

Section I  
 Notice of Development of Proposed Rules  
 and Negotiated Rulemaking

NONE

Section II  
 Proposed Rules

**DEPARTMENT OF CORRECTIONS**

RULE NO.:       RULE TITLE:  
 33-602.210     Use of Force

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to add the definition of Crisis Intervention Training; to add the definition of Qualified Mental Health Professional; to require the inclusion of certain de-escalation information on the video of an organized use of force involving inmates who are classified as S-2 or higher; to amend Form DC6-230; to require de-escalation efforts be made to prevent an organized use of force on inmates classified as S-2 or higher; to designate an inmate’s refusal to relinquish control of the cell’s food flap/cell port cover as an organized use of force subject to certain requirements; to allow for the use of non-deadly force to reasonably restrain an inmate to permit the administration of necessary mental health treatment; to require a Warden or designee to verify the narrative on Form DC6-230 regarding the reasons for authorizing an organized use of force; to amend Form DC6-232; to require that following a medically necessary use of force that Form DC6-232 be attached to Form DC6-230 for review by the Warden or Duty Warden; and to remove the requirement that Form DC2-802 be maintained in personnel files.

**SUMMARY:** Rulemaking was initiated to add definitions; to change how a use of force involving certain mental health inmates will be implemented and recorded; to establish that the use of force when an inmate refuses to relinquish control of the cell’s food flap/cell port cover will be classified as an organized use of force; to allow for the use of non-deadly force in the administration of necessary mental health treatment; to require the verification of certain information provided in Form DC6-230; to amend Forms DC6-230 and DC6-232; to require the review of Forms DC6-230 and DC6-232 following a medically necessary use of force; and to remove the requirement that Form DC2-802 be maintained in personnel files.

**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 the rule 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 FS.

**LAW IMPLEMENTED:** 776.07, 944.09, 944.35 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:** Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

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

33-602.210 Use of Force.

(1) No change.

(2) Definitions.

(a) through (b) No change.

(c) Crisis Intervention Training (CIT) – This training assists officers in applying non-force de-escalation techniques and strategies in the care and control of inmates suspected to have a mental illness. A knowledgeable officer equipped with the skills from CIT can more effectively assist a mentally ill inmate to meet the demands of the correctional environment.

~~(d)~~(e) 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.

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

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

~~(g)(f)~~ 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.

~~(h)~~ Qualified Mental Health Professional – A clinician who is credentialed under Health Services Bulletin (HSB) 15.09.05, “Credentialing and Privileging Procedures,” to provide mental health treatment and services to an inmate assigned to a given level of mental health care.

~~(i)(g)~~ 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.

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

~~(k)(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.

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

~~(m)(k)~~ 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.

~~(n)(l)~~ 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.

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

~~(p)(n)~~ 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.

~~(q)(o)~~ 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.

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

~~(s)(q)~~ 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)(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 6. No change.

7. Brief description of efforts taken to stabilize or control the inmate prior to the application of force, including name and rank of the uninvolved CIT-trained officer who has attempted to de-escalate the situation whenever an inmate who is classified as S-2 or higher is involved;

8. through 16. No change.

(b) through (e) No change.

(4) through (8) No change.

(9) 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. No change.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes burning sensation and tearing of the eyes, nasal discharge, and skin and upper respiratory irritation.

a. No change.

b. The warden or designee may authorize the use of CS as an initial primary chemical agent whenever past applications of OC to an inmate were documented on Form DC6-230, Report of Force Used, as having been applied and ineffective. Form DC6-230 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-01700>.

The effective date of the form is \_\_\_\_\_.

c. No change.

(b) through (f) No change.

(g) Prior to issuance of a final order, a confinement lieutenant, close management lieutenant or shift supervisor shall have control room staff check the Bed Inventory List to ascertain whether the inmate involved is classified as S-2 or higher. During regular work hours, if the involved inmate is S-2 or higher, the confinement lieutenant, close management lieutenant or shift supervisor shall have a qualified mental health professional provide crisis intervention and attempt to de-escalate the situation and prevent a use of force. After regular work hours, the confinement lieutenant, close management lieutenant or shift supervisor shall have an uninvolved CIT-trained officer speak with the inmate in an attempt to de-escalate the situation and prevent a use of force.

(h)(g) A confinement or close management lieutenant or shift supervisor shall be responsible for the issuance of a final order to an inmate ordering compliance or cessation of disruptive behavior prior to the application of chemical agents. Additionally, a confinement or close management lieutenant, shift supervisor, or staff member of greater rank shall be present and observe the application of chemical agents to inmates in such housing settings.

(i)(h) Any application of chemical agents within an institution shall be noted on Form DC6-230, Report of Force Used. Any officer who uses chemical agents shall record the following on Form DC6-230:

1. through 7. No change.

(j)(i) Chemical agents shall be stored in the designated main arsenal in a secure manner. The warden shall authorize and designate secure locations where chemical agents shall be stored that are accessible only to officers.

(k)(j) Chemical agents assigned to institutions may not be removed from the facility at any time without authorization from the warden or designee.

(l)(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-02950>. The effective date of the form is 8-13. 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.

(m)(l) Issuance and use of chemical agents:

1. through 6. No change.

(n)(m) Use of chemical agents on inmates outside of controlled conditions. Officers may utilize chemical agents whenever an inmate becomes disorderly or disruptive or does not comply with clear and audible orders that have been communicated to cease such behavior. During emergency situations with multiple inmates in an outside area, chemical agents may be applied to quell the disturbance. An inmate shall at no time be removed from his or her assigned cell or placed at an alternate location, have clothing removed, or be restrained for the purpose of chemical agent application. If an officer administers chemical agents while an inmate is handcuffed or wearing restraints, and removal of such restraints was not possible prior to the application, the officer shall record an explanation of the circumstances on Form DC6-230, Report of Force Used.

(o)(n) Use of chemical agents on inmates under controlled conditions:

1. When an inmate in a secure housing unit occupied by other inmates becomes disorderly or disruptive or the officer's ability to provide unit security is adversely impacted by an inmate's behavior, and the inmate refuses to comply with clear and audible orders to cease his or her behavior, the confinement or close management lieutenant, shift supervisor, or person of higher rank shall be contacted and consulted for instructions prior to any application of chemical agents. The refusal of an inmate to relinquish control of the cell's food flap/cuff port cover, i.e., will not allow staff to close the food flap/cuff port cover, shall be defined as an organized use of force subject to the requirements of Paragraph (3) of this rule.

