (minimum engagement distance is 25 feet).~~

2. Specialty impact munitions engagement distance will be in accordance with training and dependent on the situation and the level of force required to resolve the situation.

~~3.2- Selection and deployment of specialty impact munitions during a riot or disturbance or other instance where less lethal force options are needed shall be authorized by the Secretary, regional director, or warden or designee. The use of all specialty impact munitions shall be supervised by the tactical field operations leaders, designated armed response team, rapid response team or correctional emergency response team leader.~~

~~4.3- Specialty impact munitions shall only be used after all other reasonable alternatives to regain control have been exhausted and their use is necessary. They are intended to be used as an interim force response between the use of chemical agents and lethal force.~~

~~5.4- Specialty impact munitions shall not be deployed in the direction of any individual in a manner contrary to the manufacturer's directions or at a distance of less than that recommended by the manufacturer, unless the threat of bodily harm or death justifies the escalation to deadly force.~~

~~6.5- Storage of Specialty Impact Munitions.~~

~~a. through c. No change.~~

~~7.6- After each use of specialty impact munitions, exposed inmates shall be examined by medical personnel.~~

~~8.7- In any case where specialty impact munitions are deployed, the incident shall be recorded on Form DC6-230, Report of Force Used.~~

~~(c) No change.~~

1. through 8. No change.

9. Noise flash distraction devices. Noise flash distraction devices shall be used primarily by the Department's Rapid Response Teams, Correctional Emergency Response Teams and/or other trained staff as authorized by the Assistant Secretary of Institutions for the purpose of creating a momentary diversion to assist correctional staff in restoring order in hostile situations. These situations include hostage rescue, crowd control and certain escape and recapture efforts.

a. The following noise flash distraction devices have been approved for use by the Department:

- i. Hand-launched, reloaded noise flash distraction devices (non-launchable);
- ii. Hand-launched, single use noise flash distraction devices;
- iii. Shotgun-launched (aerial distraction) noise flash distraction devices.

~~(16)(15) Medical Attention Following Use of Force. Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible following resolution of the riot or disaster. Any treatment or follow-up action shall be documented on Form DC6-230, Report of Force Used. A Qualified Health Care Provider shall examine any person physically involved in a use of force to determine the extent of injury, if any, and shall prepare a report that shall include a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician, and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within one (1) business day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document observed or known physical injuries. A copy of the report, including referenced forms, shall be attached to Form DC6-230. The original reports shall be filed in the inmate's medical record.~~

~~(17)(46) No weapon shall be issued for any purpose other than the authorized use of force or to a certified training officer for the purpose of approved training without prior written authorization from the warden or designee.~~

Rulemaking Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08, 1-6-09, 5-26-09, 4-8-10, 9-13-10, 3-22-11, 12-16-12,\_\_\_\_\_.

33-602.212 Escort Chair.

(1) Definitions.

(a) Emergency Action Center – The unit located in the Central Office charged with receiving reports regarding serious incidents, such as riots and escapes, from all Department of Corrections’ (Department) facilities and reporting the information to the proper authorities. This unit also receives requests for criminal histories, warrant confirmations, and offender location requests from law enforcement agencies throughout the United States.

(b) Escort Chair – A manufactured chair with wheels that the Secretary authorizes that is used to escort inmates under specific circumstances. The chair allows the inmate to be restrained at the ankles, waist and shoulders with secure straps.

(c) Spit Net/Shield – A material or device used to cover the facial area of an inmate to prevent the spitting or expelling of bodily fluids onto other people.

(d) Use of Force- The physical force used on an inmate only when and to the degree that reasonably appears necessary to control the inmate’s behavior.

(2) The escort chair shall only be used under the following circumstances:

(a) The inmate is housed in one of the following statuses:

1. Close management;

2. Confinement (administrative or disciplinary);

3. Death row;

4. Maximum management;

5. Mental health status (crisis stabilization unit, transitional care unit, self-harm observation status, etc.); and

(b) The inmate needs to be transported within the secure compound from one location to another location for a documentable reason such as, but not limited to, a callout, appointment, or treatment; and

(c) The inmate presents an imminent danger of physical harm or injury to himself or others or has a prior history of self injurious behavior, assaultive behavior or violent behavior or has a prior history of uncooperative or combative behavior during escorts; and/or

(d) The inmate is being escorted to the medical unit for pre-confinement physical and additional force is used on the inmate.

(3) Security staff, upon receiving approval in accordance with subsection (4) of this rule, are authorized to escort inmates meeting the criteria listed in subsection (2) of this rule in an escort chair.

(a) The escort chair shall not be used in such a manner as to cause physical injury to an inmate, as a form of physical punishment, or in lieu of psychiatric restraints.

(b) An inmate shall not be deprived of food, water or use of the restroom facilities for an unreasonable period of time while in the escort chair.

(c) The escort chair will be used for escort purposes only. The use of the escort chair to either punish or retaliate against an inmate is strictly prohibited.

(d) Inmates shall not be utilized to push the escort chair.

(e) Escort chairs shall not be placed in vehicles when inmates are restrained in the escort chairs.

(f) The inmate shall be removed from the chair upon arrival at the destination and returned to the chair for the return escort.

(g) If the inmate does not offer resistance to placement into the escort chair, the completion of Form DC6-230, Institutions Report of Force Used. If at any time the inmate offers resistance, this shall constitute a physical use of force and the guidelines in Rule 33-602.210, F.A.C., shall be followed. Form DC6-230, Institutions Report of Force Used, is incorporated by reference in Rule 33-602.210, F.A.C.

(h) The placement into the escort chair and application of the restraints shall be videotaped and Form DC6-210, Incident Report, shall be completed. The videotape and the completed Form DC6-210 shall be forwarded to the Warden or the Duty Warden for review within one working day. Form DC6-210, Incident Report, is incorporated by reference in Rule 33-602.210, F.A.C.

(i) The Warden or the Duty Warden shall forward any instances where he or she is concerned the rules related to escort chair use were not complied with to the Office of the Inspector General for appropriate handling.

(4) In all instances, the Warden or Duty Warden shall be contacted by the Shift Supervisor and shall give his permission prior to use of the escort chair. The Shift Supervisor shall provide the Warden or Duty Warden the rationale for using the escort chair and document it on Form DC6-2068, Escort Chair Inmate Observation Log. Form DC6-2068 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is \_\_\_\_\_.

(5) In all instances, the medical department shall be contacted by the Shift Supervisor and the medical staff member on duty shall conduct a review of the inmate’s medical condition and document on Form DC6-2068, Escort Chair Inmate Observation Log, that the use of the escort chair will not threaten the health of the inmate.

(6) For those inmates spitting or expelling bodily fluids on employees or with a documented history of such behavior, a spit net/shield may be placed over the head of the inmate and Form DC6-280, Special Management Spit Shield Status Request, shall be completed in accordance with Department procedure 602.028(1), (3). Form DC6-280 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is \_\_\_\_\_.

(7) Staff conducting the escort shall carry a spit net/shield during the escort in the event the inmate begins behavior warranting its use.

(8) The spit net/shield shall be secured in such a manner in order to allow normal breathing capabilities. Medical personnel shall assess the inmate during and subsequent to placing the spit net/shield over the inmate's head to ensure that the inmate can breathe sufficiently.

(9) If any staff member observes that the restraints appear to be restricting circulation to the hands or feet, the officer will confer with his supervisor prior to adjusting the restraints.

(10) The Shift Supervisor shall ensure that Form DC6-2068, Escort Chair Inmate Observation Log, is initiated and that all facts concerning the inmate are continuously documented. Form DC6-2028 must be completed any time an inmate is placed in an escort chair and restrained.

(11) Responsibility for the inmate restrained in the escort chair is assigned to the on-duty Shift Supervisor who, when relieved of duties, shall update the on-coming Shift supervisor of all relevant facts. Once the inmate is secured in the escort chair, the Shift Supervisor is not required to be present during the remainder of the escort.

(12) Chemical agents shall not be administered to an inmate while he is restrained in an escort chair.

(13) Form DC6-2028, Escort Chair Inmate Observation Log, shall be retained by the Warden for a period of three years. A copy of Form DC6-2028 shall be forwarded to the Regional Director.

(14) Videotaping of escort chair use shall begin prior to the inmate being removed from his cell and shall not end until the inmate is secure back in a cell.

(a) A lead-in statement with the rational for the use of the escort chair shall be provided on camera by the Shift Supervisor, Confinement Lieutenant, or Close Management Lieutenant, which shall include:

1. The date and time;
2. His name and rank;
3. The camera operator's name and rank;
4. The inmate's name and DC number; and

(b) The video recording shall continuously run until the escort is complete and shall encompass the following:

1. The lead-in statement specified in paragraph (14)(a) of this rule;
2. The statement from the Shift Supervisor to the inmate that physical force will be used to placed in the inmate in the escort chair if there is a refusal or resistance;
3. Any response by the inmate;
4. The actual placement of the inmate in the escort chair;
5. The actual transport to the destination. For medical or mental health treatment this recording, for confidentiality purposes, shall be handled in accordance with Rule 33-602.210, F.A.C.;
6. The actual removal of the inmate from the escort chair at the destination;
7. The inmate's behavior upon arrival at the destination;

8. The actual placement of the inmate in the escort chair at the destination for the return trip;

9. The action during the trip;

10. Securing of the inmate in a cell; and

11. Any unusual events that occur during the time the inmate is in the escort chair.

(15) If the inmate refuses or offers active physical resistance when being placed in the escort chair, staff may utilize the minimum physical force necessary to secure the inmate in the escort chair.

(a) The Shift Supervisor shall make a determination whether to cancel the escort or use force to gain the compliance of the inmate for the escort.

(b) The Duty Warden shall be consulted and give his permission prior to use of physical force.

(c) In spontaneous use of force incidents when circumstances do not permit prior approval, the Duty Warden shall be notified immediately following any use of force incident.

(d) If force is used all reporting and review requirements outlined in Rule 33-602.210, F.A.C., shall apply.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.35 FS. History--New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201                      RULE TITLE: Inmate Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reduce Department costs by eliminating the requirement that an inmate receive a receipt when funds are deposited into that inmate's trust account, to reflect that a vendor will be processing deposits and that funds for deposit into an inmate's trust account should be mailed to the vendor, and to allow for funds to be deposited onto an inmate's release gratuity debit card upon release.

SUMMARY: The proposed rule will reduce Department costs by eliminating the requirement that inmates be given receipts for deposits, changes where funds should be mailed for deposit into inmate trust accounts, and allows for funds to be deposited onto an inmate's release gratuity debit card.

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: upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth 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: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 17.61, 57.085, 717.113, 944.09, 944.516, 945.091, 945.215 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: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the department with respect to money received for the personal use or benefit of inmates:

(a) through (e) No change.

(f) Interest earned on these investments and on the central Inmate Trust Fund ~~Public Funds Interest~~ Checking Account or any local accounts shall be deposited to the General Revenue Fund.

(g) through (h) No change.

