

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-18.004 Regional Training Areas

PURPOSE AND EFFECT: Updates the name of "Brevard Community College of Public Safety" to "Eastern Florida State College of Public Safety" and "Valencia Community College" to "Valencia College" at the request of the training schools, and removes the "Florida Department of Environmental Protection Office of Training and Professional Standards" training school because the Department no longer exists.

SUBJECT AREA TO BE ADDRESSED: Updates Commission-approved criminal justice training school names.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.25(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 24, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1055, Tallahassee, Florida 32308

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt at (850)410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.: RULE TITLES:

11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors

11B-20.0012 Denial and Discipline of Instructor Certification

11B-20.0013 Commission Instructor Certification Categories

11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification

11B-20.0017 Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: Paragraph 11B-20.001(2)(a): Revises the Instructor Certification Application form CJSTC-71 to add the new Criminal Justice Diving Certification category and removes the Law Topics Instructor Certification topic because the certification is no longer required to instruct Commission courses.

Subparagraph 11B-20.001(3)(a)3.a.: Revises the Instructor Competency Checklist form CJSTC-81 to add the new Criminal Justice Diving Instructor Certification category and deletes the Law Instructor Certification Category because the certification is no longer required to instruct Commission courses.

Subsections 11B-20.0012(1), 11B-20.0013(3), 11B-20.0014(3), 11B-20.0017(5), and paragraph 11B-20.0017(7)(d): Deletes the unnecessary word "topics," in the "Specialized Topics Instructor Certification" title and renames "Specialized Instructor Certification."

Paragraph 11B-20.0013(3)(a): Adds the new Criminal Justice Diving Instructor Certification category and removes the Law Topics Instructor Certification category because the certification is no longer required to instruct Commission courses.

Rule 11B-20.0014 (Rule Title): Deletes the unnecessary word "topics," in the Rule Title, and adds an "s" to the word "Certification" to reflect the multiple certifications in Rule 11B-20.0014.

Subparagraphs 11B-20.0014(3)(a)1.-4.: Adds the new Criminal Justice Diving Instructor Certification category and certification procedures for the new Underwater Police Science and Technology course.

Subparagraph 11B-20.0014(3)(a)4.: Old paragraph: Removes the Law Topics Instructor Certification because the certification is no longer required to instruct Commission courses.

Subparagraph 11B-20.0014(3)(b)4.: Revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10 to allow a training center director or designee to

approve the successful demonstration of a speed measurement device to assist the director in processing evaluations.

Subparagraph 11B-20.0014(3)(c)2.: Increases the number of years for canine team experience from three to five years for obtaining a Canine Team Instructor Certification to conform with the current curriculum.

Subparagraph 11B-20.0014(3)(c)3.: Updates the Canine Team Training Course and changes the course number from 1112 to 1198 to conform with current curriculum and updates a rule reference.

Subparagraph 11B-20.0014(3)(c)4.: Renames the "Canine Team Training course" to "Canine Team Training Instructor course" and adds the course number 1199.

Subparagraphs 11B-20.0014(3)(c)5.-8.: Creates the new Canine Team Instructor Performance Evaluation form CJSTC-20 for evaluating canine teams to conform with the current curriculum and renumbers the paragraphs.

Subsection 11B-20.0017(1): Updates the expiration dates for the original instructor certification, the instructor four-year anniversary date, and the instructor renewal deadline for instructional and continuing education requirements to conform with the current curriculum.

SUBJECT AREA TO BE ADDRESSED: Instructor Certification Application form CJSTC-71; Instructor Competency Checklist form CJSTC-81; Specialized Instructor Certification title; Criminal Justice Diving Instructor Certification; Law Topics Instructor Certification; revises Rule 11B-20.0014 Rule title; Criminal Justice Diving Instructor Certification category; Underwater Police Science and Technology course certification procedures; Speed Measurement Device Instructor Field Evaluation for CJSTC-10; required canine team experience; new Canine Team Training Course number; new Canine Team Training Instructor course; and instructor certification expiration, anniversary, and renewal dates.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 943.12(3), (9), 943.13(6), 943.14(3) FS.

