

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-3.001	Definitions
5B-3.002	Purpose
5B-3.003	Requirements for the Interstate Movement of Nursery Stock and Other Plants and Plant Products
5B-3.0032	Requirements for the International Movement of Plants and Plant Products
5B-3.0035	Restrictions on Host Fruit of Fruit Flies
5B-3.0038	Quarantine Action

PURPOSE AND EFFECT: The purpose of this rulemaking is to update regulatory requirements for shipments entering Florida, to update the preferred host list of fruit flies, and to update list of pests, diseases, and organisms requiring immediate quarantine action on incoming shipments. The outcome of these revisions will allow the department to better protect Florida’s agricultural industries.

SUMMARY: This proposal is to update regulatory requirements; fruit fly host lists; quarantined pests, diseases, and organisms lists; referenced materials; and to correct grammar.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon past experiences with plant quarantine

and entry requirement activities of this nature. Additionally, no interested party submitted additional information regarding the economic impact.

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: 570.07(23), 581.031(1),(4),(5), FS.

LAW IMPLEMENTED: 570.07, 581.011, 581.031, (7), (9), (15), (19), (20), 581.101, 581.141, 581.182, 581.211, 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: Dr. Greg Hodges, (352)395-4627

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-3.001 Definitions and Purpose.

(1) For the purpose of this chapter, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

~~(a)(1)~~ Agricultural inspection station. An official inspection station operated by the department to assist in monitoring the intrastate and interstate movement of agricultural commodities.

~~(2) Club orders. Shipments of plant material directed through an organization or club which are consigned to their individual members or clients.~~

~~(b)(3)~~ House plants. Plants commonly known and recognized as house plants, grown or intended to be grown indoors which may be included as part of a passenger’s baggage or household effects.

~~(c)(4)~~ Interstate movement. Movement into Florida from another state, U.S. possession or territory.

~~(d)(5)~~ International movement. Movement into Florida from any country or area outside the United States.

~~(e)(6)~~ Shippers. The producer or firm where the pest-infested plant or plant products originated.

~~(f)(7)~~ Sugarcane. All species of the genus *Saccharum* and all species of its close relatives *Imperata*, *Miscanthidium*, *Miscanthus*, *Rapidium*, *Erianthus*, *Sorghum* and all hybrids, selections, varieties, or clones thereof.

(2) The purpose of this chapter is to prevent the introduction and subsequent dissemination of plant pests into Florida through the movement of nursery stock and other plants and plant products. This chapter provides for the regulation of nursery stock and other plants and plant products moving into Florida and establishes provisions for such

nursery stock and other plants and plant products to enter the state. Additional information can be obtained by writing to the Division of Plant Industry, P.O. Box 147100, Gainesville, Florida 32614-7100 or go to: <http://www.freshfromflorida/pi/contacts.html>.

Rulemaking Specific Authority 570.07(23), 581.031(1), (4), (5) FS. Law Implemented 570.07, 581.011, 581.031, 581.141, 581.182, 581.182, 581.211 FS. History—Repromulgated 12-31-74, Formerly 5B-3.01, Amended 3-16-92, 7-2-95, 4-1-97, 2-17-04.

5B-3.002 Purpose.

Rulemaking Specific Authority 570.07(23), 581.031(1), (4), (5) FS. Law Implemented 570.07, 570.32, 581.031, 581.141, 581.182, 581.211 FS. History— Repromulgated 12-31-74, Formerly 5B-3.02, Amended 3-16-92, 4-1-97, Repealed

5B-3.003 Requirements for the Interstate Movement of Nursery Stock and Other Plants and Plant Products.

Any person, nurseryman, stock dealer, agent, or plant broker doing business outside the State of Florida who desires to ship into this state nursery stock and other plants and plant products from any state, U.S. possession, territory, or district of the United States, shall comply with the following regulations:

(1) If shipping nursery stock, the nurseryman, stock dealer, agent, or plant broker must be registered with the department of agriculture of the state where such nursery stock originated and listed in that state's directory of registered or certified nurseries, agents, stock dealers, and plant brokers.

(2) For nursery stock, a valid certificate of inspection issued by the state of origin must be attached to and readily visible on each separate package, bundle, box, or shipment of nursery stock shipped into Florida. The certificate of inspection shall certify that the nursery stock is apparently free of plant pests and is in compliance with the rules of the department. ~~In club orders, one tag must be attached to each individual order and another to the package containing the individual orders.~~

(3) All commercial shipments of nursery stock or other plants and plant products entering ~~peninsula~~ Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department. Each shipment shall be accompanied with a bill of lading; or other ~~valid~~ documentation which contains; ~~at least~~, the following information:

- (a) Name and address of shipper or consignor;
- (b) Name and physical address of receiver or consignee;
- (c) Description of plants or plant products in shipment;
- (d) Place and state of origin;
- (e) Ultimate destination of shipment if different other than receiver or consignee.

(4) The bill of lading or other valid document and all attachments shall be in the English language; or shall have attached thereto an accurate English translation containing adequate information for examination of the product.

(5) An Interdiction Station Report of Plant and Plant Material in Transit, FDACS-08003, revised 5/10 6/03, as incorporated by reference in 5B-65.005, F.A.C., will be completed on any shipment of nursery stock or other plants or plant products entering Florida that is subject to additional inspection upon reaching its destination. ~~Report of Plant and Plant Material in Transit form, DACS 08003, revised 6/03 is supplied by the division for this purpose and is incorporated herein by reference. copies of DACS 08003, Report of Plant and Plant Material in Transit, may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P.O. Box 147100, Gainesville, Florida 32614-7100.~~

(6) No change.

(7) The movement of propagative parts of sugarcane into the State of Florida is prohibited unless accompanied by a special permit issued by the department. Sorghum seed is exempt from this requirement provided it is free from plant pests. A special permit may be requested by submitting to the Division at the address shown on the form completing an Application for Special Permit to Import Sugarcane, FDACS-08083, revised 9/16, which 6/03, and submitting it to the Division Director. Special Permit to Import Sugarcane, DACS 08083, is supplied by the division for this purpose and is incorporated herein by reference. The requester must be in compliance as outlined in FDACS 08344, Revised 9/16, Compliance Agreement Shipment of Propagative Parts of Sugarcane Into The State Of Florida, also incorporated herein by reference. A copy of the application Copies of An Application for Special Permit to Import Sugarcane, may be obtained from the Division of Plant Industry, P.O. Box 147100, Gainesville, Florida 32614 7100 via <http://www.flrules.org/Gateway/reference>. ~~Sorghum seed is exempt from this requirement provided it is apparently free from plant pests. A copy of the compliance agreement is available via <http://www.flrules.org/Gateway/reference>.~~

(8) It is unlawful for any person to introduce into this state from another state, territory, or ~~foreign~~ country any citrus plant or citrus plant product for propagation ~~therefrom~~ without a permit issued by the department, ~~unless specifically excluded by the rules of the department.~~ Any citrus plant, citrus plant products, or propagation introduced into the state from another state, territory, or country without a permit issued by the department, or any plants propagated thereafter from such materials are unlawful and shall be confiscated and destroyed as contraband pursuant to 581.182, Florida Statute.

No compensation shall be allowed for any plant, product, or propagation confiscated and destroyed pursuant to this section.