(2)(a) All monies (cashiers checks, money orders, or certified bank drafts only; no cash or personal checks allowed) ~~shall be that are~~ mailed pursuant to the instructions provided on Form DC2-363, Money Order Deposit Form For Inmate Deposits, and to the Bureau of Finance and Accounting, Inmate Trust Fund Section, for an inmate shall be initially deposited into ~~in~~ the Inmate Trust Fund. Form DC2-363 is hereby incorporated by reference. This form may be obtained from any institution, facility, the vendor listed on Form DC2-363, the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P. O. Box 12100, Tallahassee, Florida 32317-2100 or the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 7-13. Funds must be mailed with the completed Form DC2-363, Money Order Deposit Form For Inmate Deposits, deposit form and made payable to the vendor listed on Form DC2-363 Inmate Trust Fund and include the

inmate's name and DC number. ~~Once the deposit is posted to the inmate's account, a receipt will be printed at the institution and provided to the inmate.~~ Funds will become available for the inmate's use within ten working days after receipt by the vendor listed on Form DC2-363 Bureau of Finance and Accounting, Inmate Trust Fund Section, in Tallahassee. Every effort shall be made to have funds available sooner. Any money order, cashiers check, or certified bank draft in the amount of \$400 or higher posted to an inmate's account will have a ten day hold placed on the funds. After ten days the funds will be available for the inmate's use. Deposits mailed to institutional or other Department addresses including other than the Bureau of Finance and Accounting, Inmate Trust Fund Section will be returned to the sender. ~~In order to deposit the funds the sender shall complete Form DC2-303, Inmate Trust Fund Deposit Form. Form DC2-303 is hereby incorporated by reference. This form may be obtained from any institution, facility, or by requesting in writing from the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P. O. Box 12100, Tallahassee, Florida 32317-2100, or the Forms Control Administrator, Office of Research Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is July 13, 2003. Do not include any letters or notes with your payments, these will be discarded. Other items found in the incoming mail will be returned to the sender and will not be forwarded to the inmate.~~

(b) In accordance with 38 U.S.C. 5301, Veterans Administration (VA) benefit checks are exempt from attachment, levy or seizure. The Department shall not place liens on the inmate's trust fund account for medical co-payments, legal copies, or other Department generated liens for VA benefits checks mailed directly to the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P. O. Box 12100, Tallahassee, FL 32317-2100.

(c) through (d) No change.

(3)(a) Inmates with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to spend an amount set by the Secretary not to exceed \$100 a week at the institution's canteen for personal use. Inmates on work release with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to request a weekly draw set by the Secretary not to exceed \$100 to be expended for personal use. In order to request an expenditure of funds in excess of the authorized canteen limit or weekly draw, the inmate shall complete Form DC2-304, Inmate Trust Fund Special Withdrawal. Form DC2-304 is hereby incorporated by reference. This form may be obtained from any institution or facility or ~~from the Bureau of Finance and Accounting, Inmate Trust Fund Section, 1711 Mahan Drive, Tallahassee, Florida 32308~~ or from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of

Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is September 2, 2008. If the withdrawal is for the purpose of making a deposit to a personal account with a private financial institution in the inmate's name, the check drawn upon the Inmate Trust Fund shall be made payable to the private financial institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the private financial institution. If an inmate requests a copy of a cancelled check or requests to stop payment on a check, the inmate shall be responsible for the fees charged to process these transactions. Requests for special withdrawals submitted without the required signatures or on other than the approved form will be returned to the inmate without processing. Inmates wishing to send funds to inmates at other institutions must obtain approval from the wardens at both institutions.

(b) No change.

(4) No change.

(5) When an inmate is released from the control of the Department, and his or her inmate trust account balance exceeds \$1.00, the inmate's balance in the Inmate Trust Fund at the time of discharge shall be downloaded to the inmate's release gratuity debit card or mailed by check by the Bureau of Finance and Accounting, Inmate Trust Fund Section, within 45 days of the inmate's release to the address provided by the inmate during the release process. However, if deposits of checks, money orders or other negotiable instruments have been made to the inmate's account but have not cleared the account of the payer by the time the inmate is discharged, funds equal to the amount of the uncleared deposits shall be retained in the inmate's trust fund account. Immediately after the deposits have cleared, the balance due the inmate shall be downloaded to the inmate's release gratuity debit card or a check forwarded by mail to the inmate. Inmates being released will be provided with cash or a debit card for travel and related expenses. For inmates who meet eligibility requirements set forth in Rule 33-601.502, F.A.C., this money shall be in the form of a discharge gratuity. For inmates who are not eligible for discharge gratuities, a hold will be placed on the inmate's trust account and any remaining account balance shall be forwarded as indicated above. Pursuant to Section 717.113, F.S., in the event that funds are unclaimed after a period of one year, the balance shall escheat to the state as unclaimed funds held by a government agency.

(6) through (12) No change.

Rulemaking Authority 944.09, 944.516, 945.091, 945.215 FS. Law Implemented 17.61, 20.315(12), 57.085, 717.113, 944.09, 944.516, 945.091, 945.215 FS. History—New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05, 11-12-06, 9-2-08, 5-26-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Deariso, Bureau Chief, Bureau of Finance and Accounting

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 20, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-6.043

RULE TITLE: Appraisal Management Company Registration Renewal

PURPOSE AND EFFECT: The purpose of the rule is to comply with 2010-84, Section 5, Laws of Florida, and Section 475.6235, F.S. by setting forth a procedure for renewal of the registration of an appraisal management company.

SUMMARY: The subject area to be addressed shall be a procedure for renewal of the registration of an appraisal management company.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed 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: 475.6235(8) FS.

LAW IMPLEMENTED: 475.6235(8) 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: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61-6.043 Renewal Process for Appraisal Management Company.

(1) Each registration of an appraisal management company shall be renewed on a biennial basis. The schedule for biennial renewal shall be as established in Rule 61-6.001, F.A.C.

(2) When the total period of inactive status exceeds 4 years, the registration shall automatically expire per Section 475.619(2), F.S. and the appraisal management company must meet all the requirements for initial registration. Two years prior to the expiration, the Department of Business and Professional Regulation shall give notice by mail to the last known address of the registrant.

(3) Inactive Registration.

(a) At any time after obtaining registration as an appraisal management company, the registrant may request inactive status by submitting Form DBPR FREAB-2, "Appraisal Management Company – Maintenance", effective April 2012, adopted and incorporated herein, which may be found at [https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=8001&clientCode=6410&XACT\\_DEFN\\_ID=14050](https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=8001&clientCode=6410&XACT_DEFN_ID=14050) or at \_\_\_\_\_, The fee to change licensure status is found in Rule 61J1-2.001, F.A.C.

(b) An appraisal management company, whose registration is designated inactive pursuant to subsection (1), (2) or (3) above, may request an active registration on DBPR FREAB-2, "Appraisal Management Company – Maintenance", effective April 2012.

(4) Refund of Application and Licensure Fees.

Upon written request, a refund of fees will be made under the following circumstances and in the following amounts:

(a) The Board shall refund to the applicant any portion of the application fee not expended in processing the application. The application shall be considered void upon payment of the refunded amount.

(b) Any fees accepted or collected in error or in excess of that required shall be refunded.

Rulemaking Authority 475.6235(8) FS. Law Implemented 475.6235(8) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

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: April 11, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 18, 2013

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

RULE NOS.:	RULE TITLES:
61-30.101	Definitions
61-30.103	Examination
61-30.502	Provider Requirements, Prelicensure and Continuing Education
61-30.503	Course Approval, Prelicensure and Continuing Education
61-30.602	Disciplinary Guidelines
61-30.603	Notice of Noncompliance
61-30.801	Standards of Practice, General
61-30.802	Standards of Practice, Structure
61-30.803	Standards of Practice, Electrical Systems
61-30.804	Standards of Practice, HVAC Systems
61-30.805	Standards of Practice, Roof Covering
61-30.806	Standards of Practice, Plumbing Systems
61-30.807	Standards of Practice, Interior Components
61-30.810	Standards of Practice, Exterior Components
61-30.811	Standards of Practice, Site Conditions that Affect the Structure
61-30.812	Standards of Practice, General Limitations and Exclusions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 7, January 10, 2013 issue of the Florida Administrative Register.

61-30.101 Definitions.

(1) through (13) No change.

(14) Household Appliances: Ranges, cook-tops, built-in dishwashers, food waste disposers, garage door openers, built-in ovens, built-in microwave ovens, refrigerators, freezers, clothes washers, clothes dryers, built-in trash compactors, ceiling fans or whole-house fans, if present.

(15) Inspect: To examine readily accessible systems and components of a home in accordance with ~~the~~ these Standards of Practice adopted by the Department in Rules 61-30.801 through 61-30.812, F.A.C., using normal operating controls and opening readily openable access panels.

(16) through (19) No change.

(20) Readily Accessible: Available for visual inspection without requiring dismantling or destructive means to gain access, moving of items, including but not limited to, furniture, personal property, stored items, clothing, wall or floor covering, or debris, dismantling, or any action which will likely involve risk to persons or property. For the purposes of this definition, readily accessible includes ~~taking apart or opening a device normally taken apart or opened during the course of normal and routine home maintenance, including opening electrical panels covers or removing electrical panel covers if safe to do so and if it can be done easily without damaging property.~~

(21) through (36) No change.

61-30.103 Examination.

(1) Any person desiring initial licensure by examination as a home inspector must pass one of the written examinations approved by the department which may be found at [\(link to the website where we can list the approved examinations\)](#). ~~The department approves the following written examinations:~~

~~(1) The National Home Inspector Examination (NHIE) approved by the department and given by the Examination Board of Professional Home Inspectors (EBPHI). Applicants must achieve a passing grade pursuant to the requirements of the NHIE, Sections 455.217 and 468.8313(4), F.S.~~

~~(2) Any other examination approved by the department for the purposes of examination under Section 468.8313, F.S.~~

(2) For purposes of Section 468.8313, F.S. “nationally recognized entity” means an organization that has national recognition in the home inspection industry and offers programs or sets standards that ensure the competence as a home inspector.

(3) Standards for approval of examination:

(a) The examination is proctored; and

(b) The examination covers the following systems and components of a home: the structure, electrical system, HVAC system, roof covering plumbing system, interior components, exterior components, and site conditions, that affect the structure.

~~(4)(3)~~ The fees for examination and re-examination shall be determined by the vendor and paid by the applicant directly to the vendor providing the examination for licensure.

Rulemaking Authority 455.2035, 455.217(1)(d), 468.8325 FS. Law Implemented 455.217, 468.8313 FS. History—New \_\_\_\_\_.

61-30.502 Provider Requirements, Prelicensure and Continuing Education.

(1) through (3) No change.

(4) To maintain status as a prelicensure or continuing education provider, the provider must:

(a) Require each course taker licensee to complete the entire course or seminar in order to receive credit for the course.

(b) Provide the Florida Department of Business and Professional Regulation (DBPR) provider number on all course advertisements.

(c) Furnish each course taker licensee with an individual certificate of attendance that contains the course taker’s licensee’s name, the course taker’s licensee’s license number if they have a license, provider name, provider number, course name, course number, date of the course completion and the total number of hours successfully complete in each subject.

(d) through (f) No change.

(5) No change.

61-30.503 Course Approval, Prelicensure and Continuing Education.

(1) Prelicensure and continuing education courses shall be valid for purposes of the licensure and continuing education requirement only if such courses have received approval from the Home Inspection Unit before the course is offered.

(2) The department shall approve education courses for two years from the date approved when the following requirements are met:

(a) Application for prelicensure or continuing education courses must be submitted using the Home Inspector Course Application, form number DBPR HI 0404, “Education Course Application”, effective March 2013 July 2012, adopted and incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at \_\_\_\_\_.