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.:	RULE TITLE:
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification

PURPOSE AND EFFECT: Updates the Driving Range Facility and Equipment Requirements form CJSTC-202, to train students in slide recovery exercises in lieu of skid pad training, to conform with the current curriculum. Updates the Defensive Tactics Facility and Equipment Requirements form CJSTC-203, to add a set of flexible cuffs and removal tool to the defensive tactics training supplies list, to conform with the current curriculum.

SUBJECT AREA TO BE ADDRESSED: Driving Range Facility and Equipment Requirements form CJSTC-202 and Defensive Tactics Facility and Equipment Requirements form CJSTC-203.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (7), 943.14, 943.17(1)(g) FS.

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Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00211	Fingerprint Processing and Criminal Record Results
11B-27.004	Probable Cause Determination
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
11B-27.013	Canine Team Certification

PURPOSE AND EFFECT: Subsection 11B-27.0011(3): Clarifies the documents required for the Commission to consider reinstatement of a previously certified officer.

Subparagraphs 11B-27.0011(4)(c)14.a.-e.: Adds “Misuse of Electronic Databases” as a new officer violation because of increased officer violations.

Subparagraph 11B-27.002(3)(a)11.: Revises the Equivalency-of Training form CJSTC-76 to update the comparable training required in the new Florida Law Enforcement Academy program and to clarify the procedures for submitting form CJSTC-76 to Commission staff.

Paragraph 11B-27.00211(2)(a): Adds the name of Florida Department of Children and Families required to submit for processing an applicant’s fingerprints to FDLE.

Paragraph 11B-27.004(9)(e): Adds additional rule language to explain when a Letter of Acknowledgement shall not be issued to an officer.

Paragraphs 11B-27.005(1)(a)-(b): Deletes rule language that conflicts with subsection 11B-27.004(7) and Rule 11B-27.005, F.A.C., when issuing a Letter of Acknowledgement.

Subparagraph 11B-27.005(5)(c)3.: Revises the penalty range for “Misuse of Official Position,” from “suspension” to “suspension to revocation,” because this violation and penalty was originally used for “misuse of electronic databases.”

Subparagraph 11B-27.005(5)(c)13.: Adds the violation of “misuse of electronic databases” and the recommended penalty to correspond with the new moral character violation in subparagraph 11B-27.0011(4)(c)14., F.A.C.

Subparagraph 11B-27.005(5)(c)14.: Adds the violation of “Intentional Abuse of Temporary Employment Authorization” and the recommended penalty because of increased officer violations.

Subparagraph 11B-27.005(5)(c)15.: Adds the violation of “Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another...” and the recommended penalty because of increased officer violations.

Paragraphs 11B-27.013(1)(a), 11B-27.013(3)(a), Subsections 11B-27.013(5), (5)(a)-(c), 11B-27.013(6), and Paragraph 11B-27.013(6)(c): Revises the name of “Patrol Canine Team” to “canine team” throughout Rule 11B-27.013, F.A.C., to allow for expanded instruction in topics such as search and apprehensive, detection, and tracking and trailing.

Paragraph 11B-27.013(1)(b): Revises the “Patrol Canine Evaluator” to “Canine Evaluator” to allow for expanded instruction in the topics of search and apprehensive, detection, and tracking and trailing, revises the name of the “Proficiency Examination” to “Performance Evaluation” to be consistent with the name of other forms used for courses that require a performance evaluation, and updates the Canine Team Training course to conform with the current curriculum (the course hours increased from 400 to 480 hours, however, this course is not a Commission mandated certification and is an optional course for agencies), and updates a rule reference.