~~(9) A permit to bring citrus plants and citrus plant products into the state may be requested, by submitting to the Division at the address shown on the form, completing an Application to Introduce Citrus Plants and Citrus Plant Parts, FDACS-08084, revised 5/12, which is incorporated in Rule 5B-62.005, F.A.C. 6/03, and submitting it to the division director. Application to Introduce Citrus Plants and Citrus Plant Parts, DACS 08084, revised 6/03, is supplied by the division for this purpose and is incorporated herein by reference. Copies of Application to Introduce Citrus Plants and Citrus Plant Parts, may be obtained from the Division of Plant Industry, P.O. Box 147100, Gainesville, Florida 32614-7100. Any such citrus plant or citrus plant product or propagation therefrom introduced into the state from another state, territory, or foreign country without a permit issued by the department, or any plants propagated thereafter from such materials, are unlawful and declared to be contraband and shall be confiscated and destroyed. No compensation shall be allowed for any plant, product, or propagation confiscated and destroyed pursuant to this section.~~

Rulemaking Specific Authority 570.07(23), 581.031(1), (4), (5) FS. Law Implemented 581.031, 581.182 FS. History–New 3-16-92, Amended 7-2-95, 4-1-97, 6-12-00, 10-8-03,_____.

5B-3.0032 Requirements for the International Movement of Plants and Plant Products.

(1) All shipments of international ~~foreign~~ origin plants and plant products entering Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department.

(2) All shipments of international ~~foreign~~ origin plants and plant products shall be accompanied with a bill of lading, or other valid documentation which contains, at least, the following information:

- (a) Name and physical address of the shipper or consignor;
- (b) Name and physical address of receiver or consignee;
- (c) Description of plants or plant products in shipment;
- (d) Place and country of origin;
- (e) Ultimate destination of shipment if different ~~other~~ than receiver or consignee.

(3) The bill of lading or other valid document and all attachments shall be in the English language, or shall have attached thereto an accurate English translation containing adequate information for examination of the product.

(4) It shall be unlawful to ship plants and plant products into Florida which are in violation of Federal law, including restricted international ~~foreign~~ origin plants and plant products

that require treatment or the distribution is limited to specified states.

Rulemaking Specific Authority 570.07(23), 581.031(4) FS. Law Implemented 581.031(15), (19), (20) FS. History–New 4-1-97, Amended 10-8-03,_____.

5B-3.0035 Restrictions on Host Fruit of Fruit Flies.

All host fruit listed ~~in subsections (1) through (54)~~ below from an area infested with the fruit flies *Anastrepha* spp. (except *A. suspensa*), *Bactrocera* spp., *Dacus* spp., *Rhagoletis* spp. and *Ceratitis* spp. is prohibited entry into the State of Florida, unless accompanied by a certificate issued by an authorized representative of the USDA or the state of origin denoting the absence of fruit flies listed above, or having complied with a treatment established by the department or USDA to insure freedom from fruit flies. The following host list does not exclude from restriction any movement into Florida of other fruit or articles that may be infested. The purpose of the list is to provide information as to the preferred hosts of fruit flies which most commonly move in commerce.

- (1) *Actinidia chinensis* – kiwi fruit-
- (2) *Annona* spp. – soursop, cherimoya, pond-apple, and sugar-apple-
- (3) *Arenga pinnata* – sugar palm-
- (4) *Argania spinosa* – Argan tree, Morocco ironwood-
- (5) *Blighia sapida* – akee-
- (6) *Capsicum* spp. – peppers-
- (7) *Carica papaya* – papaya-
- (8) *Carissa macrocarpa* – carissa, Natal-plum-
- (9) *Casimiroa* spp. – white-sapote and other species of this genus-
- (10) *Chrysophyllum* spp. – star-apple and other species of this genus-
- (11) *Citrus* spp. – orange, grapefruit, tangerine, and other citrus relatives as defined in Rule 5B-63.001 ~~5B-46.001~~, F.A.C., above-
- 12 *Coffea canephora* (robusta coffee) or *Coffea* spp.
- ~~(13)(12)~~ *Coffea arabica* – coffee-
- ~~(14)(13)~~ *Cucumis* spp. – cucumber, muskmelon, melon, and other species of this genus-
- ~~(15)(14)~~ *Cydonia oblonga* – common guince-
- ~~(16)(15)~~ *Cyphomandra betacea* – tree tomato-
- ~~(17)(16)~~ *Dimocarpus longan* – longan-
- ~~(18)(17)~~ *Diospyros* spp. – Japanese and American persimmons and other species of this genus-
- ~~(19)(18)~~ *Dovyalis* spp. – Ceylon-gooseberry, kei-apple-
- ~~(20)(19)~~ *Eriobotrya japonica* – loquat-
- ~~(21)(20)~~ *Eugenia* spp. – Surinam cherry and other species of this genus-
- ~~(22)(21)~~ *Acca sellowiana* (~~=Feijoa sellowiana~~) – feijoa, pineapple guava-

- ~~(23)(22)~~ *Ficus carica* – fig-
- ~~(24)(23)~~ *Fortunella japonica* – kumquat-
- ~~(25)(24)~~ *Geoffroea decorticans* – chanar, Chilean palo verde-
- ~~(26)(25)~~ *Juglans* spp. – walnut with husk-
- ~~(27)(26)~~ *Litchi chinensis* – lychee-
- ~~(27)~~ *Lycopersicon esculentum* – tomato-
- (28) *Malpighia* spp. – Barbados cherry, West Indies cherry-
- (29) *Malus pumila* – apple-
- (30) *Mangifera indica* – mango-
- (31) *Manilkara zapota* – sapodilla-
- (32) *Mimusops elengi* – Spanish cherry-
- (33) *Murraya paniculata* – orange jasmine-
- (34) *Ochrosia elliptica* – kopsia, elliptic yellowwood-
- (35) *Olea europea* – olive-
- (36) *Opuntia* spp. – prickly pear-
- (37) *Passiflora edulis* – passion fruit-
- (38) *Persea americana* – avocado-
- (39) *Phoenix dactylifera* – date palm-
- (40) *Pouteria campechiana* – canistel-
- (41) *Pouteria sapota* – mamee, sapote-
- (42) *Prunus* spp. – peach, plum, apricot, cherry; and other stone fruit relatives-
- (43) *Psidium* spp. – common guava and cattley guava-
- (44) *Punica granatum* – pomegranate-
- (45) *Pyrus communis* – pear-
- ~~(46)~~ *Solanum esculentum* – tomato
- ~~(47)(46)~~ *Solanum melongena* var. *esculentum* – eggplant-
- ~~(48)(47)~~ *Spondias* spp. – hog plum, yellow mombin, red mombin, purple mombin, Spanish plum, jocote-
- ~~(49)(48)~~ *Syzygium* spp. – rose-apple, jambolan-plum, mountain apple-
- ~~(50)(49)~~ *Terminalia catappa* – tropical almond-
- ~~(51)(50)~~ *Thevetia peruviana* – yellow oleander-
- ~~(52)(51)~~ *Vaccinium angustifolium* (including *V. pennsylvanicum*) - lowbush blueberry-
- ~~(53)(52)~~ *Vaccinium corymbosum* (including *V. ashei* and *V. fuscatum atrocoecum*) - highbush blueberry-
- ~~(54)(53)~~ *Vitis* spp. – wine grape or European grape-
- ~~(55)(54)~~ Any other fruit which is known to be or found to be a host of any fruit flies listed above-

Rulemaking Specific Authority 570.07(23), 581.031(1), (4), (5) FS. Law Implemented 581.031 FS. History—New 7-2-95, Amended 10-8-03,_____.