2. No change.

(p)(o) Additional applications of chemical agents and forced cell extractions:

1. through 2. No change.

(q)(p) Medical requirements:

1. through 10. No change.

(10) 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 (g) No change.

(h) Reasonably restrain an inmate to permit the administration of necessary medical or mental health treatment.

(11) 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 and shall sign the DC6-230, Report of Force Used, as appropriate to indicate that the narrative accurately reflects the reason(s) for authorizing staff to use force. 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) 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 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) through (h) No change.

(i) The Assistant Secretary of Institutions, regional director, or warden shall be responsible for issuing any corrective action pursuant to a finding of non-compliance with

this rule. Copies of the employee's report, the warden's summary, and the Office of Inspector General review and determination shall be kept in the inmate's file pursuant to public records retention law. Form DC2-802, Use of Force Log, shall contain a record of every use of force report completed by an employee be placed in every employee's personnel file. Form DC2-802 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-01691>. The effective date of the form is 2-7-00. ~~This form shall be maintained by the servicing personnel office and shall contain a record of every use of force report completed by the employee.~~

(j) through (m) No change.

(n) Officers may use reasonable physical force to restrain an inmate, upon supervision and direction of a physician or medical practitioner, for the purpose of providing necessary treatment or for the safety of an employee. The attending Qualified Health Care Provider who directs or observes medically necessary use of force shall prepare Form DC6-232, Authorization for Use of Force for Facilitating Emergency Treatment Order, authorizing the use of force. A copy of the DC6-232 shall be provided to the Shift Supervisor for attachment to the Institutions Report of Force Used DC6-230 for review by the Warden or Duty Warden. 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 \_\_\_\_. Officers who use force pursuant to a physician or medical practitioner's request shall complete Form DC6-230, Report of Force Used, when actual force is used, or Form DC6-210, Incident Report, when restraints are applied with no physical resistance by the inmate, and the form shall be forwarded to the warden.

(o) through (p) No change.

(q) When the use of four-point or five-point psychiatric restraints is authorized, and the inmate does not offer resistance to the application of the restraints, the completion of Form DC6-210, Incident Report, shall be required. The application of the restraints will be videotaped. The videotape, Form DC6-210, Incident Report, ~~Form DC6-232, Authorization for Use of Force Report,~~ Form DC4-701C, Emergency Room Record, and Form DC4-708, Diagram of Injury, shall also be completed in their entirety with applicable data or the letters "N/A" used to indicate inapplicability and shall be forwarded to the warden or acting warden for review within one working day. Each institution shall retain the reports for the applicable retention period. If at any time prior to or during the application of the psychiatric restraints, the inmate offers resistance to the

application, the steps outlined in subsection (4) shall be followed.

(13) through (17) No change.

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 33-3.0066, 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, 8-11-13, 11-5-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
James Upchurch, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.0093 RULE TITLE: Rules of the Auditor General  
PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the most recent rules of the Auditor General.

SUMMARY: The most recent rules of the Auditor General will be incorporated.

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

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

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

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

RULEMAKING AUTHORITY: 473.304, 473.315 FS.  
LAW IMPLEMENTED: 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0093 Rules of the Auditor General.

(1) “Rules of the Auditor General” shall be deemed and construed to mean the following Rules of the Auditor General of the State of Florida in effect as follows:

Chapter	Title
10.550	Local Governmental Entity Audits, effective <u>9/30/2014</u> <del>9/30/2012</del>
10.650	Florida Single Audits Non-profit and For-profit Organizations, effective <u>9/30/2014</u> <del>9/30/2012</del>
10.700	Audits of Certain Nonprofit Organizations, effective <u>6/30/2014</u> <del>6/30/2012</del>
10.800	Audits of District School Board, effective <u>6/30/2014</u> <del>6/30/2012</del>
10.850	Audits of Charter Schools and Similar Entities, effective <u>6/30/2014</u> <del>6/30/2012</del>

These rules hereby incorporated by reference and are available from <http://www.flrules.org/Gateway/reference.asp?No=Ref-03239> or the State of Florida, Auditor General’s Office or from its website <http://www.myflorida.com/audgen>, under the Rules and Guidelines section.

(2) through (6) No change.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 10-22-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0093, Amended 9-30-97, 9-29-02, 9-21-10, 10-9-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-21.005 Contingent Fees

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to add state tax returns to the list of documents that cannot be prepared for a contingent fee.

**SUMMARY:** State tax returns will be added to the list of documents that cannot be prepared for a contingent fee.

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

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

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

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

**RULEMAKING AUTHORITY:** 473.304, 473.319 FS.

**LAW IMPLEMENTED:** 473.319 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

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

61H1-21.005 Contingent Fees.

(1) No change.

(2) No certified public accountant or firm shall accept a contingent fee for tax filings with the federal, state, or local government unless the findings are those of the tax authorities and not those of the certified public accountant or firm. Unless

the certified public accountant or firm has specific reason to know that the filing will be reviewed in detail by the taxing authorities, the findings will be presumed to be those of the certified public accountant or firm and a contingent fee is not permissible. An original or amended federal tax return, state tax returns, or a claim for refund cannot be prepared for a contingent fee since the findings are not considered to be those of the taxing authority. If the taxing authority has begun an audit, any findings will be considered those of the taxing authority and a contingent fee may be accepted. Fees to be fixed by courts or other public authorities, which are of an indeterminate amount at the time a public accounting service is undertaken, shall not be regarded as contingent fees for the purposes of this rule. However, a certified public accountant's or firm's fee may vary depending, for example, on the complexity of the service rendered.

Rulemaking Authority 473.304, 473.319 FS. Law Implemented 473.319 FS. History—New 12-4-79, Formerly 21A-21.05, 21A-21.005, Amended 11-30-93, 2-23-98, 12-10-09,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Board of Accountancy

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:**

Board of Accountancy

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:**

August 14, 2014

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:**

September 19, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-23.002 Records Disposition Responsibility

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to update requirements for furnishing or returning client records.

**SUMMARY:** Requirements for furnishing or returning client records will be updated.

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

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

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

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

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

RULEMAKING AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315, 473.318 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-23.002 Records Disposition Responsibility.