(b) The course provider shall submit to the department the following for course approval before the course is offered: an application, a detailed course outline describing the course’s content and subject matter, and a written statement that explains in detail how the course relates to the practice of home inspection services as defined in Section 468.8311(4), F.S.

(c) No change.

(3) No change.

(4) Continuing education courses must address one or more of the eight components of a home ~~home inspection~~ subjects and shall not involve the promotion or sale of any products.

(5) The following criteria shall be considered when approving continuing education courses:

(a) Previous approval by the Construction Industry Licensing Board, the Board of Professional Engineers, the Board of Architecture and Interior Design, the Building Code Administrators and Inspectors Board, or the Electrical Contractors’ Licensing Board, so long as the courses pertain to one or more of the eight components of a home;

(b) For general continuing education courses, course topics concerning home inspection services or the components of a home, including the limited visual examination of the following readily accessible installed systems and components of a home for the purpose of providing a written report of the condition of the home:

1. The structure,
2. Electrical system,
3. HVAC system,
4. Roof covering,
5. Plumbing system,
6. Interior components,
7. Exterior components, and
8. Site conditions that affect the structure.

(c) The required two (2) hours of instruction regarding hurricane mitigation training shall include training on completion of the "Uniform Mitigation Verification Inspection Form," OIR-B1-1802 (Rev. 01/12), incorporated by reference in Rule 690-170.0155, F.A.C. (eff. 2/1/12).

(6) For precicensure courses, course topics concerning home inspection services or the components of a home, including the limited visual examination of the following readily accessible installed systems and components of a home for the purposes of providing a written report of the condition of the home:

1. The structure,
2. Electrical system,
3. HVAC system,
4. Roof covering,
5. Plumbing system,
6. Interior components,
7. Exterior components, and

8. Site conditions that affect the structure.

~~(7)(5) No change.~~

~~(8)(6) No change.~~

~~(9)(7) Instructors:~~

~~(a) To demonstrate the education and/or experience necessary to instruct home inspectors for continuing education credit, instructors must submit a resume and be approved by the department to teach the course, or parts of a course, to which the instructor is assigned.~~

~~(b) No home inspector or provider who is under disciplinary restrictions pursuant to any order of the department may conduct continuing education. Upon receipt of notice that an instructor is under discipline, the provider shall, within seven (7) days, write to the Home Inspection Licensing Program and confirm that the instructor is no longer instructing any course or seminar offered by the provider.~~

~~(c) Upon a change of instructors, the provider shall submit the credentials of the new instructor to the department for approval.~~

(a) All instructors must hold active or inactive licenses as home inspectors; and

(b) Providers may not use instructors who are currently suspended or revoked due to disciplinary action against their license.

61-30.602 Disciplinary Guidelines.

(1) Whenever the department finds a licensee in violation of a provision of Chapter 455 or 468, Part XV, F.S., the following Disciplinary Guidelines shall be followed. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included:

Statutory Violation	Description of Violation	Penalty Range for First Violation	Penalty Range for Subsequent Violation
<u>(a) 468.832(1)(a)</u>	Violation of any provision of Chapter 468, Part XV or 455.227(1), F.S.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus probation, suspension, <u>or</u> revocation.
<u>(b) 468.832(1)(b)</u>	Attempting to procure a license by bribery or fraudulent misrepresentations.	Fine up to \$1000, plus reprimand, probation, suspension, revocation, or denial of license.	Fine up to \$5000, plus probation, suspension, revocation, <u>or</u> denial of license.
<u>(c) 468.832(1)(c) or 455.227(1)(f)</u>	Having a license to practice home inspection services revoked, suspended, denied or acted against in another state, territory or country.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000 plus reprimand, probation, suspension, or revocation.

(d) 468.832(1)(d) or 455.227(1)(c)	Being convicted, found guilty, pleading nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice or ability to practice home inspection services.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation.
(e) 468.832(1)(e) or 455.227(1)(l)	Making or filing a report or record the licensee knows to be false, willfully failing to file a record or report required by state or federal law, willfully impeding or obstructing such filing.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus revocation.
(f) 468.832(1)(f)	Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.	Fine up to \$1000 plus reprimand, probation, or suspension.	Fine up to \$5000; plus reprimand, probation, suspension, <u>or</u> revocation.
(g) 468.832(1)(g)	Engaging in fraud, deceit, negligence, incompetence or misconduct in the practice of home inspection services.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, <u>or</u> revocation.
(h) 468.832(1)(h)	Failing to perform any statutory or legal obligation placed upon a licensed home inspector; violating any provision of this chapter, a rule of the department, or a lawful order of the department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus probation, suspension, <u>or</u> revocation.
(i) 468.832(1)(i)	Practicing on a revoked, suspended, inactive or delinquent license.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus probation, suspension, <u>or</u> revocation.
(j) 455.227(1)(a)	Making false, fraudulent, deceptive or misleading representations in or related to the practice of the licensee's profession.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus reprimand, probation, suspension, <u>or</u> revocation.
(k) 455.227(1)(b)	Intentionally violating any rule adopted by the department.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus suspension, <u>or</u> revocation.
(l) 455.227(1)(g)	Having been found civilly liable for knowingly filing a false report or complaint with the department against another licensee.	Fine up to \$1000, plus reprimand, or probation.	Fine up to \$5000, plus suspension, <u>or</u> revocation.

(m) 455.227(1)(h)	Attempting to obtain, obtaining or renewing a license to practice by bribery or fraudulent misrepresentation or through an error of the department.	Fine up to \$1000; Plus Reprimand, Probation, Suspension, or Revocation.	Fine up to \$5000; plus probation, suspension, <u>or</u> revocation.
(n) 455.227(1)(i)	Failing to report to the department any person who the licensee knows is in violation of Chapter 455, the chapter regulating the alleged violator, or the rules of the department	Fine up to \$1000, plus reprimand.	Fine up to \$5000, plus probation, suspension, <u>or</u> revocation.
(o) 455.227(1)(j)	Aid, assist, procure, employ or advise an unlicensed person or entity to practice profession contrary to Chapter 468, Part XV, or 455, or rules of the department.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus suspension, <u>or</u> revocation.
(p) 455.227(1)(k)	Failing to perform any statutory or legal obligation placed upon a licensee.	Fine up to \$5000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus suspension, <u>or</u> revocation.
(q) 455.227(1)(m)	Making deceptive, untrue or fraudulent representations in or related to the practice of the licensee's profession.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation, <u>or</u> denial of license.
(r) 455.227(1)(n)	Exercising influence on client for improper financial gain of the licensee or a third party.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus reprimand, probation, suspension, <u>or</u> revocation.
(s) 455.227(1)(o)	Practicing or offering to practice beyond the scope <u>permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform of a license.</u>	Fine up to \$1000, plus reprimand, <u>or</u> probation.	Fine up to \$5000, plus suspension.
(t) 455.227(1)(p)	Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance knows or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.	Fine up to \$1000, plus reprimand, <u>or</u> probation.	Fine up to \$5000, plus suspension, <u>or</u> revocation.

(u) 455.227(1)(q)	Violating any provision of Chapter 468, Part XV, or 455, rules of the department or any lawful order of the department.	Fine up to \$1000, plus reprimand, <u>or</u> probation.	Fine up to \$2500, plus probation, <u>or</u> suspension.
(v) 455.227(1)(r)	Improperly interfering with an investigation, inspection or disciplinary proceeding.	Fine up to \$1000, plus reprimand, probation, suspension, or denial of licensure.	Fine up to \$1000, plus suspension, revocation, <u>or</u> denial of licensure.
(w) 455.227(1)(t)	Failing to report in writing to the department within 30 days after the licensee is convicted of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.	Fine up to \$1000, plus reprimand, suspension, or revocation.	Fine up to \$5000, plus revocation.

(2) through (3) No change.

61-30.603 Notice of Noncompliance.

(1) As an alternative to the provisions of Section ~~455.225(1) and (2) 455.225(3)(a)~~, F.S., the department shall provide a licensee with a notice of noncompliance for an initial offense of a minor violation in any instance in which it is reasonable to assume that the licensee is unaware of the rule or statutory obligation or is unclear as to how to comply with it.

(2) A notice of non-compliance may be issued for the following minor violations:

~~(a)(2) Failure to provide a copy of the home inspector's license; and disclosure of the scope and exclusions of a home inspection prior to contracting for or commencing a home inspection, in violation of 486.8321 constitutes as a minor violation for which a notice of non-compliance may be issued.~~

(b) Disclosure of the scope and exclusions of a home inspection prior to contracting for or commencing a home inspection, in violation of Section 468.8321, F.S.

(3) This designation of violations as minor for the purposes of Section 455.225(3), F.S., is limited to initial violations in which corrective action is commenced within 15 days of the department's issuance of a notice of noncompliance. The violation must be corrected within 15 days. If it cannot be corrected within 15 days, then corrective action must be commenced within 15 days and the licensee must move with due diligence to complete the corrective action. A violation for which the licensee fails to take corrective action within 15 days after notice continues past that period shall no longer be deemed a minor violation and shall be treated as a citation offense, pursuant to Rule 61-30.604, F.A.C. Violations of this section, except as provided herein, shall be handled in accordance with the standard disciplinary guidelines. Nothing provided in this section shall restrict the department from seeking full prosecution in such instances where aggravating circumstances are present, which would preclude a minor violation dismissal.

61-30.801 Standards of Practice, General.

(1) Home inspections performed to these Standards of Practice are intended to provide the client with information regarding the overall condition of installed systems and components of the home based on observation of the visible and apparent condition of the structure and components at the time of the home inspection and to report on those systems and components inspected that, in the professional opinion of the inspector, are significantly deficient or at the end of their service lives ~~the presence of any material defects~~. A home inspection does not include the prediction of future conditions.

(2) through (7) No change.

61-30.802 Standards of Practice, Structure.

(1) Structural system and components include the following:

(a) through (m) No change.

(n) Ventilation of foundation areas ~~attics and structural supports~~.

(2) through (3) No change.

61-30.803 Standards of Practice, Electrical Systems.

(1) No change.

(2) The inspector shall inspect all of the visible and readily accessible ~~accessibly~~ electrical systems and components.

(3) through (4) No change.

61-30.804 Standards of Practice, HVAC Systems.

(1) No change.

(2) Heating and air conditioning systems and components:

(a) through (b) No change.

(c) The inspector is not required to inspect:

1. through 5. No change.

6. Internal components such as coils and pans.

(3) through (4) No change.



## 61-30.805 Standards of Practice, Roof Covering.

(1) Roof covering systems and components include the following:

- (a) through (d) No change.
- (e) Ventilation of attics ~~and structural supports~~; and
- (f) No change.

(2) The inspector shall inspect all of the visible and readily accessible ~~accessibly~~ roof covering systems and components.

(3) through (5) No change.

## 61-30.806 Standards of Practice, Plumbing System.

(1) Plumbing systems and components include the following:

- (a) through (b) No change.
- ~~(c) Water heating equipment;~~

(c)(d) Plumbing related v~~Vent~~ systems, flues, and chimneys;

(d)(e) Drainage sumps, sump pumps, and related piping;

(e)(f) Materials used for water supply, drain, waste, and vent piping;

(f)(g) Water heating equipment including the energy source; and

(g)(h) Main water and main fuel shut-off valves.

(2) The inspector shall inspect all of the visible and readily accessible ~~accessibly~~ plumbing systems and components.

(3) The inspector is not required to inspect:

(a) through (e) No change.

(f)(g) Irrigation system(s).

(4) No change.