5B-3.0038 Quarantine Action.

(1) ~~Plant pests not known to occur in the state of Florida. Proof of origin in the form of a certificate of origin or a legible way bill that identifies the number and type of commodity and point of origin of the plant or plant product and a document~~

~~showing compliance with a cooperative arrangement or a legible certificate of inspection, indicating pest freedom and compliance with applicable Florida entry requirements as established by law, rule, or order, shall accompany or be applied to each box, bundle or other container entering the state of Florida.~~ Plants and plant products which are not accompanied by proof of origin and a certificate of inspection ~~documentation~~ issued by a ~~recognized~~ state or country plant protection governmental agency indicating compliance with Florida regulations or are found to be infested or infected with, or exposed to a plant pest not known to be established in the state shall be subject to being refused entry, returned to the owner, quarantined, treated, or destroyed as specified by the department, ~~or destroyed or treated by an authorized representative of the department.~~ The destruction, quarantine, treatment, or return of a shipment shall be under the direction of an authorized representative of the department and at the expense of the owner. Payment to the department for such expense shall be required before shipping can resume. Pursuant to 581.031(7), Florida Statute, sShippers shall be immediately suspended from shipping into Florida when shipments of plants and plant products are found to be infested or infected with a plant pest not known to be established in the state, and the pest is determined to be potentially damaging to Florida agriculture. This suspension shall remain in effect until the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and the state of origin department of agriculture agree the problem has been resolved and that shipping may resume. An Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts, FDACS-08029, revised 9/16 04/08, will be completed on all shipments requiring regulatory action. ~~This agreement An Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts form, DACS 08029, revised 04/08, is supplied by the division for this purpose and is hereby adopted and incorporated herein by reference. A copy and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P.O. Box 147100, Gainesville, Florida 32614 7100 via http://www.flrules.org/Gateway/reference.~~ The following are examples of plant pests that would require immediate quarantine action:

- (a) Arthropods Insects:
 - 1. *Agrilus planipennis* - emerald ash borer
 - ~~2. *Aceria litchii* - (currently in Hawaii; (Litchi mite))~~
 - ~~3. *Anoplophora* spp. - (Asian longhorned beetles)~~
 - 4. *Bactericerca cockerelli* - potato psyllid
 - 5. *Bactericerca nigricornis* complex - Old world potato psyllid
 - 6. *Bagrada hilaris* - bagrada bug
 - 7. *Biprorulus bibax* - (spined orange bug)-

- 8.4 *Bostrichidae* - Bostrichid beetles-
 9.5 *Brevipalpus chilensis* - (Chilean false red mite)-
 10.6 *Ceratovacuna lanigera* - (sugarcane woolly aphid)-
 11. *Epiphyas postvittana* - light brown apple moth
 12.7 *Eutetranychus orientalis orientalis* - (Oriental red mite)-
 13.8 *Exophthalmus* spp. - (Caribbean citrus weevils)-
 14. *Halyomorpha halys* - brown marmorated stink bug
 15.9 *Liriomyza huidobrensis* - (pea leaf miner)-
 16.40 *Liriomyza langei* - (pea leaf miner)-
 17. *Lobesia botrana* - European grapevine moth
 18.44 *Maconellicoccus hirsutus* - (pink mealybug)-
 19.42 *Metamasius* spp. - (Neotropical palm and bromeliad weevils)-
 20.43 *Musgraveia sulciventris* - (bronze orange bug)-
 21.44 *Myllocerus* spp. - (Asian weevils)-
 22.45 *Nasonovia ribisnigri* - (currant-lettuce aphid)-
 23.46 *Nephotettix* spp. - (green leafhoppers on rice)-
 24.47 *Nilaparvata lugens* - (brown plant hopper)-
 25.48 *Oxycaenus hyalinipennis* - (dusky cottonseed bug)-
 26.49 *Prymnotrypes* spp. - (Andean potato weevils)-
 27.20 *Rhagoletis mendax* - (blueberry maggot fly)-
 28. 24 *Rhynchophorus ferrugineus* - (red palm weevil)-
 29.22 *Rhynchophorus palmarum* - (giant palm weevil)-
 30.23 *Russelliana solanicola* - (a potato psyllid)-
 31.24 *Siphoninus phillyreae* - (ash whitefly)-
 32.25 *Trioza anceps* - (avocado psyllid)-
 33.26 *Trioza perseae* - (avocado psyllid)-
 34.27 *Trioza erytrae* - (African citrus psyllid)-
 35.28 *Tropilaelaps clareae* - (Tropilaelaps mite)-
 36. *Tuta absoluta* - tomato leaf miner

(b) Diseases-

1. Banana bunchy top virus

2.4 Chilli leaf curl virus-

3.2 Citrus chlorotic dwarf-

4.3 Citrus leprosis virus-

5.4 Citrus variegated chlorosis-

6.5 Citrus yellow mosaic virus-

7.6 Huanglongbing - (citrus greening disease) =

Candidatus Liberibacter asiaticus; Candidatus Liberibacter americanus; Candidatus Liberibacter africanus

8. Fiji disease of sugarcane

9. *Fusarium oxysporum*, esp. tropical race IV

10.7 *Phytophthora alni*-

11.8 *Phytophthora europea*-

12.9 *Phytophthora foliorum*-

13.40 *Phytophthora hedriandra*-

14.44 *Phytophthora kernoviae*-

15.42 *Phytophthora nemarosa*-

16.43 *Phytophthora pseudosyringae*-

17.44 *Phytophthora siskyouensis*-

18.45 *Phytophthora ramorum* - (sudden oak death)-

19.46 *Puccinia horiana* - (chrysanthemum white rust)-

20. *Ralstonia solanacearum* - blood disease of banana

21.47 *Septoria citri*-

22.48 Sugarcane bacilliform badnavirus-

23.49 Sugarcane yellowleaf syndrome-

24.20 Tomato chlorosis virus-

25.24 Tomato infectious chlorosis virus-

26.22 Tomato leaf curl New Delhi virus-

27.23 Tomato marchitez virus-

28.24 Tomato severe leaf curl virus-

29.25 Tomato torrado virus-

30.26 Tomato yellow leaf curl virus - China, Seychelles, and & Indonesia strains-

31.27 Tomato yellow vein streak-

28. ~~*Xanthomonas axonopodis* pv. *Citri*~~ (citrus canker)-

(c) Mollusks-

1. *Achatina* spp. - (giant African land snail and others)-

2. *Archachatina marginata* - (banana rasp snail)-

3. *Cryptomphalus* spp. - (brown garden snail and others)-

4. *Megalobulimus oblongus* - (giant South American snail)-

5. *Theba pisana* - (white garden snail)-

(d) Nematodes-

1. *Anguina tritici* - (wheat gall nematode)-

2. *Bursaphelenchus cocophilus* - (red ring nematode)

3. *Ditylenchus destructor* - (potato rot nematode)-

4. *Ditylenchus dispaci* - (bud and stem nematode)-

5. ~~*Globodera* spp. *rostochiensis* and *G. Pallida*~~ - (potato cyst nematode)-