(1) A certified public accountant shall furnish to a client or former client upon request and within a reasonable notice time after request of the document the following if they are in the certified public accountant's possession or control at the time of the request:

(a) Any accounting or other records belonging to, or obtained from or on behalf of, the client that were provided to the certified public accountant; the certified public accountant may make and retain copies of such documents of the client when they form the basis for work done by the certified public accountant which the certified public accountant may have had occasion to remove from client's premises, or to receive for the client's account, including records prepared as part of the service to the client which would be needed to reconcile to the financial statements or tax return prepared and issued by the certified public accountant. If the tax return or financial statement has not been issued, the certified public accountant must only return records received from the client, but this shall not preclude the certified public accountant from making copies of such documents when same form the basis of work done by the certified public accountant.

(b) Any accounting or other records that the certified public accountant was not specifically engaged to prepare that are related to an issued work product of the certified public accountant and that are not in the client's books and records or are otherwise not available to the client, with the result that the client's financial information is complete.

(c) A copy of any deliverable as set forth in the terms of the engagement that has been issued by the certified public accountant.

~~(2) This rule shall not preclude a certified public accountant from making reasonable charges for costs incurred. Once the certified public accountant has complied with the requirements in subsection (1) above, the certified public accountant is under no obligation to comply with subsequent requests from the client to again provide such records or work products. However, if subsequent to complying with a request, a client experiences a loss of records due to a natural disaster or act of war, the certified public accountant shall comply with an additional request to provide such records or work products. A certified public accountant shall not withhold those items contemplated above under any circumstances following a demand for same from the client.~~

(3) No change.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315, 473.318 FS. History—New 12-4-79, Amended 12-11-83, Formerly 21A-23.02, Amended 9-1-87, Formerly 21A-23.002, Amended 10-28-98, 10-26-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-24.001 Advertising

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the use of the CPA designation for faculty members acting in their professional capacity as an exception to the definition of advertising.

SUMMARY: The use of the CPA designation for faculty members acting in their professional capacity as an exception to the definition of advertising will be deleted from the rule.

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

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

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

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

RULEMAKING AUTHORITY: 473.304, 473.323 FS.

LAW IMPLEMENTED: 473.323(1)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-24.001 Advertising.

(1) No change.

(2) "Advertising" shall mean:

(a) No change.

(b) "Advertisement," "advertising" and "advertising as a part of a certified public accountant's business activities" as defined terms by this rule does not include:

1. Verbal statements in a social context, or

~~2. Use of the designation by faculty members in an educational institution when functioning in the capacity of a faculty member, and~~

~~2.3. No change.~~

Rulemaking Authority 473.304, 473.323 FS. Law Implemented 473.323(1)(f) FS. History—New 12-4-79, Amended 2-3-81, 12-29-83, Formerly 21A-24.01, Amended 5-20-91, Formerly 21A-24.001, Amended 2-12-95, 5-7-96, 10-8-97, 11-18-07, 12-10-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-27.002 Concentrations in Accounting and Business

PURPOSE AND EFFECT: The Board proposes the rule amendment to correct the semester/quarter hour conversion for examination eligibility and to make the change necessitated by Chapter 2014-88, Laws of Florida.

SUMMARY: The semester/quarter hour conversion for examination eligibility will be corrected.

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

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

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

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

RULEMAKING AUTHORITY: 473.304, 473.306(3), 473.308(3) FS.

LAW IMPLEMENTED: 473.306(2), (3), 473.308(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.002 Concentrations in Accounting and Business.

(1) No change.

(2) For purposes of Section 473.308, F.S., if application for licensure is made after August 1, 1983, an applicant must have



at least 150 semester hours or ~~225~~ 200 quarter hours of college education, including a baccalaureate degree or higher conferred by an accredited college or university with a major in accounting, or its equivalent. The applicant's total education program shall include a concentration in accounting and business as follows:

(a) through (b) No change.

(3) To be eligible to take the licensure examination, an applicant shall have completed 120 semester or ~~180~~ 160 quarter hours as follows:

(a) through (b) No change.

(4) through (8) No change.

Rulemaking Authority 473.304, 473.306(3), 473.308(3) FS. Law Implemented 473.306(2), (3), 473.308(3) FS. History—New 12-4-79, Amended 2-3-81, 8-1-83, 3-21-84, 6-10-84, 6-5-85, 10-28-85, Formerly 21A-27.02, Amended 5-22-88, 3-21-89, 5-20-91, 12-2-92, Formerly 21A-27.002, Amended 11-2-95, 11-3-97, 1-31-05, 5-24-07, 11-30-08, 12-21-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2014

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-29.002 Temporary License

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the lists of states substantially equivalent, to incorporate the editions of the UAA, and to update requirements for a temporary license.

SUMMARY: The lists of states substantially equivalent will be updated and the requirements for a temporary license will be updated. The editions of the UAA will be incorporated.

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

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

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

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

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

RULEMAKING AUTHORITY: 473.304, 473.305, 473.314 FS.

LAW IMPLEMENTED: 473.314, 473.315, 473.3141 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: Voloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607

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

61H1-29.002 Temporary License.

(1) through (4) No change.

~~(5) The Board may, on its own initiative or upon the request of the applicant, conduct a hearing, including the taking of the sworn testimony of the applicant, or a partner, shareholder or employee thereof, in regard to the granting or refusing of a temporary license. Such hearing may be held either prior to or after the granting or refusing of a temporary license.~~

~~(5)(6) No change.~~

~~(6)(7) A temporary license may be denied for any one of the following:~~

(a) through (b) No change.

~~(7)(8) Notwithstanding the above-stated requirements, a temporary license will not be required for an individual who does not have an office as defined by subsection 61H1-20.001(8), F.A.C., and either:~~

(a) Holds a valid license as a certified public accountant from a state the Board has determined to have adopted standards that are substantially equivalent to the certificate requirements in s. 5 of the Uniform Accountancy Act in the issuance of licenses (the Board's list of approved states, effective August 15, 2014 ~~March 1, 2014~~, is incorporated herein and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-002910> or at <http://www.myfloridalicense.com/dbpr/cpa/documents/SubstantiallyEquivalent2014.pdf> ~~http://www.myfloridalicense.com/dbpr/cpa/documents/MobilitySubstantiallyEquivalentrevised.pdf~~); or

(b) Holds a valid license as a certified public accountant and obtains verification from the National Association of State Board of Accountancy CredentialNet service that the individual meets the set forth the Standards for Regulation Including Substantial Equivalency in s. 5 of the Uniform Accountancy Act, seventh ~~fifth~~ edition revised May 2014 ~~July 2007~~. CredentialNet can be reached at credentialnet@nasba.org or (866)350-0017.