## 61-30.807 Standards of Practice, Interior Components.

(1) The interior components that shall be inspected include the following:

- (a) through (c) No change.
- (d) Garage doors ~~and garage door operators~~;
- (e) through (i) No change.

(2) The inspector shall inspect all of the visible and readily accessible interior ~~accessibly plumbing systems and~~ components. When inspecting doors and windows, the inspector may inspect a representative number of doors and windows. The inspector shall inspect household appliances for normal operation – using normal operating controls to activate a primary function.

(3) No change.

(4) The inspector is not required to:

(a) No change.

~~(b) Open or operate any windows or doors or access covers that are permanently or temporarily secured by mechanical means, are painted shut, or are blocked by stored items or furniture;~~

(b)(e) Ignite or extinguish fires;

(c)(d) Light gas fireplaces or heaters, or other unlit pilot light devices;

(d)(e) Determine draft characteristics for fireplaces and chimneys;

(e)(f) Move fireplace inserts or stoves or firebox contents.

(f)(g) Disturb insulation;

(g)(h) Activate any system or appliance that is shut down, disconnected, or otherwise rendered inoperable;

(h)(i) Operate or evaluate any system, component or appliance that does not respond to normal user controls;

(i)(j) Operate any gas appliance that requires the manual lighting of a pilot light or burner device;

(j)(k) Operate any system, appliance or feature that requires the use of special codes, keys, combinations, or devices or where user manual reference is required;

(k)(l) Operate any system, component, or appliance where in the opinion of the inspector, damage may occur;

(l)(m) Determine thermostat(s) calibration, adequacy of heating elements, operate or evaluate self cleaning cycles, door seals, indicator lights, timers, clocks or timed features, defrost cycles or frost free features, or other specialist features as it applies to the appliance device;

(m)(n) Determine leakage from microwaves ovens;

(n)(o) Determine the presence or operation of back draft damper devices in exhaust devices;

(o)(p) Move any appliance;

(p)(q) Confirm operation of every control or feature of a system or appliance.

## 61-30.810 Standards of Practice, Exterior Components.

(1) Exterior systems and components include the following:

(a) Exterior wall siding/cladding, flashing and trim;

(b) through (e) No change.

(f) Garages and carports

~~(f) Exterior siding/cladding;~~

~~(g) Ventilation of attics and foundation areas.~~

(2) The inspector shall inspect all of the visible and readily accessible ~~accessibly~~ exterior systems and components.

(3) The inspector is not required to inspect:

(a) through (b) No change.

~~(c) Geological, geotechnical or hydrological conditions;~~

(c)(d) Recreational facilities;

(d)(e) Outbuildings, such as sheds;

(e)(f) Swimming pools, seawalls, break-walls, boat lifts and/or docks;

~~(g) Erosion control and earth stabilization measures.~~

(4) No change.

61-30.811 Standards of Practice, Site Conditions that Affect the Structure.

(1) No change.

(2) The inspector shall inspect all of the visible and readily accessible ~~accessibly~~ site conditions that affect the structure.

(3) No change.

61-30.812 Standards of Practice, General Limitations and Exclusions.

(1) No change.

(2) Home inspectors are not required to perform any action or make any determination unless specifically stated in these Standards of Practice. Inspectors are not required to:

(a) through (h) no change.

(i) Utilize special instruments, tools, or measuring devices of any kind to measure moisture, humidity, water or air volume, water or air flow, water potability, air quality, temperature, voltage, amperage, electrical grounding, polarity, and continuity, VOC's, microwaves, electromagnetic fields, and other similar kinds of conditions or activities;

(j) Provide any information from any source regarding property ownership, property boundaries, liens, outstanding loans, code violations, reports of hazardous materials, manufacturers' recalls, Consumer Protection Agency bulletins, and other similar kinds of public information;

(k) Identify concealed conditions or latent defects.

(3) Home Inspectors shall not practice beyond the scope of their license as a home inspector. The following actions are beyond the scope of a Home Inspector License:

~~(a) Identifying concealed conditions or latent defects;~~

~~(a)(b) Determining;~~

(b) through (d) No change.

~~(d)(e) Dismantling any system or component, except as explicitly required by these Standards of Practice;~~

~~(f) Utilizing special instruments, tools, or measuring devices of any kind to measure moisture, humidity, water or air volume, water or air flow, water potability, air quality, temperature, voltage, amperage, electrical grounding, polarity, and continuity, VOC's, microwaves, electromagnetic fields, and other similar kinds of conditions or activities;~~

~~(e)(g) No change.~~

~~(h) Providing any information from any source regarding property ownership, property boundaries, liens, outstanding loans, code violations, reports of hazardous materials, manufacturers' recalls, Consumer Protection Agency bulletins, and other similar kinds of public information.~~

(f) Performing work in any trade or professional service for which a license is required other than home inspection, unless licensed to do so.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE NOS.:**

61-30.102  
61-30.301  
61-30.401  
61-30.403

**RULE TITLES:**

License Requirements  
Delinquent License  
License Renewal  
Discretionary Hardship  
Reinstatement of Null or Void Licenses  
Provider Approval, Prelicensure and Continuing Education

61-30.501

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 6, January 9, 2013 issue of the Florida Administrative Register.

61-30.102 License Requirements.

(1) The Department of Business and Professional Regulation shall issue a license to an applicant who complies with subsection (2) or (3) and has passed the required examination if the applicant complies with the following:

~~(a) Complies with~~ The requirements as set forth in Chapter 468, Part XV, F.S.;

~~(b) Demonstrates that the applicant has passed a national licensing examination that is substantially equivalent to the examination required by Section 468.8313, F.S.;~~

~~(b)(c) Submits a completed Form DBPR HI 0401, "Application for Licensure" effective March 2013 July 2012,~~ adopted and incorporated herein by reference, which may be obtained by contacting the Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at \_\_\_\_\_.

~~(c)(d) No change.~~

(2) All applicants for licensure by examination in addition to the requirements of subsection (1), applications must:

(a) Provide proof of completion of a course of study approved by the department in home inspection services of not less than 120 hours ~~that~~ which includes all eight components of a home as set forth in Section 468.8313(2), Florida Statutes. ~~In addition, the course must provide 20 hours of field-based practical coursework demonstrating all eight components of a home as set forth in Section 468.8313(2), Florida Statutes, under the direct supervision of a licensed Florida home inspector. Department approved courses of study may be found at \_\_\_\_\_.~~

(b) Pass an ~~the~~ examination as approved by the department ~~as~~ described in Rule 61-30.103, F.A.C.

(3) All applicants for licensure by endorsement in addition to the requirements of subsection (1), must: The Department of Business and Professional Regulation shall issue a license to an applicant applying for license by endorsement who:

(a) ~~Comply~~ Complies with the requirements set forth in Chapter 468, Part XV, F.S.;

(b) Demonstrates that the applicant is currently licensed to practice as a home inspector under the law of another state or territory of the United States;

(c) Demonstrates that the applicant has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to ~~an~~ the examination approved by the department as required by Section 468.8313, F.S. and Rule 61-30.103, F.A.C.;

(d) ~~Submits a completed Form DBPR HI 0401, "Application for Licensure" effective July 2012, adopted and incorporated herein by reference, which may be obtained by contacting the Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399 0783 or at~~

(e) ~~Submits the following fees with the application:~~

- ~~1. Application fee of \$125.00~~
- ~~2. Licensure by Endorsement fee of \$100.00~~
- ~~3. Unlicensed Activity fee. of \$5.00~~

(4) ~~Good Moral Character:~~

(a) ~~The following shall be considered evidence showing a lack of good moral character for which the department may deny a licensure application: Unless the department denies the application for incompleteness, the department shall evaluate the application and make appropriate inquiry to determine the applicant's moral character. The department shall consider use the following as evidence of the applicant's good moral character:~~

1. ~~A criminal history records check by the Florida Department of Law Enforcement indicating the applicant has pled guilty or nolo contendere to, or been found guilty of, regardless of adjudication, a crime that directly relates to the profession of home inspector, in any jurisdiction. Crimes that are deemed to be directly related to the professional responsibilities of a home inspector include, but are not limited to, fraud, theft, burglary, bribery, arson, dealing in stolen property, forgery, uttering a forged instrument, sexual battery, lewd conduct, child or adult abuse, murder, manslaughter, assault, battery, and perjury; and self disclosure by the applicant establishing the applicant has no criminal record; and~~

2. ~~A criminal history records check by the Florida Department of Law Enforcement which exhibits a pattern of unlawful behavior which would indicate that the applicant has little regard for the law, the rules of society, or the rights of others. It is the applicant's repeated flaunting of or ignoring the law that evidences a lack of the moral character needed to perform the duties and assume the responsibilities of a home inspector, not the particular relationship of any one of the violations to the professional responsibilities of a home inspector;~~

~~3.2. The presence of prior civil lawsuits decided adversely against the applicant which involve matters bearing upon moral character and that directly relate to the profession of home inspectors or any related professions, such as construction or engineering, regardless of whether the judgments have been satisfied. An affirmation by the applicant of an absence of civil lawsuits or administrative actions decided adversely to the applicant which involve matters bearing upon moral character. Such lawsuits or administrative actions include, but are not limited to: fraud, dishonesty, misrepresentation, concealment of material facts, or practicing a regulated profession without a license or certificate as required by law or rule; and~~

~~4. The presence of prior administrative actions taken against any of applicant's prior or current professional licenses held in any jurisdiction, decided adversely against the applicant which involve matters bearing upon moral character and that directly relate to the profession of home inspectors or any related professions, such as construction or engineering. Such administrative actions include, but are not limited to: fraud, dishonesty, misrepresentation, concealment of material facts, or practicing a regulated profession without a license or certificate as required by law or rule;~~

~~3. An affirmation by the applicant of an absence of prior violations of Florida Statutes, or rules adopted by the department, or any lawful order of the department previously entered in a disciplinary proceeding, or of failed failing to comply with a lawfully issued subpoena of the division; and~~

~~4. An affirmation by the applicant that he or she has not committed the following in connection with an application:~~

~~5.a. Prior payment by check Given to the department a check for payment of any fee when there are insufficient funds to pay the same, if the applicant, upon notification by the department, fails to redeem the check or otherwise pay the fee within 30 days of the date of written notification by the department; and or~~

~~b. Failed to provide full and complete disclosure or failed to provide accurate information.~~

~~(b) If the department is unable to determine the applicant's moral character under paragraph (4)(a), the division shall then consider the following additional factors to determine whether an applicant has good moral character:~~

~~1. If commission of a second degree misdemeanor is the only reason the applicant did not meet the requirements of paragraph (4)(a) of this rule, the applicant will be considered to have good moral character. However, if there are also other reasons why the applicant did not meet the requirements of paragraph (4)(a) of this rule, the second degree misdemeanor will be considered along with the other factors in determining the applicant's good moral character;~~

~~2. If the applicant has committed a first degree misdemeanor or a felony, and the applicant's civil rights have been restored, this alone shall not preclude a finding of good~~

~~moral character unless the crime is directly related to the professional responsibilities of a home inspector. Crimes that are deemed to be directly related to the professional responsibilities of a home inspector include, for example, fraud, theft, burglary, bribery, arson, dealing in stolen property, forgery, uttering a forged instrument, sexual battery, lewd conduct, child or adult abuse, murder, manslaughter, assault, battery, and perjury. The applicant has the burden of proving restoration of civil rights by certified true copy of government or court records reflecting such action.~~