6. *Hemicycliophora arenaria* - (citrus sheath nematode)-

7. *Heterodera carotae* - (carrot cyst nematode)-

8. *Heterodera cruciferae* - (cabbage cyst nematode)-

9. *Heterodera goettingiana* - (pea cyst nematode)-

10. *Heterodera zae* - (corn cyst nematode)-

11. *Hoplolaimus columbus* - (Columbia lance nematode)-

12. *Longidorus africanus* - (a needle nematode)-

13. *Longidorus belondriodes* - (a needle nematode)-

14. *Meloidogyne chitwoodi* - (Columbia root-knot nematode)-

15. *Meloidogyne citri* - (a citrus root-knot nematode)-

16. *Meloidogyne fujianensis* - (citrus root-knot nematode)-

17. *Meloidogyne naasi* - (cereal root-knot nematode)-

18. *Nacobbus aberrans* - (false root-knot nematode)-

19. *Pratylenchus convallariae* - (a lesion nematode)-

20. *Pratylenchus crenatus* - (a lesion nematode)-

21. *Pratylenchus goodeyi* - (a lesion nematode)-

22. *Xiphinema brevicolle* - (a dagger nematode)-

23. *Xiphinema bricolensis* - (a dagger nematode)-

24. *Xiphinema californicum* - (a dagger nematode)-

25. *Xiphinema diversicaudatum* - (a dagger nematode)-

- 26. *Xiphinema index* - (California dagger nematode)-
- 27. *Xiphinema insigne* - (a dagger nematode)-
- 28. *Xiphinema vuittenezi* - (a dagger nematode)-
- 29. *Zygotylenchus* spp. - (a lesion nematode)-

(2) Plant pests of limited distribution in the State of Florida. Plants and plant products found infested or infected with or exposed to a plant pest of limited distribution in the state shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the department and released from quarantine. An Agreement for Treatment, Destruction, Forfeiture or Return of Plant and/or Plant Parts, FDACS-08029, revised 9/16, will be completed on all shipments requiring regulatory action. An Agreement for Chemical Treatment, DACS 08081, revised 04/08, may be required for plants and plant products requiring treatment. Agreement for Chemical Treatment form, DACS-08081, revised 04/08, is supplied by the division for this purpose and is hereby adopted and incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P.O. Box 147100, Gainesville, Florida 32614 7100. The following are examples of plant pests that would require immediate quarantine action:

(a) Arthropods Insects-

- 1. *Aleurodicus rugioperculatus* - gumbo limbo whitefly
- ~~2.4~~ *Aulacaspis yasumatsui* - (Asian cycad scale)
- ~~3.2~~ *Diaphorina citri* - (Asian citrus psyllid)-
- ~~4.3~~ *Diaprepes abbreviatus* - (diaprepes root weevil)-
- 5. *Duponchelia fovealis* - European pepper moth
- ~~6.4~~ *Maconellicoccus hirsutus* - (pink mealybug)-
- ~~7.5~~ *Metamasius callizona* - (bromeliad weevil)-
- ~~8.6~~ *Metamasius hemipterus* - (palm and sugarcane weevil)-
- ~~9.7~~ *Morganella longispina* - (plumose scale) (scale insect)-
- ~~10.8~~ *Myllocerus undecimpustulatus undatus* - (weevil)-
- 11. *Nipaecoccus viridis* - Lebeck mealybug
- 12. *Noctua pronuba* - large yellow underwing
- ~~13.9~~ *Oligonychus persae* - (avocado mite)-
- ~~14.40~~ *Opuntiaspis* spp. - (scale insect)-
- ~~15.44~~ *Paratachardina pseudolobata lobata* - (lobate lac scale)-
- ~~16.42~~ *Parlatoria ziziphi* - (black parlatoria scale)-
- 17. *Phalacrocooccus howertoni* - Howerton's scale
- ~~18.43~~ *Philephedra* spp. - (scale insect)-
- ~~19.44~~ *Phoenicococcus marlatti* - (red date scale)-
- ~~20.45~~ *Raoiella indica* - (red palm mite)-
- ~~21.46~~ *Singhiella simplex* - (figus whitefly)-
- ~~22.47~~ *Vinsonia stellifera* - (stellate scale)-
- ~~23.48~~ *Xyleborus glabratus* - (red bay ambrosia beetle)-

(b) Diseases-

- 1. *Agrobacterium tumefaciens* - (crown gall)-
- 2. Cucumber green mottle mosaic virus-
- 3. Cucurbit leaf crumple begemovirus-
- 4. Cucurbit yellow stunting disorder crinivirus-
- 5. *Guignardia citricarpa* - citrus black spot
- 6. *Huanglongbing* - citrus greening
- ~~7.5~~ Lethal yellowing of palms-
- ~~8.6~~ Pepino mosaic virus-
- ~~9.7~~ *Phomopsis gardeniae* - (gardenia canker)-
- ~~10.8~~ *Phytophthora tropicalis*-
- ~~11.9~~ *Puccinia pelargonii* - zonalis - (geranium rust)-
- ~~12.40~~ *Sphaceloma poinsettiae* - (poinsettia scab)-
- ~~13.44~~ Texas phoenix palm decline phytoplasma-
- ~~14.42~~ Tomato yellow leaf curl viruses - (all in the complex)-

15. *Xanthomonas axonopodis* pv. citri - citrus canker

(c) Mollusks (snails)-

- 1. *Otala lactea* - (milk snail)-
- 2. *Zachrysis provisoria* - (Cuban land snail)-

(d) Nematodes-

- 1. *Meloidogyne enterlobii* - Guava root-knot nematode
- 2. *Tylenchulus semipenetrans* - a citrus nematode

(3) Common Plant Pests. All nursery stock and other plants and plant products found infested or infected with a common plant pest shall be subject to immediate quarantine action when the population of the plant pest is adversely affecting the plant or plant product. The plant or plant product will not be eligible for certification until treated as prescribed by the department and released from quarantine. An Agreement for Treatment, Destruction, Forfeiture, or Return of Plants and/or Plant Parts, FDACS-08029, revised 9/16, will be completed on all shipments requiring regulatory action. An Agreement for Chemical Treatment, DACS-08081, revised 04/08, may be required for plants and plant products requiring treatment.

Rulemaking Specific Authority 570.07(23), 581.031(4), 581.101 FS. Law Implemented 581.031(7), (9), ~~581.083~~, 581.101 FS. History- New 4-1-97, Amended 6-12-00, 10-8-03, 9-24-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Dr. Trevor Smith; (352)395-4628

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

September 23, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:

Issue 42/188; 09/27/2016

Section III
Notice of Changes, Corrections and
Withdrawals

FISH AND WILDLIFE CONSERVATION
COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-9.002 Permits to Take Wildlife or Freshwater Fish
for Justifiable Purposes

NOTICE OF PUBLIC HEARING

The Florida Fish and Wildlife Conservation Commission
announces a corrected hearing regarding the above rule, as
noticed in Vol. 42 No. 64, April 1, 2016 Florida
Administrative Register.

DATES AND TIMES: November 16-17, 2016, 8:30 a.m. each
day

PLACE: University of South Florida Student Center, 200 6th
Avenue South, St. Petersburg Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Public hearing on amendments to the above rules. A Notice of
Proposed Rule for each of these rules was published in the
FAR on January 13, 2016 (Vol. 42, No. 08).

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).