Rulemaking Authority 473.304, 473.305, 473.314 FS. Law Implemented 473.314, 473.315, 473.3141 FS. History—New 12-4-79, Amended 2-3-81, 10-19-83, Formerly 21A-29.02, Amended 5-3-88, 12-3-89, 6-13-90, 3-29-92, 12-2-92, Formerly 21A-29.002, Amended 6-28-94, 1-11-95, 8-28-06, 12-10-09, 6-21-11, 1-7-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2014

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:  
68A-13.003 Hunting Regulations for Ducks, Geese, and Coots

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to establish regulations, bag limits and possession limits for taking ducks, geese and coots in conformance with federal regulations. The effect of the proposed rule amendment would decrease the bag limit for canvasbacks from two to one, establish a September teal season with a bag limit of six, increase the bag limit for the September wood duck and teal season from four to six (no more than two may be wood ducks), modify the dates of the September wood duck and teal season, establish a possession limit of three day’s bag limit for September duck seasons, modify the dates of the first phase of the Canada goose season, and modify the dates of the falconry season for ducks, geese and coots.

SUMMARY: This rule amends regulations for taking ducks, geese and coots.

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

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

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

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

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission’s regular meeting, November 20-21, 2014, 8:30 a.m. each day

PLACE: Hilton Key Largo Resort, 97000 Overseas Highway, Key Largo, FL 33037

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

68A-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

- (1) Duck, light goose, and coot season:
  - (a) through (e) No change.
  - (f) Limits: The possession limit for ducks and coots shall be three days’ bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross’ geese.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, two scaup, four scoters, three wood ducks, two redheads, two pintails, ~~one two~~ canvasback, one black duck, one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to

the daily bag limit for ducks, the daily bag limit for mergansers is five, only two of which may be hooded mergansers.

2. through 3. No change.

(2) No change.

(3) ~~Special September duck seasons season:~~

(a) Open season: ~~opening the Saturday prior to the last Wednesday in September and closing four days thereafter.~~

1. Wood Duck and Teal – Opening eight days prior to the last Sunday in September and closing four days thereafter.

2. Teal – Opening three days prior to the last Sunday in September and closing three days thereafter.

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

1. Daily bag: ~~The daily bag limit shall be four teal and wood ducks in the aggregate per day, no more than two of which shall be wood ducks~~

a. The daily bag limit shall be six teal and wood ducks in the aggregate per day, no more than two of which shall be wood ducks during the open season as specified in subparagraph (3)(a)1. of this rule.

b. The daily bag limit shall be six teal during the open season as specified in subparagraph (3)(a)2. of this rule.

2. Possession: The possession limit shall be three days' bag limit. ~~twelve teal and wood ducks in the aggregate, no more than four of which shall be wood ducks.~~

(4) Canada goose season:

(a) Open season:

1. First phase – Opening the first Saturday in September and closing the last ~~Sunday~~ Wednesday in September.

2. through 3. No change.

(b) through (c) No change.

(5) Falconry:

(a) No change.

(b) Open season for ducks (including mergansers), light geese, and coots: November 3 ~~October 30~~ through November 12. Opening 8 days after the last Sunday in January and closing 25 days thereafter. The open season specified in paragraphs ~~paragraph~~ (1)(a), (1)(d) and ~~paragraph~~ (3)(a) of this rule.

(c) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption by the Commission.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03, 7-1-04, 7-1-05, 2-1-06, 7-1-06, 1-9-07, 1-8-08, 7-1-08, 1-6-09, 1-19-10, 7-1-10, 1-5-11, 3-25-12, 2-12-13, 1-23-14, \_\_\_\_\_.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:

Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2014

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: 68B-17.009  
 RULE TITLE: License Requirements for Commercial Harvest

PURPOSE AND EFFECT: The purpose of this rule development is to create a no-cost shellfish endorsement available to commercial harvesters of hard clams who complete the appropriate training course in sanitary shellfish harvest and post-harvest practices.

New national guidelines were recently adopted by the Interstate Shellfish Sanitation Conference requiring food safety training relating to shellfish harvest and post-harvest practices. This training requirement must be tied to the issuance and renewal of a license in order to comply with the guidelines. Shellfish exports from states that are determined not to be in compliance may not be accepted by other states. In Florida, these requirements apply to the harvest of hard clams. Creating a no-cost shellfish endorsement on the saltwater products license and making it available to commercial harvesters of hard clams who have completed an approved training course within the last year would satisfy the guidelines and bring Florida's commercial harvesters of wild shellfish into compliance with the national requirements.

The effect of this rule will be to satisfy national requirements designed to ensure public health and safety, and to make certain that Florida's shellfish industry continues to be able to export its products nationwide.

**SUMMARY:** This rule will create a no-cost shellfish endorsement available in association with a saltwater products license for commercial harvesters of hard clams that have completed the appropriate training course in sanitary shellfish harvest and post-harvest practices. This endorsement will satisfy national requirements designed to ensure public health and safety.

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

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

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

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

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

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

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:**

**DATES AND TIME:** During the Commission’s regular meeting November 20-21, 2014, 8:30 a.m. – 5:00 p.m.

**PLACE:** Hilton Key Largo Resort, 97000 Overseas Highway, Key Largo, Florida 33037

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-17.009 License Requirements for Commercial Harvest.

Shellfish endorsement –

(1) Beginning July 1, 2015, except as provided in subsection (3) or for harvest from aquaculture leases pursuant to an aquaculture certificate issued by the Florida Department of Agriculture and Consumer Services, a commercial harvester may not harvest or possess hard clams for commercial purposes in or on Florida Waters or sell hard clams unless the commercial harvester is harvesting pursuant to a valid saltwater products license with a shellfish endorsement.

(2) A shellfish endorsement shall be issued only to a person with a valid saltwater products license who provides proof of completion, within the last 12 months, of a Florida Department of Agriculture and Consumer Services developed or approved training course in shellfish harvest and post-harvest practices.