~~3. Whether the applicant has exhibited a pattern of unlawful behavior which would indicate that the applicant has little regard for the law, the rules of society, or the rights of others. All unlawful acts will be considered in determining whether the applicant has exhibited a pattern of unlawful behavior, even though any one of the unlawful acts by itself might not be directly related to the professional responsibilities of a home inspector. It is the applicant's repeated flaunting of or ignoring the law that evinces a lack of the moral character needed to perform the duties and assume the responsibilities of a home inspector, not the particular relationship of any one of the violations to the professional responsibilities of a home inspector.~~

~~6.4. Prior denial of licensure, registration, certification, or permit application by the Department or any Agency Whether the applicant is disqualified from applying for a license by reason of Section 775.16, F.S., pertaining to conviction of certain offenses involving controlled substances.~~

~~7. Conviction of a crime as set forth in Section 775.16, F.S., pertaining to certain offenses involving controlled substances.~~

~~(b)(e) No change.~~

~~(c)(d) No change.~~

~~(d)(e) If the department determines based on the evidence provided for in subsections (4)(a) and (4)(b) of this rule that the applicant does not possess good moral character, or the applicant has failed to provide documents to substantiate good moral character applicant has failed to meet the requirements of paragraph (4)(a) of this rule and has been unable to present sufficient evidence to establish good moral character pursuant to paragraph (4)(b) of this rule within the time limitations of this rule and Section 120.60, F.S., the application will be denied. However, the applicant will be given an opportunity by the Department to waive the time limits of this rule and Section 120.60, F.S., if it appears to the Department that, through the submission of additional information or with additional time for investigation and verification, the applicant's good moral character might be established. The applicant bears the burden of affirmatively providing the Department with evidence of good moral character.~~

61-30.301 Delinquent License.

(1) No change.

(2) A licensee may convert a delinquent status license to active or inactive current status by making a request in writing, remitting the fees as listed below, and complying with the continuing education requirements of Section 468.8316, F.S. and Rule 61-30.402, F.A.C.

(3) Licensees who wishes to convert a delinquent status license to active or inactive current status must remit the following fees with their request to activate their license:

(a) through (e) No change.

(4) The failure of a delinquent status licensee to change the status of the license to active or inactive current before the expiration of the current licensure period shall render the license void without any further action by the department.

(5) No change.

61-30.401 License Renewal.

(1) No change.

(2) A licensee will renew a license, whether active or inactive, by paying a biennial license renewal fee of \$100.00, an unlicensed activity fee of \$5.00, and completing the continuing education as described in Section 468.8316, F.S. & Rule 61-30.402, F.A.C.

~~(3) A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the department of the absence and the spouse's military status.~~

~~(3)(4) Failure to renew a license, unless exempt as a military spouse, renders the license delinquent. Delinquent status may last one full renewal cycle. A delinquent license can be returned to active or inactive current status by completing the required continuing education and paying the appropriate fees as described in Rule 61-30.301, F.A.C., If, at the end of the delinquent biennium, the license is not placed in active or inactive status, brought current it becomes void.~~

~~(5) A revoked or void license may not be renewed. Anyone with a revoked or null and void license who wishes to provide professional home inspection related services shall apply as though he or she had never before been licensed or apply for discretionary hardship reinstatement pursuant to Section 455.271(6)(b), F.S and Rule 61-30.403, F.A.C.~~

61-30.403 Discretionary Hardship Reinstatement of Void Licenses.

(1) No change.

(2) Complete the form DBPR HI 0401, "Application for Licensure", effective July 2012, adopted and incorporated herein. The form may be obtained by contacting the

department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at \_\_\_\_\_. The application shall include a letter requesting reinstatement under this rule and documentation to establish illness or economic hardship including the nature and duration.

(3) No change.

61-30.501 Provider Approval, Prelicensure and Continuing Education.

(1) Applicants for prelicensure ~~initial~~ course provider approval shall complete and submit Form DBPR HI 0403, "Application for Education Provider", effective July 2012, adopted and incorporated herein by reference, which may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at \_\_\_\_\_. Applications for initial course provider approval must submit the Prelicensure Education Provider Approval fee of \$250.00 ~~500.00~~ with the application.

(2) Applicants for continuing education provider approval shall complete and submit Form DBPR HI 0403, "Application for Education Provider", effective July 2012, which may be obtained by contacting the department at the following address: Home Inspector Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783, at \_\_\_\_\_. Applications for initial course provider approval must submit the Continuing Education Provider Approval fee of \$250.00 ~~500.00~~ with the application.

(3) Provider approval is valid until May 31 of odd numbered years and must be renewed prior to expiration. An approved education provider may renew the approval, whether active or inactive, by paying an Education Provider Biennial Approval Renewal fee of \$250.00 ~~500.00~~.

(4) No change.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-13.004	Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 56, March 21, 2013 issue of the Florida Administrative Register.

(1) through (3) No change.

(4) Issuance of Private Lands Deer Management Permits to landowners – Antlerless and antlered deer may be taken under permit from the executive director from the first day of the zonal deer season till the last day of the zonal deer season

for not more than 128 total days (including during archery, crossbow, muzzleloading gun, and antlered deer seasons, and during any periods closed to deer hunting within this time frame) by any gun allowed for deer in 68A-12.002 on property enrolled in the Private Lands Deer Management Permit program. Property enrolled in the program that is bisected by a zone line (permitted lands lie within multiple zones) may have one of the zonal deer seasons apply to all permitted lands as designated by the applicant. Property may be enrolled in this program in accordance with the following:

(a) Only property that meets the criteria listed in this paragraph is eligible to be enrolled in the Private Lands Deer Management Permit program.

1. The property identified for enrollment in an application must be at least 5,000 acres that form one continuous uninterrupted piece of land; an aggregate of properties under different ownership that adjoin one another so as to form one continuous uninterrupted piece of land that together satisfy the acreage requirement will be considered one property for purposes of this program if those properties are the subject of one application.

2. A written Wildlife Management Plan (WMP), developed or approved by a Certified Wildlife Biologist (CWB; certified by The Wildlife Society 5410 Grosvenor Lane, Suite 200, Bethesda, MD, 20816) or developed through the Commission's Landowner Assistance Program, must be provided for the property identified for enrollment in an application.

3. Annual recommendations for the harvest of antlered and antlerless deer ~~that are shall be developed by a CWB and be~~ intended to help reach the stated deer management objectives for the property shall be provided.

4. ~~The annual harvest recommendations shall be developed by a CWB and be based on a deer population survey conducted on the property except as follows:~~

a. ~~No deer population survey is required for approval of the harvest so long as the harvest recommendation for antlered deer does not exceed 1 deer per 150 acres and so long as the harvest recommendation for antlerless deer does not exceed 1 deer per 150 acres. Harvest recommendations provided under this exception do not need to be developed by a CWB.~~

b. ~~FWC approved survey standards shall be used to estimate and monitor the deer population. Antlered and antlerless deer harvest recommendations may be submitted without conducting a deer population survey in the year immediately following two consecutive years of deer population surveys, and in alternate years thereafter, provided the surveyed areas and survey methodologies are comparable between surveys.~~

5. ~~Commission approved survey standards shall be used to conduct any deer surveys required in subparagraph 4. above.~~

(b) The permit shall require a minimum of four (4) ~~three~~ (3) qualifying conservation activities (active habitat management, wildlife management or conservation-related

activities for youth) annually on the property during the period it is enrolled in the program. ~~Acceptable conservation activities shall include, but not be limited to: agricultural plantings, creation of or maintenance of wildlife openings, invasive vegetation management, prescribed burning, silvicultural practices that benefit wildlife, mechanical treatments (mowing, disking, roller chopping), management for rare, threatened or endangered species, allowing Commission personnel or its partners to conduct wildlife surveys or research, wetland restoration or enhancement or conservation easements.~~ Conservation-related activities for youth may only account for one (1) of the ~~four (4) three (3)~~ qualifying conservation activities required by the permit. For an application to be approved, the ~~four (4) three (3)~~ qualifying conservation activities combined must affect at least 10% of the permitted land.

(b) through (g) renumbered (c) through (h) No change.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-14.0045	Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits
68B-14.005	Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

**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. 58, October 25, 2012 issue of the Florida Administrative Register.

Proposed amendment to Rule 68B-14.0045 has been changed to include the following revised subparagraph (1)(a)4.:

4. For a person to use a black sea bass trap in the Atlantic Ocean, a valid South Atlantic black sea bass pot endorsement as defined in 50 C.F.R. § 622.4(a)(2)(xv) (as of January 22, 2013) and a valid commercial South Atlantic snapper-grouper unlimited permit must be issued to and possessed aboard the vessel.

Proposed amendment to Rule 68B-14.005 has been changed to include the following revised subsection (1):

(1) Allowable gear. Except as provided in subsection (2), the following shall be the only gear types and methods allowed for the harvest in or from state waters of any of the species specified in subsection 68B-14.001(2), F.A.C.:

(a) No change.

(b) A black sea bass trap must have a valid identification tag issued by the National Marine Fisheries Service attached when fished in the Atlantic Ocean. Traps shall only be used north of Latitude 27° North in the Gulf of Mexico and north of

Latitude 28°35.1'North in the Atlantic Ocean (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL). Each such trap shall comply with the following:

1. Each trap in the Atlantic Ocean shall comply with the definition of sea bass pots in 50 C.F.R. § 622.2 (as of January 22, 2013).

2. No change.

3. A biodegradable panel shall be part of each trap used to take black sea bass. Each trap in the Atlantic Ocean shall comply with the degradable panel and mesh size requirements for black sea bass pots defined in 50 C.F.R. § 622.40 (as of January 22, 2013). A black sea bass trap in the Gulf of Mexico shall be considered to have a “biodegradable panel” or a “degradable panel” if one of the following methods is used in construction of the trap:

a. through g. No change.

4. No change.

5. Trap marking requirements.

a. No change.

b. Each black sea bass trap in the water or onboard a vessel in the Atlantic Ocean must have a valid identification tag issued by National Marine Fisheries Service attached pursuant to 50 C.F.R. § 622.40(d)(1)(i)(D) (as of January 22, 2013).

c. No change.

6. through 8. No change.

(c) No change.

No other changes were made to the rule amendments as proposed.

**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 April 24, 2013, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner’s Name: Thomas Evoy

Rule No.: 40D-22.201

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

The petition has been assigned Tracking No. 13-4158.

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.

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

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

**RULE NO.: RULE TITLE:**

40D-22.201: Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on April 19, 2013, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner's Name: SunTrust Bank – Lithia Branch

Rule No.: 40D-22.201

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

The petition has been assigned tracking No. 13-4154.

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.

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

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

**RULE NO.: RULE TITLE:**

40D-22.201: Year-Round Water Conservation Measures

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

Petitioner's Name: SunTrust Bank – Riverview Branch

Rule No.: 40D-22.201

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

The Petition has been assigned tracking No. 13-4153.

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.

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

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

**RULE NO.: RULE TITLE:**

40D-22.201: Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on April 22, 2013, the Southwest Florida Water Management District, received a petition for a variance or waiver.

Petitioner's Name: Pine Ridge at Sugar Creek Village I Condominium Association, Inc.

Rule No.: 40D-22.201

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

The petition has been assigned Tracking No. 13-4157.

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.