FISH AND WILDLIFE CONSERVATION
COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-12.004 Possession or Sale of Birds or Mammals;
Taxidermy Operations and Mounting
Requirements

NOTICE OF PUBLIC HEARING

The Florida Fish and Wildlife Conservation Commission
announces a corrected hearing regarding the above rule, as
noticed in Vol. 42 No. 64, April 1, 2016 Florida
Administrative Register.

DATES AND TIMES: November 16-17, 2016, 8:30 a.m. each
day

PLACE: University of South Florida Student Center, 200 6th
Avenue South, St. Petersburg Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Public hearing on amendments to the above rules. A Notice of

Proposed Rule for each of these rules was published in the
FAR on January 13, 2016 (Vol. 42, No. 08).

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).

FISH AND WILDLIFE CONSERVATION
COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-16.003 Non-listed Inactive Migratory Bird Nests
NOTICE OF PUBLIC HEARING

The Florida Fish and Wildlife Conservation Commission
announces a corrected hearing regarding the above rule, as
noticed in Vol. 42 No. 64, April 1, 2016 Florida
Administrative Register.

DATES AND TIMES: November 16-17, 2016, 8:30 a.m. each
day

PLACE: University of South Florida Student Center, 200 6th
Avenue South, St. Petersburg Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Public hearing on amendments to the above rules. A Notice of
Proposed Rule for each of these rules was published in the
FAR on January 13, 2016 (Vol. 42, No. 08).

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
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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).

FISH AND WILDLIFE CONSERVATION
COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-25.002 General Provisions for Taking Possession
and Sale of Reptiles

NOTICE OF PUBLIC HEARING

The Florida Fish and Wildlife Conservation Commission
announces a corrected hearing regarding the above rule, as
noticed in Vol. 42 No. 64, April 1, 2016 Florida
Administrative Register.

DATES AND TIMES: November 16-17, 2016, 8:30 a.m. each
day

PLACE: University of South Florida Student Center, 200 6th Avenue South, St. Petersburg Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the above rules. A Notice of Proposed Rule for each of these rules was published in the FAR on January 13, 2016 (Vol. 42, No. 08).

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).

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-26.002 RULE TITLE: Regulations Relating to the Taking of Amphibians

NOTICE OF PUBLIC HEARING

The Florida Fish and Wildlife Conservation Commission announces a corrected hearing regarding the above rule, as noticed in Vol. 42 No. 64, April 1, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016, 8:30 a.m. each day

PLACE: University of South Florida Student Center, 200 6th Avenue South, St. Petersburg Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the above rules. A Notice of Proposed Rule for each of these rules was published in the FAR on January 13, 2016 (Vol. 42, No. 08).

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).

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-27.0012	Procedures for Listing and Removing Species from Florida's Endangered and Threatened Species List
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits
68A-27.007	Permits and Authorizations for the Take of Florida Endangered and Threatened Species

NOTICE OF PUBLIC HEARING

The Florida Fish and Wildlife Conservation Commission announces a corrected hearing regarding the above rule, as noticed in Vol. 42 No. 64, April 1, 2016 Florida Administrative Register.

DATES AND TIMES: November 16-17, 2016, 8:30 a.m. each day

PLACE: University of South Florida Student Center, 200 6th Avenue South, St. Petersburg Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the above rules. A Notice of Proposed Rule for each of these rules was published in the FAR on January 13, 2016 (Vol. 42, No. 08).

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).

**Section IV
Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5JER16-1 RULE TITLE: Volatility Standards for Gasoline

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: As a result of the effects on the supply and distribution of fuel following an incident in Alabama requiring Colonial Pipeline to shut down Pipeline #1, which routes gasoline to the east coast, extreme and unusual circumstances exist that will prevent the distribution of an adequate fuel supply to consumers in specified Florida counties. Several other southeastern states have issued similar fuel volatility waivers. Pursuant to these actions by the other southeastern states, and following the adoption of this emergency rule,

waiving certain volatility standards in specified Florida counties will allow for adequate and rapid distribution of available fuel, helping to stabilize the fuel market in the specified counties, thus protecting the welfare of Florida consumers in these counties. Specifically, the affected counties in Florida are Escambia, Jackson, Leon, and Okaloosa.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule was initiated at the request of fuel suppliers in order to more adequately meet the fuel needs of Florida consumers in these specified counties, as a result of current fuel shortages created by an incident in Alabama requiring Colonial Pipeline to shut down Pipeline #1, which routes gasoline to the east coast. This emergency rule will help alleviate present distribution difficulties and shortages of motor fuel resulting from this event to provide relief to affected areas in Florida.

SUMMARY: This emergency rule allows for the retail distribution and sale of gasoline of a different volatility class than adopted in ASTM International designation D4814-13a as adopted in Rule 5J-21.001, F.A.C., for the period beginning October 4, 2016, through October 31, 2016, in Escambia, Jackson, Leon, and Okaloosa counties in Florida. The specific standards affected are indicated below.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Richard Kimsey, Chief, Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE EMERGENCY RULE IS:

5JER16-1 Volatility Standards for Gasoline

(1) Volatility Class D-4 fuels as specified in ASTM International designation D4814-13a, shall be allowed for the time period from October 4, 2016, through October 31, 2016, for retail distribution and sale in Escambia, Jackson, Leon, and Okaloosa counties.

Rulemaking Authority 525.037, 525.14, 570.07(23) FS. Law Implemented 525.01, 525.037, 525.14 FS. History – New 10/4/2016.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION
Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On September 26, 2016 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Commercial Kitchen Fort Myers LLC located in Fort Myers. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

The Petition for this variance was published in Vol. 42, No. 188, F.A.R., on September 27, 2016. The Order for this Petition was signed and approved on October 4, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Salon Centric (11770-B Metro Parkway Fort Myers, FL 33966), are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Commercial Kitchen Fort Myers LLC and/or Salon Centric changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

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

On September 30, 2016, the Department received a request withdrawing the Petition for variance from Florida A&M University, filed June 30, 2016, and advertised on July 6, 2016

in Vol. 42, No. 130, of the Florida Administrative Register. The Petition for variance requested a variance from ASME A17.1, Sections 2.4.1.5, 2.15.9.2, 2.4.6.2(c), and 2.10.2.1, as adopted by subsection 61C-5.001(1), Florida Administrative Code, to request the use of a folding car top rail and retractable toe guard for the existing 4 foot deep pit. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW2016-156).

A copy of the Order or additional information may be obtained by contacting: Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, chr.elevators@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on June 7, 2016, by Linda Aurora Lovato. The Notice of Petition for Waiver or Variance was published in Vol. 42, No. 116, of the June 15, 2016 Florida Administrative Register. Petitioner sought a variance or waiver of Rule 64B7-25.001, F.A.C. The Board considered the instant Petition at a duly-noticed public meeting held on July 29, 2016, in St. Petersburg, Florida.

The Board's Order, filed on September 19, 2016, denied the petition, finding that the Board cannot approve examinations that do not meet the standards of Section 456.017(1)(c), F.S. The petition seeks a waiver of the statutory requirements regarding licensure examinations and the Board cannot grant variances from or waive provisions of statute.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4162, Kama.Monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on June 28, 2016, by Patricia Pape. The Notice of Petition for Waiver or Variance was published in Vol. 42, No. 132, of the July 8, 2016, Florida Administrative Register. Petitioner sought a variance or waiver of Rule 64B7-25, F.A.C., and Section 480.041, F.S. The Board considered the instant Petition at a duly-noticed public meeting held on July 29, 2016, in St. Petersburg, Florida.