(3) A commercial harvester who is harvesting pursuant to a valid saltwater products license and a valid Apalachicola Bay oyster harvesting license is exempt from the requirement to possess a shellfish endorsement.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Florida Fish and Wildlife Conservation Commission

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 11, 2014

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** September 3, 2014

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

**RULE NO.:**           **RULE TITLE:**

68B-18.005           Closed Seasons for Harvest of Bay Scallops

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to modify the open season for recreational harvest of bay scallop so that the season will begin on a Saturday each year. This change will increase business and economic opportunities in the counties where harvest is allowed and create predictability in the season opening date. A predictable season opening date is better for harvesters and businesses alike. This change will open the season by no more than six days earlier than the opening currently established in rule, depending on the

year, and so is expected to have minimal effects on the bay scallop population.

The effect of this change would be to amend Rule 68B-18.005, F.A.C. (Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops), to open the bay scallop recreational harvest season on the Saturday before July 1, unless July 1 falls on Saturday, in which case the season would open on July 1. The season for the recreational harvest is open through September 24 each year.

SUMMARY: Rule 68B-18.005, F.A.C., would be amended to change the date of the recreational bay scallop season opening to allow for an extra weekend, which increases business and economic opportunities. The opening of the recreational bay scallop season would change from July 1 to the Saturday before July 1, unless July 1 falls on Saturday, in which case the season would open on July 1.

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

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

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission’s regular meeting November 20-21, 2014, 8:30 a.m. – 5:00 p.m.

PLACE: Hilton Key Largo Resort, 97000 Overseas Highway, Key Largo, Florida 33037

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

Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

68B-18.005 Closed Seasons for Harvest of Bay Scallops. During the closed season for bay scallops a person may not harvest or land a bay scallop from Florida Waters or possess a bay scallop in or on Florida Waters. The closed season for bay scallops begins on September 25 each year and continues through the Friday prior to July 1 ~~June 30~~ of the following year. Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 3-1-95, Formerly 46-18.005, Amended 9-1-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2014

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: 68B-27.018      RULE TITLE: Statewide Harvesting Restrictions

PURPOSE AND EFFECT: The purpose of this rule development is to create a no-cost shellfish endorsement available to commercial harvesters of oysters who complete the appropriate training course in sanitary shellfish harvest and post-harvest practices.

New national guidelines were recently adopted by the Interstate Shellfish Sanitation Conference requiring food safety training relating to shellfish harvest and post-harvest practices. This training requirement must be tied to the issuance and renewal of a license in order to comply with the guidelines. Shellfish exports from states that are determined not to be in compliance may not be accepted by other states. In Florida, these requirements apply to the harvest of oysters. Creating a no-cost shellfish endorsement on the saltwater products license and making it available to commercial harvesters of oysters who

have completed an approved training course within the last year would satisfy the guidelines and bring Florida’s commercial harvesters of wild shellfish into compliance with the national requirements.

The effect of this rule will be to satisfy national requirements designed to ensure public health and safety, and to make certain that Florida’s shellfish industry continues to be able to export its products nationwide.

SUMMARY: This rule will create a no-cost shellfish endorsement available in association with a saltwater products license for commercial harvesters of oysters that have completed the appropriate training course in sanitary shellfish harvest and post-harvest practices. This endorsement will satisfy national requirements designed to ensure public health and safety.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission’s regular meeting November 20-21, 2014, 8:30 a.m. – 5:00 p.m.

PLACE: Hilton Key Largo Resort, 97000 Overseas Highway, Key Largo, Florida 33037

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

Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-27.018 Statewide Harvesting Restrictions.

(1) Shellfish endorsement –

(a) Beginning July 1, 2015, except as provided in paragraph (c) or for harvest from aquaculture leases pursuant to an aquaculture certificate issued by the Florida Department of Agriculture and Consumer Services, a commercial harvester may not harvest or possess oysters for commercial purposes in or on Florida Waters or sell oysters unless the commercial harvester is harvesting pursuant to a valid saltwater products license with a shellfish endorsement.

(b) A shellfish endorsement shall be issued only to a person with a valid saltwater products license who provides proof of completion, within the last 12 months, of a Florida Department of Agriculture and Consumer Services developed or approved training course in shellfish harvest and post-harvest practices.

(c) A commercial harvester who is harvesting pursuant to a valid saltwater products license and a valid Apalachicola Bay oyster harvesting license is exempt from the requirement to possess a shellfish endorsement.

(1) through (6) renumbered (2) through (7) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-10-91, Formerly 46-27.018, Amended 6-7-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 3, 2014

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: RULE TITLE:

69A-37.020 Notice of Change of Record

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 194, October 6, 2014 issue of the Florida Administrative Register.

The corrections are as follows: Subsection (2) of the proposed rule deletes language stating that the Division of State Fire Marshal’s electronic information database system is known as FCDICE.

**Section IV  
Emergency Rules**

**NONE**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-1.005: Standards for OPOs, Tissue Banks and Eye Banks

The Agency for Health Care Administration hereby gives notice that on October 1, 2014, the Agency for Health Care Administration entered a Final Order on the petition for waiver filed by the American Association of Tissue Banks et al. on August 5, 2014 and advertised in Vol. 40, No. 156, Florida Administrative Register on August 12, 2014. The Petition was assigned Agency Case Number 2014008887. The Agency for Health Care Administration has issued a Final Order granting a temporary waiver from subparagraph 59A-1.005(35)(a)2., F.A.C, to Co-Petitioners for a period expiring on October 1, 2016 upon a finding that the purpose of the underlying statute will be achieved by other means and that an application of the rule would create a substantial hardship.

A copy of the Order or additional information may be obtained by contacting Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, MS 3, Tallahassee, FL 32308.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on October 3, 2014, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from The Crepe Chef located in Port Charlotte. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three-compartment sinks.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on October 6, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Saddle Creek Logistics. Petitioner seeks a variance of the requirements of ASME A17.1b, Section 2.20.1, 2.18.5.1, 2.20.4, 2.20.5 and 2.20.9 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-367).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004: General Sanitation and Safety Requirements  
 NOTICE IS HEREBY GIVEN that on October 7, 2014, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code, from Sweet City Gelato located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three-compartment sinks.

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

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

**DEPARTMENT OF HEALTH**

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:

64B4-2.001: Definition of "Experience" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

64B4-2.002: Definition of "Supervision" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NOTICE IS HEREBY GIVEN that on October 6, 2014, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling received a petition for waiver or variance filed by Kim Blackham, seeking a variance or waiver of Rule 64B4-2.001, F.A.C., which requires that two years of "clinical experience" shall be accrued in no less than 100 weeks and consists of at least 1500 hours of providing psychotherapy face-to-face with clients as a registered intern for the profession for which licensure is sought. Petitioner also seeks a waiver of

Rule 64B4-2.002, F.A.C., which provides the definition of supervision for clinical social work, marriage and family therapy, and mental health counseling.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board within 14 days of publication of this notice.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF EDUCATION**

The Florida Rehabilitation Council for the Blind announces public meetings to which all persons are invited.