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 April 22, 2013, the Department issued a Final Order that was in response to a Petition for Variance from Marble Waters Hotel & Suites, filed March 29, 2013, and advertised on April 4, 2013 in Vol. 39, No. 66, 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 61C-5.009, Florida Administrative Code that requires upgrading the elevators venting of hoistways, minimum requirements because the Petitioner has not demonstrated that the purpose of the rule will be met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2013-106).

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, (850)488-1133.

**DEPARTMENT OF HEALTH**

Board of Medicine

**RULE NO.: RULE TITLE:**

64B8-2.001: Definitions (Repealed)

NOTICE IS HEREBY GIVEN that on April 24, 2013, the Board of Medicine received a petition for waiver or variance filed by S. Raja Sekharan, M.D., from Rule 64B8-2.001, F.A.C., with regard to the requirement for the passing score on the FLEX examination. Comments on this petition should be

filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-1.007: List of Approved Forms; Incorporation

The Board of Medicine, Council on Physician Assistants hereby gives notice: that on April 24, 2013, an Order was filed on the Petition for Variance. The Petition for Variance was filed by Cecilia R. Castro, on January 24, 2013, seeking a waiver from Rules 64B8-1.007, 30.003, and 64B15-6.003, F.A.C., with regard to the requirement for primary source verification of physician assistant education. The Notice was published in Vol. 39, No. 18, of the Florida Administrative Register, on January 28, 2013. The Council, at its meeting held on April 4, 2013, voted to grant the Petition for Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on April 25, 2013, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Aleydis Rivera-Torres, M.D., on February 19, 2013, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA profile for the medical licensure application. The Notice was published in Vol. 39, No. 35, of the Florida Administrative Register, on February 20, 2013. The Board, at its meeting held on April 5, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on April 25, 2013, an Order was filed on the Petition for Variance. The Petition for Variance was filed by Joseph A. Mollura, M.D., on January 16, 2013, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from the Petitioner’s medical school. The Notice was published in Vol. 39, No. 12, of the Florida Administrative Register, on January 17, 2013. The Board, at its meeting held on April 5, 2013, voted to grant the Petition for Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on April 25, 2013, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed by Lysmar Carrion, M.D., on January 3, 2013, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA profile for the medical licensure application. The Notice was published in Vol. 39, No. 4, of the Florida Administrative Register, on January 7, 2013. The Board, at its meeting held on April 5, 2013, voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that the purpose of the underlying statute has been met.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-15.010: Finances



NOTICE IS HEREBY GIVEN that on April 18, 2013, the Department of Children and Families, received a petition for waiver of subsection 65C-15.010(3), Florida Administrative Code, from Heart of Adoptions Alliance, Inc. subsection 65C-15.010(3), F.A.C., requires a licensed child-placing agency to annually obtain an audit of its financial records.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Gulf Coast State College District Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 2013, 10:00 a.m.

PLACE: The Egg & I, 1114 Thomas Drive, Panama City Beach, FL 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Retreat.

A copy of the agenda may be obtained by contacting: Dr. Jim Kerley, President, Gulf Coast State College.

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#### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 2 announces a workshop to which all persons are invited.

DATE AND TIME: May 7, 2013, 4:30 p.m. – 6:30 p.m.

PLACE: Florida Department of Transportation Jacksonville Training Facility, 2198 Edison Avenue, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This workshop is being held to afford interested persons the opportunity to express their views concerning Financial Project ID Number 213301-2, otherwise known as the I-10 Interchange at Marietta/Hammond in Duval County, Florida. The proposed plans are to close the current Marietta Interchange and provide a new interchange further west at Hammond Blvd. The new interchange will connect Hammond Blvd. on the south side of I-10 to Devoe Street on the north. Improvements will also be made to Hammond Blvd. between the interstate and US 90. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874, (386)961-7873 or (800)749-2967 extension 7873. 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).

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#### DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission announces public meetings to which all persons are invited.

DATES AND TIMES: May 8, 2013, 1:00 p.m. until the conclusion of business; May 9, 2013, 9:00 a.m. until the conclusion of business.

PLACE: May 8, 2013 workshop: South Florida Regional Transportation Authority, 800 Northwest 33rd Street, Pompano Beach, Florida 33064; May 9, 2013 meeting: Port of Palm Beach District Board Room, (6th Floor), One East 11th Street, Riviera Beach, Florida 33404.

GENERAL SUBJECT MATTER TO BE CONSIDERED: May 8 - FTC Workshop; May 9 - FTC Meeting.

A copy of the agenda may be obtained by contacting: FTC at (850)414-4105.

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: FTC at (850)414-4105. 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: The Florida Transportation Commission, 605 Suwannee Street, MS-09, Room 176, Tallahassee, Florida 32399, or telephone (850)414-4105.

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#### REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 17, 2013, 9:30 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Treasure Coast Regional Planning Council will conduct its regular meeting.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060.

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 Liz Gulick at (772)221-4060. 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 Liz Gulick at (772)221-4060.

AGENCY FOR HEALTH CARE ADMINISTRATION

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

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

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Information Exchange Coordinating Committee will review and discuss strategies to increase electronic health record adoption and health information exchange in Florida.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at: <http://www.fhin.com/content/committeesAndCouncils/#ui-tabs-2> 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 Carolyn H. Turner, at (850)412-3782. 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 Dylan Dunlap at (850)412-3780.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

The Florida Barbers' Board announces a public meeting to which all persons are invited.

DATE AND TIME: August 12, 2013, 9:00 a.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32084, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board business.

A copy of the agenda may be obtained by contacting: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-4.001: Procedures

The Florida Building Commission announces a workshop to which all persons are invited.

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

To join the online meeting (Now from mobile devices!)

1. Go to <https://suncom.webex.com/suncom/j.php?ED=178425762&UID=1373347462&RT=MiMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click "Join".

To view in other time zones or languages, please click the link: <https://suncom.webex.com/suncom/j.php?ED=178425762&UID=1373347462&ORT=MiMxMQ%3D%3D>

To join the teleconference only

Provide your phone number when you join the meeting to receive a call back. Alternatively, you can call:

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

Call-in number: (720)389-1212 (US)

Attendee access code: 606 232 6940

Public point of access: Northwood Centre, Suite 90, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Workshop Meeting to be held by the Commission on Rule 61G20-4.001, F.A.C., to consider and review information related to waivers for the purpose of appropriate fee charges for a waiver application as required by Section 553.512(1), F.S. A copy of the agenda may be obtained by contacting: Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)717-1823, fax: (850)414-4836.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, telephone: (850)717-1838, fax: (850)414-4836. 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: Mr. Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, telephone: (850)717-1822, fax: (850)414-4836.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Florida Building Commission

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

**DATE AND TIME:** May 6, 2013, 10:00 a.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.

Telephone number: (888)670-3525

Code: 606 232 6940

**Webinar:** 1. Go to <https://suncom.webex.com/suncom/j.php?ED=178425697&UID=1373345777&RT=MIMxMQ%3D%3D>

2. If requested, enter your name and email address.

3. If a password is required, enter the meeting password: (This meeting does not require a password.)

4. Click "Join".

5. Follow the instructions that appear on your screen.

To view in other time zones or languages, please click the link: <https://suncom.webex.com/suncom/j.php?ED=178425697&UID=1373345777&ORT=MIMxMQ%3D%3D>

Public point of access: Suite 90, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Consider and review of information related to waivers for the purpose of making a recommendation to the Florida Building Commission on the appropriate fee to charge for a waiver application as required by section 553.512(1), F.S., There is to be a workshop to be held by the Commission on Rule 61G20-4.001, F.A.C., (May 14 at 10:00 a.m.) and other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Mary-Kathryn Smith or Mr. Chip Sellers, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399; or call (850)487-1824, or visit our website at [http://www.floridabuilding.org/fbc/meetings/1\\_meetings.htm](http://www.floridabuilding.org/fbc/meetings/1_meetings.htm).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399, phone (850)487-1824 or 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: Ms. Mary-Kathryn Smith or Mr. Chip Sellers, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399; phone (850)487-1824 or fax (850)414-8436; website: [http://www.floridabuilding.org/fbc/meetings/1\\_meetings.htm](http://www.floridabuilding.org/fbc/meetings/1_meetings.htm).

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Florida Building Commission

The Florida Building Commission, the "Commission", announces a public meeting to which all persons are invited.

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

To join the online meeting (Now from mobile devices!)

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1. Go to <https://suncom.webex.com/suncom/j.php?ED=178425762&UID=1373347462&RT=MIMxMQ%3D%3D>
  2. If requested, enter your name and email address.
  3. If a password is required, enter the meeting password: (This meeting does not require a password.)
  4. Click "Join".

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To join the teleconference only

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Provide your phone number when you join the meeting to receive a call back. Alternatively, you can call:

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

Call-in number: (720)389-1212 (US)

Attendee access code: 606 232 6940

Public point of access: Northwood Centre, Suite 90, 1940 North Monroe Street, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Meeting to be held to conduct a Workshop by the Commission on Rule 61G20-4.001, F.A.C., to consider and review information related to waivers for the purpose of appropriate fee charges for a waiver application as required by section 553.512(1), F.S. and other business for the Commission.

A copy of the agenda may be obtained by contacting: Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772; (850)717-1823, fax (850)414-4836.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772; telephone (850)717-1838, fax (850)414-4836. 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. Jim Richmond, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772; telephone (850)717-1822, fax (850)414-4836.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Real Estate Commission

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

**DATES AND TIMES:** Tuesday, May 14, 2013, 8:30 a.m.; meeting will reconvene on Wednesday, May 15, 2013, 8:30 a.m.

**PLACE:** Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Official business of Commission – among topics included, but not limited to: general business, annual regulatory plan to determine whether any rules need to be amended, repealed or promulgated due to Legislative changes affecting Chapter 475, Part I, F.S., Bi-Annual Rule Review of 61J2; budget discussions, escrow disbursement requests, recovery fund claims, education issues, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting Lori Crawford, [lori.crawford@myfloridalicense.com](mailto:lori.crawford@myfloridalicense.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 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

**DATE AND TIME:** Monday, May 13, 2013, 2:00 p.m. or soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772, (407)481-5662. Only public portions of the agenda are available upon request.

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: Division of Real Estate, (407)481-5662. 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).

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#### DEPARTMENT OF HEALTH

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

DATE AND TIME: Friday, May 3, 8:30 a.m., EDT

PLACE: Toll-free: (888)670-3525; conference code: 6625033505#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applicants for the vacant Educator/Outreach Position for the Council.

A copy of the agenda may be obtained by contacting: email: info@fccdhh.org.

Phone: (850)245-4913; TTY: (850)245-4914; toll-free: (866)602-3275; toll-free TTY: (866)602-3276.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: see contact information above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: see contact information above.

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#### DEPARTMENT OF HEALTH

The Florida Coordinating Council for the Deaf and Hard of Hearing announces public meetings to which all persons are invited.

DATES AND TIMES: Thursday, May 9, 2013, 9:00 a.m. – 6:00 p.m., EDT; Friday, May 10, 2013, 9:00 a.m. – 11:30 a.m., EDT

PLACE: Embassy Suites Miami-International Airport, 3974 NW South River Drive, Miami, FL 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: Accessibility, supports and services for persons who are deaf, hard of hearing, late-deafened or deaf-blind in the State of Florida, on-going Council projects and committee reports and election of officers.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: see contact information above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: see contact information above.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-4.0210: Definitions

65G-4.0211: General Provisions

65G-4.0212: Transition of Individuals to iBudget Florida

65G-4.022: iBudget Cost Plan Development and Approval

65G-4.024: Cost Plan Changes

65G-4.027: Cost Plan Funding and Review

The Agency for Person with Disabilities announces a hearing to which all persons are invited.