The Board's Order, filed on September 20, 2016, found that the Board does not have the authority to waive or grant a variance from Section 480.041, F.S. and the applicant does not

require a variance or waiver to meet the minimum licensure requirements in Florida and therefore denies the petition.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4162, Kama.Monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on June 29, 2016, by Dong Geer. The Notice of Petition for Waiver or Variance was published in Vol. 42, No. 132, of the July 8, 2016, Florida Administrative Register. Petitioner sought a variance or waiver of paragraph 64B7-32.003(1)(b), F.A.C., regarding the minimum requirements for board-approved massage schools. The Board considered the instant Petition at a duly-noticed public meeting held on July 29, 2016, in St. Petersburg, Florida.

The Board's Order, filed on September 20, 2016, found that the applicant does not require a variance or waiver to meet the minimum licensure requirements in Florida and therefore denies the petition.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4162, Kama.Monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on January 14, 2016, by Staci Jean McSweeney. The Notice of Petition for Waiver or Variance was published in Vol. 42, No. 14, of the January 22, 2016 Florida Administrative Register. Petitioner sought a variance or waiver of the completion of a course of study at a board-approved massage school or completion of an apprenticeship program that meets standards adopted by the Board. The Board considered the instant Petition at a duly-noticed public meeting held on March 17, 2016, by telephone conference call.

The Board's Order, filed on May 16, 2016, denies the petition stating that the Board found that the petition was not in substantial compliance with the provisions of Section 120.542, F.S., and Chapter 28-104, F.A.C., and the Petitioner has not met the purpose of the underlying statute. Additionally, the Board has no authority to waive the requirements of statutes.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4162, Kama.Monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

The Board of Massage Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on June 22, 2016, by Staci J. McSweeney. The Notice of Petition for Waiver or Variance was published in Vol. 42, No. 131, of the July 7, 2016, Florida Administrative Register. Petitioner sought a variance or waiver of Rule 64B7-32.002, F.A.C., regarding the requirements for proof of graduation, and Rule 64B7-32.003, F.A.C., regarding minimum requirements for board-approved massage schools. The Board considered the instant Petition at a duly-noticed public meeting held on July 29, 2016, in St. Petersburg, Florida.

The Board's Order, filed on September 20, 2016, grants the petition and accepts the transcript submitted by Petitioner. The Board found that the petition was in substantial compliance with the provisions of Section 120.542, F.S., and Chapter 28-104, F.A.C., and that application of the rule to Petitioner would impose a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4162, Kama.Monroe@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

The Board of Medicine hereby gives notice: that the Petition for Waiver filed by Shamsul Alam, M.D., on September 7, 2016, has been withdrawn upon request of the Petitioner. The Petition, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., was published in Volume 42, No. 175, of the Florida Administrative Register, on September 8, 2016. The person to be contacted regarding this Petition is: Claudia Kemp, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

The Board of Medicine hereby gives notice: that the Petition for Waiver filed by Jagadamma Nair, M.D., on July 27, 2016,

has been withdrawn upon request of the Petitioner. The Petition, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., was published in Volume 42, No. 150, of the Florida Administrative Register, on August 3, 2016. The person to be contacted regarding this Petition is: Claudia Kemp, J.D., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:RULE TITLES:

64E-16.002 Definitions

64E-16.004 Storage and Containment

NOTICE IS HEREBY GIVEN that on September 23, 2016, the Department of Health received a petition for variance from Florida Administrative Code subsection 64E-16.002(24), subparagraph 64E-16.004(2)(d)(3), and paragraph 64E-16.004(2)(a), from Teri Donaldson, Petitioner, on behalf of Stericycle, Inc. These rules prescribe a definition of a sharps container; procedure for emptying reusable sharps containers; and standards for packages of biomedical waste. The Petitioner requests a variance from the rules to allow the Petitioner to consolidate the contents of smaller reusable sharps containers into larger reusable sharps containers for transportation to a permitted treatment facility. Comments on this petition should be filed with Shannon Revels, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jenelle Williams, Bureau of Environmental Health, Facility Programs Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4444, ext. 2632.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-16.007 Treatment

The Department of Health hereby gives notice: THAT ON September 28, 2016, the Department of Health filed an Order disposing of a petition for variance from the requirements of paragraph 64E-16.007(4)(j), of the Florida Administrative Code, which prescribes a procedure for conducting routine efficacy testing. The petition filed by Samuel P. Vitello on behalf of Positive Impact Waste Solutions, LLC, was filed with the Department on September 28, 2016, and noticed in the F.A.R. on June 3, 2015 in Vol. 41, No. 107. The Department determined that the Petitioner was able to demonstrate that the underlying statute will have been achieved or has been achieved by other means and that application of the rules would violate the principals of

fairness. Therefore, the petition for permanent variance is GRANTED.

A copy of the Order or additional information may be obtained by contacting: Shannon Revels, Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, (850)245-4005.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

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

DATE AND TIME: Thursday, October 13, 2016, 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

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

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

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

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 18, 2016, 9:00 a.m. – 12:00 Noon

PLACE: Keystone Heights City Hall, 555 S Lawrence Blvd., Keystone Heights, FL 32656

GENERAL SUBJECT MATTER TO BE CONSIDERED: Keystone Heights Water Summit – hosted by the City of Keystone Heights City Council. The purpose of the summit is to bring key stakeholders and top decision makers, both elected and appointed, together to hear a presentation and to

discuss ideas and projects aimed to restore lake levels in the Keystone Heights area.

Note: This event may be attended by one or more members of the St. Johns River Water Management Governing Board.

A copy of the agenda may be obtained by contacting: City of Keystone Heights City Manager, Attention Scott Kornegay at kornegay@keystoneheights.us, 555 S Lawrence Blvd., Keystone Heights, FL 32656 or by phone at (352)473-4807.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 17, 2016, 12:00 Noon,

Loxahatchee River Preservation Initiative Meeting

PLACE: Jupiter Emergency Operations Center, 3133 Washington Street, Jupiter FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: Rod Braun at (561)682-2925 or rbraun@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Brenda Low at (561)682-6805. 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: Rod Braun at (561)682-2925 or rbraun@sfwmd.gov.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – Web IVIEWER Training announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATE/CANCELLATION)

Wednesday, October 5, 2016, 6:30 p.m.

This meeting has been cancelled as of Tuesday, October 4, 2016, due to Hurricane Matthew.

PLACE: Hilton West Palm Beach, 600 Okeechobee Boulevard, West Palm Beach, Florida 33401, (561)231-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board in pertaining to Antitrust and Go Travel training. Committee meetings may be cancelled prior to the meeting date. Please check the Board website at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block deadline is Friday, September 16, 2016.

A copy of the agenda may be obtained by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or calling (850)245-4137.

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: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or calling (850)245-4137. 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: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Credentials Committee announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATE/CANCELLATION) Thursday, October 6, 2016, 8:00 a.m.

This meeting has been cancelled as of Tuesday, October 4, 2016, due to Hurricane Matthew.

PLACE: Hilton West Palm Beach, 600 Okeechobee Boulevard, West Palm Beach, Florida 33401, (561)231-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board website at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block deadline is Friday, September 16, 2016.

A copy of the agenda may be obtained by contacting: Wendy Alls at wendy.alls@flhealth.gov or calling (850)245-4135.