DATES AND TIMES: October 23, 2014, 8:30 a.m. – 4:30 p.m.: Council Business; October 23, 2014, 5:00 p.m. – 6:30 p.m.: Public Forum; October 24, 2014, 8:30 a.m. – 10:30 a.m.: Council Business

PLACE: Hilton Daytona Beach Oceanfront Resort, 100 North Atlantic Avenue, Daytona Beach, FL 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly business meeting and Public Forum of the Florida Rehab Council for the Blind, for consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under Title I of the Rehab Act.

A copy of the agenda may be obtained by contacting: Alise Fields, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392 or email: Alise.Fields@dbs.fldoe.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 10 days before the workshop/meeting by contacting: the local DBS office, no later than ten (10) working days prior to the meeting at: (386)254-3800; toll-free, (800)329-3801; or the Florida Telephone Relay system 711. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



For more information, you may contact: Alise Fields, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392 or email: Alise.Fields@dbs.fldoe.org.

**DEPARTMENT OF EDUCATION**

The Florida Rehabilitation Council for the Blind and the Division of Blind Services announces a public meeting to which all persons are invited.

**DATES AND TIMES:** October 23, 2014, 8:30 a.m. – 4:30 p.m.: October 23, 2014, 5:00 p.m. – 6:00 p.m. \*Correction to notice ID: 14963140 where the public forum time is listed as 5:00 p.m. – 6:30 p.m. \*; October 24, 2014, 8:30 a.m. – 10:30 a.m.

**PLACE:** Hilton Daytona Beach Oceanfront Resort, 100 North Atlantic Avenue, Daytona Beach, FL 32118

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly business meeting of the Florida Rehab Council for the Blind.

Public Forum of the Florida Rehab Council for the Blind, for consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

A copy of the agenda may be obtained by contacting: Alise Fields, Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399; Phone (850)245-0392 or e-mail Alise.Fields@dbs.fldoe.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 10 days before the workshop/meeting by contacting: the local DBS office, no later than ten (10) working days prior to the meeting at (386)254-3800 or toll free (800)329-3801 or the Florida Telephone Relay system 711. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Alise Fields, Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399; Phone (850)245-0392 or e-mail Alise.Fields@dbs.fldoe.org

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Commission for the Transportation Disadvantaged announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** October 20, 2014, 9:00 a.m.  
**PLACE:** Commission Headquarters, 2740 Centerview Drive, Room 1A, Tallahassee, FL 32399, Dial-In Number: (888)670-3525; Conference Code: 1383090556

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Approve Shirley Conroy Rural Area Capital Assistance Program Grant Awards

A copy of the agenda may be obtained by contacting: Vicki Cook, 605 Suwannee Street, MS-49, Tallahassee, FL 32399; (850)410-5700 or (800)983-2435.

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: Vicki Cook, 605 Suwannee Street, MS-49, Tallahassee, FL 32399; (850)410-5700 or (800)983-2435. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**  
 The Board of Architecture and Interior Design announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 29, 2014, 9:00 a.m.  
**PLACE:** Hilton Clearwater Beach, 400 Mandalay Avenue, Clearwater, Florida 33767

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The following cases are open to the public:

- AEC Consltants, Inc., 2013-035100  
Harry Lamb
  
- Ariel Aljovin, 2014-012674
  
- Ronald Allen, 2014-005486  
Design Works Studio, Inc.
  
- Allied Kitchen & Bath, 2013-013574  
William A. Feinburg
  
- American Architectural Graphics, Inc., 2013-035518  
Wendy Sydeski
  
- Arace Designs, Inc., 2013-036069  
Dirk Arace
  
- William H. Arthur, IV, 2014-020196
  
- Avaya, Inc., 2013-037666  
Roger Gaston
  
- B & H Consulting Group, 2013-049952  
Brian W. Hermany

Bali Design Group, Inc., 2013-048959  
John E. Balistreri

Winthrop S. Barnett, 2014-001281  
W. Barnett Enterprises, Inc.

Harold W. Barrineau, 2013-047828  
H.W. Barrineau & Associates, Inc.

Base 4 International, Inc., 2013-048347  
Adam J. Ginsburg

Renee R. Baugh, 2013-037249  
The Addoson Group

BBD Engineering & Design Firm, LLC, 2013-032141  
Kent M. Bice

Fabian Behague, 2014-011565

Beachside Design Group, 2013-037686  
Dale Schmutz

Better Contractors, 2013-035120  
Amir Nadulek

Sean S. Bielman, 2014-002309  
SS Bielman Designs

Billy Blanco Designs, 2013-035530  
William Jurberg

Blahnik Interiors, 2013-035094  
Tara E. Bahnik

David Gonzalez Blanco, 2013-043219

Michael Brosche, 2013-016992  
Michael Brosche Associates, Inc.

Benjamin Burle, 2013-047452  
Burle Yates Design

C-Schorr Design Service, 2013-048358  
Carl H. Schror

John Calderon, Jr., 2013-037928  
JC Design Group

Andre S. Capi, 2013-048516  
Design Kollaborative Architects Planners, Inc.

Pablo J. Carreno, Jr., 2013-036773  
C & A Engineers, Inc.  
CA Engineers & Management, Inc.

Pablo J. Carreno, Sr., 2012-032678  
C & A Engineers, Inc.  
CA Engineers & Management, Inc.

Coral Key Design, Inc., 2013-035086  
Mark L. Jenkins

Mary Beth Courier, 2013-041554  
Oxford Design Studio

Crave Design Studio, 2013-030551  
Wade Wilson

Custom Building Products, 2013-034975  
Thomas R. Peck

John W. Dawson, 2013-047406  
Big John's Services, Inc.