DATE AND TIME: May 6, 2013, 9:00 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed rules for iBudget Florida. These are proposed Rules 65G-4.0210, 65G-4.0211, 65G-4.0212, 65G-4.022, 65G-4.024, and 65G-4.027, as published in the notice of change on April 1, 2013 in Vol. 39, No. 63, of the Florida Administrative Register, and as corrected April 11, 2013 in Vol. 39, No. 71, of the Florida Administrative Register.

A copy of the agenda may be obtained by contacting: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399; (850)488-4257. A copy is also available on the Agency's website at [www.apdcares.org/publications/legal](http://www.apdcares.org/publications/legal).

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: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399; (850)488-4257. 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:** June 14, 2013, 9:30 a.m. (Eastern)

**PLACE:** Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida, 32301-1329.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Review Committee meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors regarding the responses submitted for Request for Proposals 2013-08 for Special Needs High Priority Affordable Housing Developments.

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

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

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

**FLORIDA HOUSING FINANCE CORPORATION**

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

**DATE AND TIME:** June 4, 2013, 10:00 a.m. (Eastern)

**PLACE:** Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida, 32301-1329

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Review Committee meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors regarding the responses submitted for Request for Proposals No. 2013-07 for Public Housing Authority Revitalization High Priority Affordable Housing Developments.

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

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

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

**FLORIDA HOUSING FINANCE CORPORATION**

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

**DATES AND TIMES:** May 22, 2013, 2:00 p.m. (Eastern) and May 28, 2013; 9:30 a.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The first Review Committee meeting will be to discuss and answer any questions the review committee may have and the second meeting will be to give scores, rank and to submit a recommendation to Florida Housing's Board of Directors regarding the responses submitted for Request for Proposals 2013-04 for Official Statements Printing.

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

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

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

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#### FLORIDA HOUSING FINANCE CORPORATION

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

**DATES AND TIMES:** May 22, 2013, 10:00 a.m. (Eastern) and May 31, 2013, 10:00 a.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The first Review Committee meeting will be to discuss and answer any questions the review committee may have and the second meeting will be to give scores, rank and to submit a recommendation to Florida Housing's Board of Directors regarding the responses submitted for Request for Qualifications 2013-11 for Structuring Agent Services.

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

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

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

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#### DEPARTMENT OF ECONOMIC OPPORTUNITY

The Department of Economic Opportunity (f/k/a the Agency for Workforce Innovation), Reemployment Assistance Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, May 8, 2013, 10:30 a.m. – 12:00 Noon.

**PLACE:** Caldwell Building, Conference room B-49, 107 E. Madison Street, Tallahassee, Florida 32399 or by conference call: (888)670-3525, passcode 1188081993 then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>.

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#### DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

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

**DATE AND TIME:** Monday, May 6, 2013, 1:00 p.m. – 3:00 p.m.

**PLACE:** Caldwell Building, Executive Conference Room 114, 107 East Madison Street, Tallahassee, Florida 32399; or by conference call dial-in number: (888)670-3525, conference code: 2967573617

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Initial meeting of the Executive Steering Committee for the Workforce Information Technology Procurement Project

A copy of the agenda may be obtained by contacting Mable Hicks at: [mable.hicks@deo.myflorida.com](mailto:mable.hicks@deo.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 Mable Hicks at: [mable.hicks@deo.myflorida.com](mailto:mable.hicks@deo.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).

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#### GULF CONSORTIUM

The Gulf Consortium Committee of Eight Disproportionately Affected Counties announces an emergency public meeting to which all persons are invited.

**DATE AND TIME:** April 29, 2013, 1:00 p.m. – 2:30 p.m. ET or upon completion of business.

**PLACE:** The Florida State Capitol Building, Cabinet Meeting Room LL 03, 400 South Monroe St., Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is an emergency meeting of the Committee of the Eight Disproportionately Affected Counties to discuss legislation pending in the Florida Legislature relating to the RESTORE Act and other business.

A copy of the agenda may be obtained by contacting: Doug Darling, via email at [DDarling@fl-counties.com](mailto:DDarling@fl-counties.com), by phone at (850)922-4300 or by visiting the website: [www.FACRestore.com](http://www.FACRestore.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 12 hours before the workshop/meeting by contacting: Doug Darling, via email at [DDarling@fl-counties.com](mailto:DDarling@fl-counties.com), or by phone at (850)922-4300. 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 Gulf Consortium Committee 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: Doug Darling, via email at [DDarling@fl-counties.com](mailto:DDarling@fl-counties.com), by phone at (850)922-4300 or by visiting the website: [www.FACRestore.com](http://www.FACRestore.com).

**CITY OF TAMARAC**

The City of Tamarac, Florida, gives notice of proposed ordinance governing a telecommunications company placing or maintaining telecommunications facilities in its roads or rights-of-way.

**FIRST READING TO BE HELD:**

**DATE AND TIME:** Wednesday, May 8, 2013, 7:00 p.m.

**PLACE:** City of Tamarac Commission Chambers, 7525 NW 88th Ave., Tamarac, FL 33321

**SUBJECT:** The proposed ordinance amends the Tamarac City Zoning Code provisions regulating telecommunications towers and antennas to expressly address current industry practices with respect to installation of personal wireless service facilities in the public rights-of-way. A copy of the proposed ordinance can be obtained by calling the City Clerk’s Office at (954)597-3505 or by visiting City Hall during regular business hours.

**JACKSON COUNTY HOSPITAL DISTRICT D/B/A JACKSON HOSPITAL**

The Board of Trustees of Jackson County Hospital District announces a public meeting to which all persons are invited.

**DATE AND TIME:** May 8, 2013, 5:30 p.m.

**PLACE:** Hudnall Medical Office Building Community Room

**GENERAL SUBJECT MATTER TO BE CONSIDERED: HB711**

A copy of the agenda may be obtained by contacting: Rachel Toliver, Executive Assistant, (850)718-2629 – [rtoliver@jackhosp.org](mailto:rtoliver@jackhosp.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 24 hours before the workshop/meeting by contacting: Rachel Toliver – (850)718-2629. 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: Rachel Toliver – (850)718-2629.

**ATKINS – Tallahassee**

The Capital Region Transportation Planning Agency announces a hearing to which all persons are invited.

**DATE AND TIME:** May 9, 2013, 5:30 p.m.

**PLACE:** Jack L. McLean, Jr. Community Center, 700 Paul Russell Road, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This Public Hearing is being conducted to give interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed improvements in accordance with Federal Executive Orders 11990 and 11988. The project consists of widening Woodville Highway to four lanes from Capital Circle SE to Gaile Avenue and intersection/operational improvements from Gaile Avenue to Paul Russell Road. Additionally, proposed access management changes along this portion of Woodville Highway will be addressed at the Public Hearing. The draft project documents will be available for public review from April 15 – May 20, 2013 at the Dr. B.L. Perry, Jr. Branch Library (2817 South Adams Street, Tallahassee). Persons wishing to submit written statements or other exhibits, in place of or in addition to oral statements, may do so at the Public Hearing or by sending them to Jack Kostrzewa at the CRTPA, 300 South Adams Street, A-19, Tallahassee, FL 32301. All exhibits or statements postmarked on or before May 20, 2013 will become a part of the project’s official public record.

At this Public Hearing, the recommended alternative will be shared with the public, along with evaluation criteria that describes the social, environmental, and economic effects. During the Hearing, public comments will be received on the proposed improvements. In addition, aerial maps will be on display and project representatives will be available before and after the presentation to discuss the project and answer questions.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Jack Kostrzewa with the CRTPA at (850)891-6809 or via email at [john.kostrzewa@talgov.com](mailto:john.kostrzewa@talgov.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 7 days before the workshop/meeting by contacting: Jack Kostrzewa with the CRTPA at (850)891-6809 or via email at [john.kostrzewa@talgov.com](mailto:john.kostrzewa@talgov.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).

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

**NONE**

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**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**

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

**NONE**

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

**NONE**

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

**NONE**

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

**NONE**

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**Section XII**  
**Miscellaneous**

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 RULE NO.: RULE TITLE:  
 62-296.513: Surface Coating of Miscellaneous Metal Parts and Products

STATE OF FLORIDA  
 NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of Rule 62-296.513, F.A.C., to the Central Florida Custom Trailers, Inc (d.b.a. Ram-Lin), a metal fabrication and finishing company located at 2136 East Fourth Street, Orlando, Florida (OCG No.13-0821) to allow relief from compliance with the volatile organic compound (VOC) reasonably available control technology (RACT) requirements of Rules 62-296.513, Florida Administrative Code (F.A.C.). The variance allows the petitioner to use a non-RACT compliant chromate metal wash primer that is required to meet a United States Air Force contract. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Division of Air Resource Management, Office of Business Planning, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Telephone: (850)717-9023.

The Department will grant the proposed variance unless a timely petition for administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the notice or receipt of written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate

time period shall constitute a waiver of that person’s right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes.

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

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

Because the administrative hearing process is designed to determine final agency action on the application, the filing of a petition for an administrative hearing may be different from the position taken in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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

DEPARTMENT OF FINANCIAL SERVICES  
Division of Treasury  
**Quarterly List of Qualified Public Depositories**

DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF TREASURY  
BUREAU OF COLLATERAL MANAGEMENT  
PUBLIC DEPOSITS SECTION

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FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. **QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.**