Subsection 11B-27.013(2): Revises the “Patrol Canine Team Certification” name to “Canine Team Certification” to allow for expanded instruction in the topics of search and apprehensive, detection, and tracking and trailing, and clarifies the procedures for a canine team to obtain equivalent canine training.

Subsection 11B-27.013(2): Revises the Canine Team Certification Application form CJSTC-70 to conform with the current curriculum.

Subparagraph 11B-27.013(3)(b)1.-2.: Requires completion of the updated Canine Team Training course prior to being a certified canine team.

Paragraph 11B-27.013(3)(c): Revises the procedures for completing the updated Canine Team Training course when the course is not delivered at a Commission-certified training school.

Paragraph 11B-27.013(3)(c): Creates the Canine Course Equivalency Checklist form CJSTC-70A to be completed by a Commission-approved evaluator when determining equivalent canine training to conform with the current curriculum.

Subparagraph 11B-27.013(3)(d)1.-4.: Revises the procedures for a Commission-approved evaluator to evaluate an equivalent canine training course to conform with the current curriculum.

Subparagraph 11B-27.013(3)(e): Reincorporates the Canine Team Performance Evaluation form CJSTC-83 from paragraphs 11B-27.013(3)(c) to (3)(e) and substantially rewrites the form by reformatting, clarifying the proficiency demonstrations, including an attestation for both the evaluators and applicant, includes additional training information, and revises the canine team performances to conform with the current curriculum.

Subparagraph 11B-27.013(3)(e)1.-7.: Updates the procedures for a Commission-approved canine team evaluator when documenting the training of a canine team to conform with the current curriculum.

Paragraph 11B-27.013(4)(a): Updates the Canine Team Certification renewal date to avoid processing renewals during the holiday months.

Paragraph 11B-27.013(4)(b): Deletes redundant form name references and updates the rule reference.

Paragraph 11B-27.013(4)(c): Clarifies the procedures for a canine team to apply for an expired canine team certification.

Paragraph 11B-27.013(5)(c): Revises the name of "Patrol Canine Team" to "canine team" throughout Rule 11B-27.013, F.A.C., to allow for expanded instruction in topics such as search and apprehensive, detection, and tracking and trailing and deletes unnecessary words.

Paragraph 11B-27.013(6)(b): Revises the Canine Team Certification Deficiency Notification Application form CJSTC-270 to require a canine team to complete the updated Canine Team Training course to conform with the current curriculum and updates referenced form names in form CJSTC-270.

Subsection 11B-27.013(7) & paragraph (7)(a): Makes grammatical revisions.

Paragraph 11B-27.013(7)(b): Decreases the number of canine teams from twelve to six for a canine team evaluator to instruct the updated Canine Team Training course to conform with the current curriculum.

Paragraph 11B-27.013(7)(c): Requires an officer to evaluate a minimum of twelve canine teams under the supervision of a Commission-approved evaluator prior to being approved by the Commission as a Canine Team Evaluator to conform with the current curriculum.

Paragraphs 11B-27.013(7)(d)-(f): Adds the words "canine team" to "evaluator applicant" for clarification and renumbers the paragraphs.

Paragraph 11B-27.013(7)(g): Updates to require a canine team evaluator to submit a request for evaluator status four years following the date the Commission previously approved the evaluator to conform with the current curriculum.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of a previously certified officer; misuse of electronic databases violation; Equivalency-of Training form CJSTC-76; private criminal justice facilities that contract with the Florida Department of Children and Families; Letter of Acknowledgement procedures; deletes conflicting rule language; "Misuse of Official Position" revised penalty; "Misuse of Electronic Databases" violation and penalty; "Intentional Abuse of Temporary Employment Authorization" violation and penalty; "Any willful and offensive exposure or exhibition of his or her sexual organs" violation and penalty; removes the word "patrol" in the names of "canine team," "canine evaluator," "performance evaluation," and "canine team certification"; Canine Team Training course and course instruction procedures; updates rule references; equivalent canine team training; Canine Team Certification Application form CJSTC-70; new canine team certification requirements; new Canine Course Equivalency Checklist form CJSTC-70A; Canine Team Performance Evaluation form CJSTC-83; canine team performance evaluation procedures; Canine Team Certification renewal dates; deletes redundant form name; procedures for expired Patrol Canine Team Certifications; Canine Team Certification Deficiency Notification Application form CJSTC-270; grammatical revisions; requirements to become a canine team evaluator; and new canine team training maintenance requirements.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.1395 FS.