Astrid Deguiceis, 2014-008434  
Bella Lucia Interiors, LLC

Design Guild Interiors, 2013-032923  
Peter & Donna Fayerman

Design Studio 15, LLC, 2013-049025  
Shanna Bender

James M. Diehl, 2013-038535  
James Diehl Designs

Miguel L. Diez-Perna, 2014-003381

Michael Dolan, 2014-001285

Cristina Garcia Echeverria, 2014-018857  
Viarchi, LLC

EcoDEEP, 2014-003388  
Kevin Flynn

Escala Construction, 2013-035495  
David Rincon

First Union Architects, 2013-030556  
Giuseppe DiMarco

Bruce F. Ford, 2014-020202

Gregory F. Lane, 2014-000227

Chris Gallagher, 2013-038504  
Chris Gallagher Design

Lawrence Wright & Partners, LLC, 2013-035929  
Lawrence D. Wright

Camilo Garcia, 2013-050242

Emilio Alberto Lebolo King, 2013-034900  
Lebolo Consulting Services Group

Camilo A. Garcia, 2014-002214

Leighton Design Group, 2013-035125  
Chris Leighton

Arnold Gibbs, 2013-037573

Elias Louis Leousis, 2013-030335  
Zeal Development, LLC

Nathan Goldberger, 2013-022769

Nedge Louis-Jacques, 2013-045362  
Tillberg Design & Associates

Fernando R. Gomez-Pina, 2013-049962

Tina Govan, 2014-003393

Louis Wohl & Sons, Inc., 2013-034503  
Walter L. Simon

Karen L. Hanlon, 2013-048527  
Karen Hanlon Design, Inc.

Anatoly D. Lunin, 2014-014843

Mario J. Hernandez, 2013-041550

Sylvia J. Hodges, 2013-036941  
Palm Palette

Ted Maines, 2014-019022  
Ted Maines Interiors, Inc.

IFS Business Interiors, 2013-036100  
Kelly C. Kearney

R.W. Makemson, Jr., 2014-003739

IMARA Engineering Consulting, 2013-017929  
Jacqueline P. James

Mary Tracy Plans, 2013-049949  
Mary A. Tracy

Insignia Design Group, 2014-001356  
Michelle Castagna

McBride, LLC, 2013-044122  
Patrick McBride Company  
Patrick McBride

Marvin K. Jackson, 2013-011981 & 2013-005208

Marie A. McCaughan, 2013-035943  
EB's Drafting Services

Ghaby Jahchan, 2013-036071  
Consult 2 Build, Inc.

McMonigal Architects, 2014-003396  
Rosemary McMonigal

Peter Jefferson, 2013-037568

Becci Meier, 2014-000240  
Becci Meier Architectural Design Services

Mark Jenkins, 2014-002668

Carlos Melo, 2013-041540

Claudio A. Jofre, 2013-044205

Mikels Studio, 2013-037235

John Ashley, LLC, 2013-030002  
John A. Thurman

Charles C. Mitchell, 2013-005222 & 2013-011983

Thomas Everett Lamb Design & Development, Inc., 2013-017693  
Thomas E. Lamb

Jackie L. Morgan, 2013-029752  
PLANSBJACK

Mothe Design, Inc., 2013-048878  
Raquel Mothe

MQ Architecture & Design, 2014-003401  
Mark S. Queripel

MR Engineering Consultants, Inc., 2013-035654  
Rahimuddin Rahimi

Daniel R. Mueller, 2013-040487  
Lifestyle Design Studio

New ERA Design& Construction, 2013-036989  
Eloy Leon

New Smyrna Beach Construction Company  
Ricky Joe Schrader, 2013-035061

Enrique Norten, 2014-000300  
TEN Arquitectos

Nuvision Design, Inc., 2014-000224  
Steven Shelden

Omega Design Architecture, 2013-040085 & 2013-040094  
Luis Avila & Cristine Rosenhaim

PCM Homes Corp., 2013-037680  
Aleksandr Samurin

PM2 Planning Corp., 2013-026845  
Pedro Perez

Eduardo Poveda, 2013-035500  
Poveda Designs, Inc.

Tui Pranich, 2013-036472  
Tui Lifestyle, LLC

Mirko M. Restovic, 2013-037685

Carlos H. Reyes, 2013-045747  
Tillberg Design & Associates

Mark Vincent Richter, 2013-044086  
Richter Engineering, Inc.

Dagmar Rittenbacher, 2013-047376  
Creative Designs, LLC

Julio Alfredo Rodriguez, 2013-037245  
Concepts Architectural Group, LLC

Rodwin Architecture, 2014-003405  
Scott Rodwin

RSID, 2013-035145  
Laila F. Colvin

Gerry Saddler, 2013-047836  
Southern Home & Design

Seaside Builders, LLC, 2013-049959  
Patrick J. Whyte

Sheryl Bleustein Interiors, 2013-048891  
Sheryl Bleustein

Rafaela Simoes, 2013-035152

Smyrna Drafting Services, 2013-035070  
Earl Wallace

Split Rock Associates, 2013-034882  
Kathleen Comerford

Francis Stewart, 2014-005491

Richard R. Stout, 2013-047834  
IPC Services, Inc.

Sunrise Designs, Inc., 2013-034555  
Dawn J. Beeman

Luis S. Tenorio, 2012-049156

Tillberg Design International, 2013-043061  
Thomas Tillberg

Urbaniza Investments, 2013-034936  
Gladys Margarita Diaz Jourdain

Laura Valdes, 2014-001361

Dwayne White, 2014-000992  
White Ink Design

Wynn & Associates, 2013-037672  
Residential Design & Drafting  
Joseph Wynn

George Yabu, 2013-051329 & 2013-051327  
Glenn A. Pushelburg  
Yabu Pushelburg, Inc.

Debra L. Yates, 2013-047455  
Great Space, Inc.

A copy of the agenda may be obtained by contacting: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

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: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

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**DEPARTMENT OF ECONOMIC OPPORTUNITY**

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2014, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151. (850)487-2685.

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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151. (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151. (850)487-2685.

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**GULF CONSORTIUM**

The Gulf Consortium announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2014, 9:00 a.m. Central Time

PLACE: Beau Rivage Resort and Casino, 875 Beach Blvd., Biloxi, Mississippi

GENERAL SUBJECT MATTER TO BE CONSIDERED: It is anticipated that two or more members of the Consortium Board of Directors may attend the National Association of Counties, Gulf Coast State Counties and Parishes Caucus at Beau Rivage Resort and Casino in Biloxi, Mississippi. The members of the Caucus will discuss RESTORE Act implementation, Gulf Coast restoration, the National Flood Insurance Program, federal fishing quotas, BP oil claims processes, Waters of the U.S., among other issues of interest to Gulf Coast counties and parishes and their citizens.