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: Wendy Alls at wendy.alls@flhealth.gov or calling (850)245-4135. 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: Wendy Alls at wendy.alls@flhealth.gov or call (850)245-4135.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – Council on Physician Assistants announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATE/CANCELLATION) Thursday, October 6, 2016, 1:00 p.m.

This meeting has been cancelled as of Tuesday, October 4, 2016, due to Hurricane Matthew.

PLACE: Hilton West Palm Beach, 600 Okeechobee Boulevard, West Palm Beach, Florida 33401, (561)231-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board website at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block deadline is Friday, September 16, 2016.

A copy of the agenda may be obtained by contacting: Wendy Alls at wendy.alls@flhealth.gov or calling (850)245-4135.

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: Wendy Alls at wendy.alls@flhealth.gov or calling (850)245-4135. 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: Wendy Alls at wendy.alls@flhealth.gov or call (850)245-4135.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Rules/Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATE/CANCELLATION) Thursday, October 6, 2016, immediately following the Council on Physician Assistants Meeting.

This meeting has been cancelled as of Tuesday, October 4, 2016, due to Hurricane Matthew.

PLACE: Hilton West Palm Beach, 600 Okeechobee Boulevard, West Palm Beach, Florida 33401, (561)231-6000
GENERAL SUBJECT MATTER TO BE CONSIDERED:
 General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board website at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block deadline is Friday, September 16, 2016.

A copy of the agenda may be obtained by contacting: Crystal Sanford at crystal.sanford@flhealth.gov or calling (850)245-4132.

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: Crystal Sanford at crystal.sanford@flhealth.gov or calling (850)245-4132. 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: Crystal Sanford at crystal.sanford@flhealth.gov or call (850)245-4132.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – Full Board Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATE/CANCELLATION) Friday, October 7, 2016, 8:00 a.m.

This meeting has been cancelled as of Tuesday, October 4, 2016, due to Hurricane Matthew.

PLACE: Hilton West Palm Beach, 600 Okeechobee Boulevard, West Palm Beach, Florida 33401, (561)231-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 General business of the board. The Board of Medicine announces that certain committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board website at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block deadline is Friday, September 16, 2016.

A copy of the agenda may be obtained by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or calling (850)245-4137.

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: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or calling (850)245-4137. 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: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – Full Board Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: (UPDATE/CANCELLATION) Thursday, October 6, 2016, immediately following the Rules/Legislative Committee Meeting.

This meeting has been cancelled as of Tuesday, October 4, 2016, due to Hurricane Matthew.

PLACE: Hilton West Palm Beach, 600 Okeechobee Boulevard, West Palm Beach, Florida 33401, (561)231-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 General business of the board. The Board of Medicine announces that certain committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board website at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block deadline is Friday, September 16, 2016.

A copy of the agenda may be obtained by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or calling (850)245-4137.

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: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or calling (850)245-4137. 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: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Probable Cause Panel South announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 21, 2016, 2:30 p.m.

PLACE: Meet-Me number: 1(888)670-3525, participation code: 125-528-7056

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Sheila Autrey, (850)245-4444, ext. 8210, sheila.autrey@flhealth.gov. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sheila Autrey, (850)245-4444, ext. 8210, sheila.autrey@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Sheila Autrey, (850)245-4444, ext. 8210, sheila.autrey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Probable Cause Panel North announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 28, 2016, 2:30 p.m.

PLACE: Telephone conference Meet-Me number: 1(888)670-3525, participation code: 125-528-7056

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Jacoyia Hill at (850)245-4444, ext. 8215 or jacoyia.hill@flhealth.gov. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Jacoyia Hill at (850)245-4444, ext. 8215 or jacoyia.hill@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Jacoyia Hill at (850)245-4444, ext. 8215 or jacoyia.hill@flhealth.gov.

DEPARTMENT OF CHILDREN AND FAMILIES

Office on Homelessness

The Office on Homelessness announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 12, 2016, 10:00 a.m.

PLACE: Dial Toll free: 1(888)670-3525, Enter participant code: 701-539-8451#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The EXECUTIVE COMMITTEE and AFFORDABLE HOUSING COMMITTEE CALL: This conference call will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations regarding affordable housing to end homelessness in Florida.

A copy of the agenda may be obtained by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.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).

For more information, you may contact: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

The Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, Florida Statutes announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2016, 10:00 a.m.

PLACE: DoubleTree by Hilton Tampa Airport Westshore

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor has issued an Executive Order declaring a state

of emergency in every county of Florida due to the severity and magnitude of Hurricane Matthew. Accordingly, THIS MEETING HAS BEEN CANCELLED.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services
The Board of Funeral, Cemetery, and Consumer Services, operating under Chapter 497, Florida Statutes, announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 13, 2016, 10:00 a.m.
PLACE: The public may participate in the meeting by calling: (850)413-1558, conference code: 577150 or by attendance at the Pepper Building, Suite 320, 111 W Madison, Tallahassee FL, where Board staff will have a speaker phone connected to the teleconference by which the public can hear and address the Board.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applications for license; disciplinary actions; applications for approval of change in ownership or control of existing licenses; reports by staff; approval of minutes of prior meetings.

Any changes to the above meeting schedule will be published under the heading "Announcements," on the Division's webpage at www.myfloridacfo.com/Division/FuneralCemetery/.

A copy of the agenda may be obtained by contacting: LaTonya Bryant at (850)413-3039 at least 7 days before the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya Bryant at (850)413-3039. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

For more information, you may contact: LaTonya Bryant, LaTonya.Bryant@myfloridacfo.com, (850)413-3039.

BOARD OF GOVERNORS

The Board of Governors, State University System of Florida, announces a workshop to which all persons are invited.

DATES AND TIMES: October 17, 2016, 2:00 p.m. and October 18, 2016, 8:30 a.m.

PLACE: University of South Florida, Marshall Student Union Ballroom, 4103 USF Cedar Circle, Tampa, FL 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Governors' Committees on Innovation and Online, Budget and Finance, and Facilities will hold workshops on matters related to committee business.

A copy of the agenda may be obtained by contacting: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W.

Gaines St., Suite 1614, Tallahassee, FL 32399-0400, and a copy will be available at www.flbog.edu.

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: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400, (850)245-0466. 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: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400.

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 12, 2016, 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.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

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

DATE AND TIME: Monday, October 17, 2016, 4:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting of the Authority.

A copy of the agenda may be obtained by contacting: Christine Burren, cc@research-park.org.

KITTELSON & ASSOCIATES, INC.

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 17, 2016, 5:30 p.m. – 8:00 p.m.

The meeting will be an open house with a prerecorded video presentation shown throughout the evening.

PLACE: First Unitarian Church, Gore Hall, 1901 East Robinson Street, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 436394-1

Project Description: State Road (SR) 526 (Robinson Street) Corridor Planning Study from N. Hughey Avenue to Maguire Boulevard within the City of Orlando.

The Corridor Planning Study is being conducted in coordination with the City of Orlando to objectively evaluate possible improvements to the State Road (SR) 526 (Robinson Street) corridor. As Downtown Orlando continues to mature, Robinson Street is being asked to play many different roles. FDOT, along with the City of Orlando, is exploring strategies that can make it safer and more comfortable to travel along and across Robinson Street. Both potential short-term and long-term strategies will be considered as part of the Study.