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**ALABAMA**

**ANDALUSIA**  
CCB COMMUNITY BANK

**ATMORE**  
UNITED BANK

**BIRMINGHAM**  
CADENCE BANK, N.A.  
COMPASS BANK  
REGIONS BANK  
SERVISFIRST BANK

**ARKANSAS**

**CONWAY**  
CENTENNIAL BANK

**DELAWARE**

**WILMINGTON**  
PNC BANK, N.A.  
TD BANK, N.A.

**FLORIDA**

**ARCADIA**  
FIRST STATE BANK OF ARCADIA

**BELLE GLADE**  
BANK OF BELLE GLADE

**BOCA RATON**  
1ST UNITED BANK  
FIRST SOUTHERN BANK  
PARADISE BANK

**BRADENTON**  
FIRST AMERICA BANK

**BRANDON**  
PLATINUM BANK

**CHIEFLAND**  
DRUMMOND COMMUNITY BANK

**CHIPLEY**  
ONE SOUTH BANK

**CLEARWATER**  
USAMERIBANK

**CLEWISTON**  
FIRST BANK

**CORAL GABLES**  
BAC FLORIDA BANK  
BANESCO USA  
CAPITAL BANK, N.A.  
GIBRALTAR PRIVATE BANK & TRUST COMPANY

**CRESTVIEW**  
FIRST NATIONAL BANK OF CRESTVIEW \*

**DADE CITY**  
FIRST NATIONAL BANK OF PASCO  
FLORIDA TRADITIONS BANK

**DANIA BEACH**  
COMMUNITY BANK OF BROWARD \*

**DAVIE**  
FLORIDIAN COMMUNITY BANK, INC.  
REGENT BANK

**DAYTONA BEACH**  
FLORIDIAN BANK  
GATEWAY BANK OF FLORIDA

**DESTIN**  
FIRST FLORIDA BANK

**ENGLEWOOD**  
ENGLEWOOD BANK & TRUST

**FERNANDINA BEACH**  
CBC NATIONAL BANK

**FORT LAUDERDALE**  
BROWARD BANK OF COMMERCE  
LANDMARK BANK, N.A.  
STONEGATE BANK  
VALLEY BANK \*

**FORT MYERS**  
EDISON NATIONAL BANK  
FINEMARK NATIONAL BANK & TRUST  
PREFERRED COMMUNITY BANK \*

**FORT PIERCE**  
OCULINA BANK

**FORT WALTON BEACH**  
BEACH COMMUNITY BANK **01/01/2013**  
FIRST CITY BANK OF FLORIDA \*  
FNBT.COM BANK

**FROSTPROOF**

CITIZENS BANK & TRUST

**GAINESVILLE**

FLORIDA CITIZENS BANK **11/16/2013**  
MERCHANTS & SOUTHERN BANK

**GRACEVILLE**

BANK OF JACKSON COUNTY \*  
PEOPLES BANK OF GRACEVILLE

**HALLANDALE**

DESJARDINS BANK, N.A. **01/16/2013**

**HERNANDO**

NATURE COAST BANK

**HOMESTEAD**

1ST NATIONAL BANK OF SOUTH FLORIDA  
COMMUNITY BANK OF FLORIDA \*

**INDIANTOWN**

HARBOR COMMUNITY BANK

**INVERNESS**

BRANNEN BANK

**JACKSONVILLE**

AMERICAN ENTERPRISE BANK OF FLORIDA \*  
EVERBANK  
FIRSTATLANTIC BANK  
THE JACKSONVILLE BANK \*

**KEY WEST**

FIRST STATE BANK OF THE FLORIDA KEYS

**LAKE CITY**

COLUMBIA BANK \*  
FIRST FEDERAL BANK OF FLORIDA  
PEOPLES STATE BANK \*

**LAKELAND**

BANK OF CENTRAL FLORIDA  
COMMUNITY SOUTHERN BANK

**LAKESWOOD RANCH**

C1 BANK

**MADISON**

MADISON COUNTY COMMUNITY BANK

**MARIANNA**

CHIPOLA COMMUNITY BANK \*

**MAYO**

LAFAYETTE STATE BANK

**MELBOURNE**

FLORIDA BUSINESS BANK

**MERRITT ISLAND**

COMMUNITY BANK OF THE SOUTH

**MIAMI**

CITY NATIONAL BANK OF FLORIDA  
COCONUT GROVE BANK  
CONTINENTAL NATIONAL BANK OF MIAMI  
EASTERN NATIONAL BANK  
ESPIRITO SANTO BANK  
EXECUTIVE NATIONAL BANK  
INTERAMERICAN BANK, F.S.B. **08/01/2012**  
JGB BANK, N.A.  
OCEAN BANK **01/16/2013**  
PACIFIC NATIONAL BANK  
SABADELL UNITED BANK, N.A.  
SUNSTATE BANK  
TOTALBANK

**MIAMI LAKES**

BANKUNITED, N.A.

**MONTICELLO**

FARMERS & MERCHANTS BANK

**MOUNT DORA**

FIRST GREEN BANK  
FIRST NATIONAL BANK OF MOUNT DORA

**NAPLES**

FIRST NATIONAL BANK OF THE GULF COAST  
SHAMROCK BANK OF FLORIDA

**NEW SMYRNA BEACH**  
FRIENDS BANK 08/01/2012

**NICEVILLE**  
PEOPLES NATIONAL BANK

**NORTH PALM BEACH**  
ENTERPRISE BANK OF FLORIDA

**OAKLAND PARK**  
AMERICAN NATIONAL BANK

**OCALA**  
ALARION BANK  
COMMUNITY BANK & TRUST OF FLORIDA  
GATEWAY BANK OF CENTRAL FLORIDA

**OLDSMAR**  
JEFFERSON BANK OF FLORIDA

**ORANGE PARK**  
HERITAGE BANK OF NORTH FLORIDA \*

**ORLANDO**  
CNLBANK \*  
FLORIDA BANK OF COMMERCE  
NEW TRADITIONS NATIONAL BANK  
OLD FLORIDA NATIONAL BANK  
ORANGE BANK OF FLORIDA  
SEASIDE NATIONAL BANK & TRUST  
URBAN TRUST BANK

**OVIEDO**  
CITIZENS BANK OF FLORIDA

**PALM COAST**  
INTRACOASTAL BANK

**PANAMA CITY**  
FIRST NATIONAL BANK NORTHWEST FLORIDA  
SUMMIT BANK, N.A.

**PENSACOLA**  
BANK OF THE SOUTH  
GULF COAST COMMUNITY BANK \*

**PERRY**  
CITIZENS STATE BANK

**POMPANO BEACH**  
FLORIDA SHORES BANK – SOUTHEAST \*

**PORT CHARLOTTE**  
CHARLOTTE STATE BANK & TRUST  
ENCORE NATIONAL BANK

**PORT RICHEY**  
REPUBLIC BANK

**ST. AUGUSTINE**  
BANK OF ST. AUGUSTINE  
PROSPERITY BANK

**ST. PETERSBURG**  
RAYMOND JAMES BANK, N.A.

**SEBRING**  
HEARTLAND NATIONAL BANK  
HIGHLANDS INDEPENDENT BANK \*

**SOUTH MIAMI**  
FIRST NATIONAL BANK OF SOUTH MIAMI

**STARKE**  
COMMUNITY STATE BANK

**STUART**  
GULFSTREAM BUSINESS BANK  
SEACOAST NATIONAL BANK

**TALLAHASSEE**  
CAPITAL CITY BANK  
PRIME MERIDIAN BANK

**TAMPA**  
AMERICAN MOMENTUM BANK  
CENTRAL BANK  
FLORIDA BANK 09/09/2015  
NORTHSTAR BANK  
THE BANK OF TAMPA

**THE VILLAGES**  
CITIZENS FIRST BANK

**TRINITY**  
PATRIOT BANK

**UMATILLA**  
UNITED SOUTHERN BANK

**VENICE**  
FLORIDA SHORES BANK - SOUTHWEST

**WAUCHULA**  
FIRST NATIONAL BANK OF WAUCHULA  
WAUCHULA STATE BANK

**WESTON**  
FLORIDA COMMUNITY BANK, N.A.

**WEST PALM BEACH**  
FIRST BANK OF THE PALM BEACHES  
FLAGLER BANK  
GRAND BANK & TRUST OF FLORIDA \*

**WINTER HAVEN**  
CENTERSTATE BANK OF FLORIDA, N.A.

**WINTER PARK**  
BANKFIRST  
UNITED LEGACY BANK

**GEORGIA**

**ALBANY**  
HERITAGEBANK OF THE SOUTH

**ATLANTA**  
SUNTRUST BANK

**COLQUITT**  
PEOPLESSOUTH BANK

**COLUMBUS**  
SYNOVUS BANK

**DARIEN**  
SOUTHEASTERN BANK

**MOULTRIE**  
AMERIS BANK

**WESTPOINT**

CHARTERBANK

**ILLINOIS**

**CHICAGO**  
BMO HARRIS BANK, N.A.  
THE NORTHERN TRUST COMPANY

**IOWA**

**FORT DODGE**  
FIRST AMERICAN BANK \*

**LOUISIANA**

**LAFAYETTE**  
IBERIABANK

**PLAQUEMINE**  
ANTHEM BANK & TRUST

**MASSACHUSETTS**

**BOSTON**  
ONEUNITED BANK \*

**MISSISSIPPI**

**GULFPORT**  
HANCOCK BANK

**JACKSON**  
TRUSTMARK NATIONAL BANK  
**TUPELO**  
BANCORPSOUTH BANK

**MISSOURI**  
**CREVE COEUR**  
FIRST BANK

**FRONTENAC**  
RELIANCE BANK \*

**NEW YORK**

**NEW YORK CITY**

BANCO POPULAR NORTH AMERICA

**NORTH CAROLINA**

**CHARLOTTE**

BANK OF AMERICA, N.A.

**WINSTON-SALEM**

BRANCH BANKING & TRUST COMPANY

**OHIO**

**CINCINNATI**

FIFTH THIRD BANK

**COLUMBUS**

JPMORGAN CHASE BANK, N.A.

**SOUTH DAKOTA**

**SIOUX FALLS**

CITIBANK, N.A.

WELLS FARGO BANK, N.A.

**TENNESSEE**

**PIGEON FORGE**

SMARTBANK

\*\*\*\*\*  
THE FOLLOWING IS A LIST OF INSTITUTIONS THAT  
HAD A CHANGE SINCE THE LAST PUBLICATION OF  
THIS REPORT.  
\*\*\*\*\*

**BANKTRUST**

MOBILE, ALABAMA

BANKTRUST, A QPD LOCATED IN MOBILE, ALABAMA  
WAS MERGED WITH/INTO TRUSTMARK NATIONAL  
BANK, A QPD WITH A HOME OFFICE LOCATED IN  
JACKSON, MISSISSIPPI EFFECTIVE AS OF THE CLOSE  
OF BUSINESS FEBRUARY 15, 2013.

**PERKINS STATE BANK**

WILLISTON

PERKINS STATE BANK LOCATED IN WILLISTON WAS  
MERGED WITH/INTO DRUMMOND COMMUNITY  
BANK, A QPD WITH A HOME OFFICE LOCATED IN  
CHIEFLAND EFFECTIVE JANUARY 18, 2013.

**RELIANCE BANK, F.S.B.**

FORT MYERS

RELIANCE BANK, F.S.B., A QPD LOCATED IN FORT  
MYERS WAS ACQUIRED BY RELIANCE BANK, A  
NON-QPD LOCATED IN FRONTENAC, MISSOURI  
EFFECTIVE CLOSE OF BUSINESS MARCH 29, 2013.  
RELIANCE BANK AUTOMATICALLY BECAME A QPD  
AS A MATTER OF LAW WITH THIS ACQUISITION AND  
HAS NINETY DAYS IN WHICH TO COMPLETE THE  
NECESSARY PAPERWORK TO REMAIN IN THE  
FLORIDA PUBLIC DEPOSITS PROGRAM OR TO MAKE  
A DECISION TO WITHDRAW.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

**Notice of Qualified Public Depository Withdrawal**

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF TREASURY

BUREAU OF COLLATERAL MANAGEMENT

PUBLIC DEPOSITS SECTION

\*\*\*\*\*  
**THE QUALIFIED PUBLIC DEPOSITORY LISTED  
BELOW HAS WITHDRAWN FROM THE FLORIDA  
PUBLIC DEPOSITS PROGRAM AS OF THE DATE  
SHOWN.**  
\*\*\*\*\*

**ENTERPRISE BANK OF FLORIDA (NORTH PALM  
BEACH)**

**04/25/2013**

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

Financial Institutions

NOTICE OF FILINGS  
Financial Services Commission  
Office of Financial Regulation

Harold Winner, Et al  
Received: April 23, 2013

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Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		The Fletcher Building,
Tallahassee, Florida 32314-8050		Suite 118
Phone (850)410-9800		101 East Gaines Street
Fax: (850)410-9548		Tallahassee, Florida
		32399-0379
		Phone: (850)410-9643

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., May 17, 2013):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: First Home Bancorp, Inc. (First Home Bank), Seminole, Florida  
Proposed Purchasers: George Apostolou, Tarek Helal, Trifon Houvardas, Sanjay Madhu, Pareshbhai Patel, Anthony Saravanos,



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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