LAW IMPLEMENTED: 943.12(3), 943.13, 943.13(7), (16), 943.133, 943.139, 943.1395, 943.1395(7), (8) FS.

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Criminal Justice Standards and Training Commission

RULE NOS.: RULE TITLES:

- 11B-30.006 State Officer Certification Examination General Eligibility Requirements
- 11B-30.007 Application for the State Officer Certification Examination and Notification Process
- 11B-30.008 State Officer Certification Examination Site Administration
- 11B-30.011 Examination Scoring and Grade Notification

PURPOSE AND EFFECT: Paragraph 11B-30.006(2)(b): Revises the Equivalency-of Training form CJSTC-76 to update the comparable training for the new Florida Law Enforcement Academy and clarifies the procedures for submitting form CJSTC-76 to Commission staff.

Subsection 11B-30.007(1): Updates the State Officer Certification Examination website to implement online Computer-Based Testing.

Paragraph 11B-30.008(1)(b): Removes the geographic requirement for computer labs used as test centers and allows training schools to set up test sites, regardless of whether the parent college has a test center to implement online Computer-Based Testing. (Not all college test centers are – or want to be

– a Pearson VUE test center. Several training centers also expressed their desire to operate their own test sites).

Rule 11B-30.011: Updates the examination scoring and grade notification to implement online Computer-Based Testing.

Rule 11B-30.011: Repeals the Applicant State Officer Certification Overall Test Results form CJSTC-516 because it is no longer needed due to the implementation Computer-Based Testing.

SUBJECT AREA TO BE ADDRESSED: Equivalency-of-Training form CJSTC-76; State Officer Certification Examination website; geographic requirement for computer labs; examination scoring and grade notification; and repeal of the Applicant State Officer Certification Overall Test Results form CJSTC-516.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (17) FS.

LAW IMPLEMENTED: 943.12(17), 943.131(2), 943.1397, 943.1397(1), (3) FS.

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RULE NOS.: RULE TITLES:

11B-35.001 General Training Programs; Requirements and Specifications

11B-35.0011 Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation

11B-35.0021 Courses and Requirements for Basic Recruit Training, Advanced, and Instructor Training Requiring Proficiency Demonstration

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and Instructor Training Courses Requiring Proficiency Demonstration

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training

11B-35.007 Specialized Training Program

11B-35.009 Exemption from Basic Recruit Training

PURPOSE AND EFFECT: Paragraph 11B-35.001(6)(a): Removes the requirement to provide printed copies of the Florida Statutes and Florida handbook on jury instructions because the resources are available online (the 2014 Curriculum will include links to these resources).

Subparagraph 11B-35.001(9)(d)1. and paragraph 11B-35.007(4)(i): Retires the 400-hour Canine Team Training Course number 1112 effective 11/6/13 and replaces with the updated 480-hour Canine Team Training Course number 1198 effective 11/7/13 (this course is not a Commission mandated certification and is optional for an agency to have its canine team complete the Canine Team Training Course).

Subsection 11B-35.001(10): Deletes the implementation phase of the Florida CMS Correctional Basic Recruit Training Program due to the completed implementation on July 1, 2012, and adds rule language to allow for implementation of the new Correctional Probation Basic Recruit Training Program in 2015.

Paragraph 11B-35.001(15)(b): Moves the Physical Fitness Assessment rule language in Rule 11B-35.0011(2), F.A.C., to paragraph 11B-35.001(15)(b), F.A.C., under Physical Fitness Assessment.