A copy of the agenda may be obtained by contacting: Ginger Delegal at (850)922-4300 [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com), or see [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 3 days before the workshop/meeting by contacting: Ginger Delegal at (850)922-4300 [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com), or see [www.FACRestore.com](http://www.FACRestore.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ginger Delegal at (850)922-4300, [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com), or see [www.FACRestore.com](http://www.FACRestore.com).

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**CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.**

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 13, 2014, 10:00 a.m.

PLACE: 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Executive Committee Meeting.

A copy of the agenda may be obtained by contacting: no agenda.

For more information, you may contact: Luana Kutz at (407)623-1070.

**OKEECHOBEE SOIL AND WATER CONSERVATION DISTRICT**

The Okeechobee Soil and Water Conservation District announces a public meeting to which all persons are invited.

**DATES AND TIME:** November 12, 2014, then first Wednesday of every month at 8:00 a.m.

**PLACE:** 200 NW 5th Street, Okeechobee, FL 34972

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business and discuss appointment of new Supervisor.

A copy of the agenda may be obtained by contacting: Audrey Kuipers at (863)763-3619, ext. 205.

**FLORIDA SPORTS FOUNDATION**

The Florida Sports Foundation GRANT COMMITTEE announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** November 4, 2014, 10:00 a.m.

**PLACE:** Conference Call Information: Call in Number: (888)670-3525, Participant Code: 6565780871, then #.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review and recommend funding for grants received by the October 10, 2014 deadline.

A copy of the agenda may be obtained by contacting: Lisa Osteen, Director of Marketing at losteen@flasports.com.

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

**Section VII**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board received the petition for declaratory statement from James R. Adams on September 30, 2014. The petition seeks the agency's opinion as to the applicability of Sections 489.105 and 489.113, Florida Statutes, as it applies to the petitioner.

The petitioner seeks a declaratory statement regarding whether he is exempt from licensure as defined in Sections 489.105 and 489.113, Florida Statutes. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395, or by email, Amanda.Wynn@myfloridalicense.com.

**DEPARTMENT OF FINANCIAL SERVICES**

Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from AvidXchange, Inc., on September 16, 2014. The petition seeks the agency's opinion as to the applicability of whether Petitioner's payment Platform services and related processing activities fall within Florida's money transmitting licensing statute Chapter 560, Florida Statutes, as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P. O. Box 8050, Tallahassee, Florida 32314-8050; (850)410-9889.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P. O. Box 8050, Tallahassee, Florida 32314-8050; (850)410-9889.

**Section VIII**

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

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

**NONE**

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

**NONE**

**Section IX**

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

**NONE**

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

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

VERNIS & BOWLING OF THE FLORIDA KEYS, P.A.

Notice of Public-Private Partnership Proposal

NOTICE OF PUBLIC-PRIVATE  
PARTNERSHIP PROPOSAL

PURSUANT TO FLORIDA STATUTE 287.05712, NOTICE IS HEREBY GIVEN THAT THE FLORIDA KEYS MOSQUITO CONTROL DISTRICT (“FKMCD”) HAS RECEIVED A PROPOSAL BY THE PRIVATE CORPORATION OXITEC. AS A RESULT OF THE PROPOSAL THE FKMCD IS CONSIDERING A PUBLIC-PRIVATE PARTNERSHIP.

The purpose of the partnership is to develop, pursuant to FDA rules, guidelines and subject to FDA oversight, a 1-year sterile mosquito rearing trial in Key Haven, Monroe County, together with a temporary insect rearing facility in the Marathon facilities of the FKMCD. The program is being developed to assist the FKMCD in combating specifically the Aedes aegypti mosquito. In accordance with Florida Statute 287.05712(4)(b), the FKMCD will accept other proposals for the same project. Other parties interested in submitting a proposal for a sterile mosquito program should submit such a proposal to the FKMCD, Purchasing Agent, 5224 College Road, Key West, FL 33040. Any questions regarding the proposal by interested parties should be directed to the Purchasing Agent at (305)292-7190 or via email at RLMiller@keysmosquito.org. Competing proposals must be submitted prior to November 3, 2014 at 5:00 p.m.

Section XII  
Miscellaneous

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

FSDB – Selection Results – General Contractor for Minor Projects

PUBLIC ANNOUNCEMENT OF THE GENERAL  
CONTRACTOR

FOR MINOR PROJECTS SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to enter into a continuing contract with the following firm:

STG Contracting Group

Project Name: General Contractor for Minor Projects

Respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

NOTICE OF CONSIDERATION OF CEMETERY BYLAWS

The State of Florida, Board of Funeral, Cemetery and Consumer Services, will address approval of the amended bylaws of the following cemetery(s) at the regular Board meeting to be held on November 6, 2014:

Royal Palm Memorial Gardens (West Palm Beach), Palms Woodlawn Funeral Home and Cemetery (Naranja), Woodlawn Park Cemetery North (Miami), Woodlawn Park Cemetery South (Miami), Woodlawn Park Cemetery West (Miami), Chapel Hill Cemetery (Orlando), Glen Haven Memorial Park (Winter Park), All Faiths Memorial Park (Casselberry), Oaklawn Memorial Park Cemetery & Funeral Home (Sanford), Garden of Memories (Tampa), Myrtle Hill Memorial Park (Tampa), Florida Hills Memorial Gardens (Spring Hill) and Sylvan Abbey Memorial Park (Clearwater).

A file pertaining to the above is available for public inspection and copying by any person at the Pepper Building, 111 W Madison Street, Suite 336, Tallahassee, Florida 32399. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 69K-6.003, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral, Cemetery and Consumer Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department at least fourteen (14) days prior to the meeting.

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DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-14-144

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-14-144 on October 2, 2014, in response to an application submitted by Conrad Hills Subdivision for covenant revitalization under Chapter 720, Part III, Florida Statutes.

DEO determined that the application did not meet the statutory requirements for covenant revitalization because the application did not contain the full text of proposed articles of incorporation and bylaws that were approved by the parcel owners per Sections 720.405(3) and 720.406(1)(a), Florida Statutes. Accordingly, DEO's Final Order denied the application for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or [Katie.Zimmer@DEO.MyFlorida.com](mailto:Katie.Zimmer@DEO.MyFlorida.com).

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Section XIII

Index to Rules Filed During Preceeding  
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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