The study team presented the results of the existing conditions analysis and the study's purpose and need at a November 2015 public meeting. Since then, the team has identified two sets of corridor-wide alternatives. This meeting is being conducted to present, discuss, and gather public input on the potential corridor improvement alternatives being considered. The meeting will be conducted as an open house and participants can attend any time between 5:30 p.m. and 8:00 p.m.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting: Jennifer Smith, FDOT District Five Title VI Coordinator by phone at (386)943-5367 or via email at Jennifer.Smith2@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: Jane Lim-Yap at (407)373-1113 or by e-mail to jlim-yap@kittelson.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jane Lim-Yap at (407)373-1113 or by e-mail to jlim-yap@kittelson.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).

For more information, you may contact: Persons desiring to submit written statements in place of or in addition to oral statements may do so at the meeting or by sending them to Heather Garcia, FDOT Planning Manager, 719 South Woodland Boulevard, DeLand, FL 32720 or by e-mail to heather.garcia@dot.state.fl.us.

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

DEPARTMENT OF CORRECTIONS

RULE NOS.:RULE TITLES:

- 33-601.713 Inmate Visiting - Definitions
- 33-601.714 Inmate Visiting - General
- 33-601.721 Visiting Operations

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has issued an order disposing of the petition for declaratory statement filed by Simei DaSilva, DC# L61630, on August 23, 2016. The following is a summary of the agency's disposition of the petition:

As an inmate of the Florida Department of Corrections, Simei DaSilva, DC# L61630, may only participate in administrative proceedings that are brought pursuant to Sections 120.54(3)(c) and (7), Florida Statutes. Pursuant to Section 120.81(3), Florida Statutes, the Petitioner lacks standing to bring a Petition for Declaratory Statement, and the Department lacks jurisdiction to issue a declaratory statement in this case.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Valerie Robinson, 501 South Calhoun Street, Tallahassee, Florida 32399, valerie.robinson@fdc.myflorida.com, (850)717-3605.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has

declined to rule on the petition for declaratory statement filed by Steven Jushchyshyn, In Re: G.B.S. Condominium Association, Inc., Docket No. 2016040030, on August 22, 2016. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a Declaratory Statement because it may not issue a statement on an issue that is not within its statutory authority; and may not use a statement as a vehicle for the adoption of broad agency policy or to provide statutory interpretations that apply to an entire class of persons. The order was filed with the Agency Clerk on October 3, 2016.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Danielle Walker, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-1030; (850)717-1539; Danielle.Walker@myfloridalicense.com.

**DEPARTMENT OF HEALTH
Board of Occupational Therapy**

Notice is hereby given that the Board of Occupational Therapy has received a Petition for Declaratory Statement filed by Antrelise Gantt on September 22, 2016. The Petitioner seeks a declaratory statement from the Board with regard to whether or not use of the Hivamat 200 is considered an electrical stimulation device, subject to Rule 64B11-4.001, F.A.C., and the appropriateness of its use by occupational therapists or occupational therapy assistants. The Board will consider the petition at its meeting currently scheduled for October 31, 2016. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. Copies of the petition may be obtained by writing: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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

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

NONE

Notice of Disposition of Petition for Administrative Determination has been filed 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**

**DEPARTMENT OF EDUCATION
DISTRICT BOARD OF TRUSTEES
MIAMI DADE COLLEGE
PUBLIC ANNOUNCEMENT
REGARDING SOLICITING QUALIFICATIONS**

Scope of Services: Pursuant to Sections 255.0525, 255.20 and 1013.45 Florida Statutes the District Board of Trustees of Miami Dade College (the “Board”) is soliciting applications for remodeling, renovation and selective restoration and preservation of the National Historic David W. Dyer U.S. Court House.

The Dyer Federal Courthouse Building sits across the Miami Dade College Wolfson Campus Building 1000 on NE 1st Avenue between NE 3rd Street and NE 4th Street. The Dyer Federal Courthouse Building was completed in 1933 in the Neo Classical Style with strong influences from the Mediterranean Revival Style. The building listed in the National Register of Historic Places in 1983. Dyer Federal Courthouse was originally designed by the firm of Phineas Paist and Harold Stewart, one of the premier architectural firms in Miami at the time.

The Dyer Court House Building is composed of a three story structure with a partial basement and a partial Mezzanine. The footprint of the Building is approximately 256’x228’ with approximately 171,500 GSF. The basement has an approximate area of 32, 500 GSF of which approximately 9,250 will be separated by a security wall to continue to serve the adjacent Atkins facility. The remaining 23,250 GSF will

be incorporated into the MDC Dyer Facility. The first level has approximately 56,500 GSF, the Mezzanine has approximately 7,500 GSF, the second level has approximately 46,000 GSF and the third level has approximately 29,000 GSF. The total approximate area to be remodeled/renovated for the MDC Dyer Project is approximately 162,250 GSF. The work shall include completion of the secure separation of Dyer from the Atkins Federal Building, new and separate utility systems including HVAC, Electrical including lighting/power and low voltage, IT, communications, security, and the disconnect and removal of the existing systems not designated to be reused. The installation of two new exit stairs and one elevator core if required within the building. The construction of a skylight system over the interior open courtyard. The renovation/remodel of approximately 162,250 GSF into classrooms, large event venues, library spaces, open student collaboration spaces, offices and other related college spaces including the structural modifications required to achieve the new program spaces. The repairs, cleaning and waterproofing of the exterior historical wall system. The repairs of the existing window. Any other work deemed to be required to achieve the MDC programs. The A/E and the CM selected will assist the MDC Wolfson Campus & Facilities Staff in developing the Educational Specifications and Facilities list for the programs to be housed at the Dyer Federal Courthouse Building.

Dyer Building Construction Budget

The initial Construction Budget for Phase II and Phase III of the Dyer Building is \$40,000,000.00

Application Packet: Interested parties can obtain application materials by visiting Miami Dade College Purchasing website at <http://www.mdc.edu/purchasing/bids.asp>

Please direct questions to:

Ramon S. Bristol Castrillon, MA, CPPO, FCCN
 Assistant Purchasing Director,
 Facilities/Plant Maintenance
 Tel: (305)237-0011
 Email: rbristol@mdc.edu

**Section XII
 Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication of 2016-2017 Annual Regulatory Plan
 NOTICE IS HEREBY GIVEN that on October 3, 2016, the Department of Highway Safety and Motor Vehicles published its 2016-2017 Annual Regulatory Plan in accordance with Section 120.74(2), Florida Statutes. The Annual Regulatory Plan is available on the Department of Highway Safety and

Motor Vehicles' website at
https://www.flhsmv.gov/pdf/ogc/annualregulatoryplan_2016_2017.pdf

SPACE FLORIDA

Space Florida Regulatory Plan Notice

The 2016-2017 Space Florida Regulatory Plan has been posted effective September 21, 2016 at the following link:
<http://www.spaceflorida.gov/about-us/regulatory-plan>

DEPARTMENT OF MANAGEMENT SERVICES

Notice of Publication of 2016-2017 Regulatory Plan

NOTICE IS HEREBY GIVEN that on October 3, 2016, The Public Employee's Relations Commission (PERC) published its 2016-2017 Regulatory Plan in accordance with Section 120.74(2), Florida Statutes. The Regulatory Plan is available on PERC's website at
http://perc.myflorida.com/annual_regulatory_plan_2016-2017.pdf

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

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