Subsection 11B-35.001(16): Makes grammatical revisions.

Rule 11B-35.0011: Revises the title to remove the correctional probation discipline (correctional probation officers are no longer required to take the Basic Abilities Test).

Paragraph 11B-35.0011(1)(i): Moves American with Disabilities Act rule language from paragraph 11B-35.0011(1)(i), F.A.C. to subsection 11B-35.0011(2), F.A.C.

Subsection 11B-35.0011(2): Moves rule language regarding the American with Disabilities Act in paragraph 11B-35.0011(1)(i), F.A.C. to subsection 11B-35.0011(2), F.A.C., and moves the Physical Fitness Assessment rule language from subsection 11B-35.0011(2), F.A.C., to paragraph 11B-35.001(15)(b), F.A.C., under Physical Fitness Assessment;

Subparagraphs 11B-35.002(1)(a)3. & 13.: Retires the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and replaces with the new Florida Law Enforcement Academy Program number 2000

Subsection 11B-35.002(3): Removes the word “sequencing” for instruction of a basic recruit training course because it conflicts with competency-based instruction in subsection 11B-35.001(12), F.A.C.

Paragraph 11B-35.002(5)(e): Retires the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, effective June 30, 2014

Subparagraphs 11B-35.002(5)(f)1.-18.: Adds the new Florida Law Enforcement Academy Program number 2000 to replace the retired Florida CMS Law Enforcement Basic Recruit Training Program number 1177, effective July 1, 2014

Paragraphs 11B-35.002(5)(g)-(h): Renumbers the rule paragraphs.

Subparagraph 11B-35.002(6)(f)3.: Retires the Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184, effective June 30, 2014, at the request of the Department of Corrections.

Subparagraph 11B-35.002(6)(f)4.: Clarifies the training required for a law enforcement officer to become a correctional probation officer.

Subparagraph 11B-35.002(6)(f)5.: Updates the paragraph number.

Rule 11B-35.0021: Adds “Specialized” to the title of Rule 11B-35.0021, F.A.C., to include Specialized Training Program Courses.

Subsection 11B-35.0021(1): Adds “Program” to the name of the “High-Liability Basic Recruit Training Program Courses” for consistency with other rule language.

Paragraph 11B-35.0021(4)(d): Adds the new Canine Team Training Instructor Course number 1199 to the Specialized Instructor Courses category.

Subsection 11B-35.0021(6): Adds the Specialized Training Program Courses category and new Canine Team Training Course number 1198.

Subsection 11B-35.0021(8): Adds the Specialized Training Program Courses category to require instructor to student ratios for instruction of proficiency skills for specialized training courses and rearranges the training programs in the order of the training programs in Rule 11B-35.0021(1)-(6), F.A.C.

Paragraph 11B-35.0021(7)(h): Adds the instructor to student ratio requirements for instruction of the new Underwater Police Science and Technology course number 077 for students actively engaged in water activities and adds the definition of “actively engaged.”

Paragraph 11B-35.0021(7)(i): Adds the instructor to student ratio requirements for instruction of the new Canine Team Training Course number 1198 for canine teams actively engaged in canine team patrol activities and adds the definition of “actively engaged.”

Paragraph 11B-35.0021(7)(j): Adds the instructor to student ratio requirements for instruction of the new Canine Team Training Instructor Course number 1199 for canine teams actively engaged in canine team patrol activities and adds the definition of “actively engaged.”

Subparagraph 11B-35.0024(3)(a)2.: Revises the CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS to allow the instructor to sign the evaluator’s name and initials for the first exercise and then draw an arrow through the remaining exercises to avoid repetitive signatures and initials, and revises the restrain device, Frisks and Searches, and Ground Escapes techniques to conform with the current curriculum.

Subparagraph 11B-35.0024(3)(g)2.: Revises the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS to update the performance requirements (added Tactical Backing Exercise; for Nighttime Emergency Reverse Serpentine, allows the sirens to be optional; and changes “Threshold Braking” to “Braking”) to conform with the current curriculum.

Subsection 11B-35.0024(4): Adds the Underwater Police Science and Technology course number 077, Canine Team Training Course number 1198, and Canine Team Training Instructor Course number 1199, that require demonstration of proficiency skills.

Subparagraph 11B-35.0024(4)(a)2.: Revises the DUI Traffic Stops Performance Evaluation form CJSTC-13 CMS, to include the Horizontal Gaze Nystagmus Test, Walk-and-Turn Test, and the One-Leg Stand Test to conform with the current curriculum.

Paragraph 11B-35.0024(4)(b): Revises the Speed Measurement Operator Performance Report form CJSTC-11, to allow the instructor, in addition to the training center director or designee, to approve successful completion of the

field practical portion of training to assist the training center director with processing performance reports.

Subparagraph 11B-35.0024(4)(c)2.: Revises the Speed Measurement Device Instructor Field Evaluation form CJSTC-10, to allow the training center director or designee to approve the successful demonstration of a speed measurement device to assist the training center director with processing the evaluations.

Paragraph 11B-35.0024(4)(j): Adds the required written end-of-course examination and demonstration of proficiency skills for the new Underwater Police Science and Technology course number 077.

Paragraph 11B-35.0024(4)(j): Creates the new Criminal Justice Diver Performance Evaluation form CJSTC-19 to record the Underwater Police Science and Technology performance evaluations to conform with the current curriculum.

Paragraph 11B-35.0024(4)(k): Substantially rewrites the Canine Performance Evaluation form CJSTC-83, by reformatting the form, clarifying the proficiency demonstrations, including an attestation for both the evaluators and applicant, adding additional training information, and revising the canine performance requirements to conform with the current curriculum.

Subparagraph 11B-35.0024(4)(l)1.: Adds the training requirements for successfully completing the new Canine Team Instructor Course number 1199.

Subparagraph 11B-35.0024(4)(l)2.: Creates the new Canine Team Instructor Performance Evaluation form CJSTC-20 for evaluating canine teams and provides the requirements for completing the Canine Team Training Course number 1199 to become a Canine Team Training Instructor to conform with the current curriculum.

Subsections 11B-35.003(8)-(9): Updates rule references.

Subparagraph 11B-35.007(2)(b)10.: Revises the Specialized Training Documentation form CJSTC-16 to correspond with the changes in subparagraph 11B-35.007(2)(b)9., F.A.C., i.e., reduces the minimum number of course hours from 4 to zero hours, and reduces the maximum hours of electives from 8 to 4 hours used for each forty hours of course instruction.

Paragraph 11B-35.007(3)(l): Retires the 40-hour Canine Team Training Instructor Course number 1107 effective 11/6/13, and adds the new 80-Canine Team Training Instructor course number 1199 effective 11/7/13.

Paragraph 11B-35.007(4)(i): Increases the number of hours for the Canine Team Training Course from 400 to 480 to reflect the actual number of hours required in the field to instruct the Canine Team Training Course and changes the course number from 1112 to 1198 – this course is not a Commission mandated certification and is optional for an agency to have its canine team complete the Canine Team Training Course.

Paragraph 11B-35.007(4)(ee): Adds the new STEP Course for Red Light Cameras number 1197 to the list of Specialized Training Program courses.

Paragraph 11B-35.009(3)(a): Updates the topics required for training comparable to the Florida Law Enforcement Academy program to conform with the current curriculum.

Paragraph 11B-35.009(3)(b): Updates the topics required for training comparable to the Florida CMS Correctional Basic Recruit Training Program to conform with the current curriculum.

Paragraph 11B-35.009(3)(c): Updates the topics required for training comparable to the Florida Correctional Probation Basic Recruit Training Program to conform with the current curriculum.

11B-35.009(5): Revises the Equivalency-of Training form CJSTC-76 to update the comparable training for the law enforcement, correctional, and correctional probation basic recruit training programs and to clarify the procedures for submitting form CJSTC-76 to Commission staff.

SUBJECT AREA TO BE ADDRESSED: New 2014 Florida Law Enforcement Academy Curriculum; retired Canine Team Training Course 1112; new Canine Team Training Course 1198; retired Florida CMS Correctional Basic Recruit Training Program; new Correctional Probation Basic Recruit Training Program for 2015; relocation of rule language regarding Physical Fitness Assessment; rule title renamed; retired Florida CMS Law Enforcement Basic Recruit Training Program 1177; new Florida Law Enforcement Academy Program 2000; instruction of basic recruit training course using competency-based instruction – removal of “sequencing”; retired Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program 1184; Training required for a law enforcement officer to become a correctional probation officer; training programs renamed; new Canine Team Training Instructor Course; new Specialized Training Program Courses category; Specialized Training Program Courses category; instructor to student ratio for instruction of proficiency skills for the new Underwater Police Science and Technology; instructor to student ratio for instruction of proficiency skills for the new Canine Team Training Course and Canine Team Training Instructor Course; CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS revisions; CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS revisions; demonstration of proficiency skills for the Underwater Police Science and Technology course, Canine Team Training Course, and Canine Team Training Instructor Course; DUI Traffic Stops Performance Evaluation form CJSTC-13 CMS revisions; Speed Measurement Operator Performance Report form CJSTC-11

revisions; Speed Measurement Device Instructor Field Evaluation for CJSTC-10 revisions; Underwater Police Science and Technology course procedures; new Criminal Justice Diver Performance Evaluation form CJSTC-19; Canine Performance Evaluation form CJSTC-83 revisions; Canine Team Instructor Course training requirements; new Canine Team Instructor Performance Evaluation form CJSTC-20; Specialized Training Documentation form CJSTC-16 revisions; retired Canine Team Training Instructor Course 1107; new Canine Team Training Instructor Course 1199; new STEP Course for Red Light Cameras; new Florida Law Enforcement Academy program; correctional officer training exemption topics updates; correctional probation officer training exemption topics updates; Equivalency-of-Training form CJSTC-76 revisions; and housekeeping revisions - grammatical revisions and update of paragraph numbers.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17(1)(a), 943.17, 943.175, 943.25 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 24, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1055, Tallahassee, Florida 32308

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: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:
11C-4.003 Arrest Fingerprint Card Submission
PURPOSE AND EFFECT: Amendment to Rule 11C-4.003, F.A.C., conforms to a 2013 legislative change requiring the electronic submission of palm prints and facial images (mug shots) by local law enforcement agencies sending arrest information to FDLE.

SUBJECT AREA TO BE ADDRESSED: Electronic submission of palm prints and facial images along with arrest fingerprint records to the state criminal history repository at the Florida Department of Law Enforcement.

RULEMAKING AUTHORITY: 943.03(4), 943.05(2)(d) FS.

LAW IMPLEMENTED: 943.05 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 24, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1032, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Itzin at (850)410-7110 or jeanitzin@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jean Itzin at (850)410-7110 or jeanitzin@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308

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DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:
11C-6.004 Procedures for Requesting Criminal History Records

PURPOSE AND EFFECT: Rule 11C-6.004, F.A.C., is amended to comply with recent legislation requiring FDLE to provide for methods of payment of criminal history record fees.

SUBJECT AREA TO BE ADDRESSED: Methods of payment for criminal history record fees.

RULEMAKING AUTHORITY: 943.03(4) FS.

LAW IMPLEMENTED: 943.053, 943.0542 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 24, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1032, Tallahassee, Florida 32308

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: Timothy Giesecke at (850)410-8113 or timothygiesecke@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Giesecke at (850)410-8113 or timothygiesecke@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:
 11C-7.009 Procedures on Juvenile Diversion
 Expunctions

PURPOSE AND EFFECT: Substantive changes to Section 943.0582, F.S., necessitate changes to the Juvenile Diversion Expunction Application form. The new language extends the application deadline to one (1) year and clarifies that a minor is only eligible for relief if he or she was arrested for a non-violent misdemeanor.

SUBJECT AREA TO BE ADDRESSED: Juvenile Diversion Expunction.

RULEMAKING AUTHORITY: 943.03(4), 943.0582(1) FS.

LAW IMPLEMENTED: 943.0582 FS.

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

DATE AND TIME: January 24, 2014, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1032, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jean Itzin at (850)410-7110 or jeanitzin@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jean Itzin at (850)410-7110 or jeanitzin@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308

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DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NO.: RULE TITLE:
 11D-8.014 Blood Alcohol Permit – Analyst: Renewal

PURPOSE AND EFFECT: Subsection 11D-8.014(1), F.A.C.: Reduces the number of proficiency testing cycles from four times per calendar year to two times per calendar year. According to international accreditation standards, forensic

science disciplines should be proficiency tested at least once per calendar year. Having the permitted blood alcohol analysts complete four proficiency test cycles each calendar year is a costly and places an undue burden on toxicology laboratories. Reducing the number of proficiency testing cycles to twice per year removes the undue burden while maintaining high standards that exceed accreditation standards.

Subsection 11D-8.014(2), F.A.C.: Removes the option to not participate in a proficiency test cycle since the number of testing cycles is being reduced. This change is necessary to bring the rule language in agreement with the proposed proficiency testing cycles in subsection (1).

Subsection 11D-8.014(4), F.A.C.: Changes to four sets of samples to coincide with the new proficiency testing cycles. This change is necessary to bring the rule language in agreement with the proposed proficiency testing cycles in subsection (1).

SUBJECT AREA TO BE ADDRESSED: Blood Alcohol Analyst Permit Renewal process; number proficiency test cycles; and number of sets of proficiency test samples.

RULEMAKING AUTHORITY: 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS.

LAW IMPLEMENTED: 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS.

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

DATE AND TIME: January 24, 2014, 9:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Classroom A, Tallahassee, Florida 32308

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: Patrick Murphy at (850)617-1290 or alcoholtestingprogram@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, Alcohol Testing Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Patrick Murphy at (850)617-1290 or alcoholtestingprogram@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, Alcohol Testing Program, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-8.014 Blood Alcohol Permit – Analyst: Renewal.

(1) Permits to conduct blood alcohol analyses shall remain valid until otherwise suspended or revoked by the Department. In order to remain qualified for such permit, an analyst must satisfactorily determine the blood alcohol level of at least ~~2~~ ~~two~~ ~~(2)~~ proficiency samples provided by the Department ~~semiannually each annual quarter~~. Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing acceptable ranges shall mean the calculated proficiency sample mean + or - 3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories.

~~(2) An analyst, who is in good standing, may elect to not participate in one proficiency test cycle each calendar year. The analyst must notify the Department in writing, of his/her election prior to the date the proficiency test results must be reported to the Department.~~

~~(2)(3)~~ Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on any set of proficiency samples, the analyst shall be required to satisfactorily determine the blood alcohol level of a second set of five proficiency samples provided by the Department.

~~(3)(4)~~ Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on a second set of proficiency samples, the analyst shall not perform any duties authorized by the analyst’s permit until the analyst satisfactorily determines the blood alcohol level of a subsequent set of proficiency samples provided by the Department. This section shall not preclude the Department from taking further action in accordance with Rule 11D-8.015, F.A.C.

~~(4)(5)~~ Failure to satisfactorily determine the blood alcohol level of any ~~4~~ ~~six~~ ~~(6)~~ sets of proficiency samples provided by the Department within a ~~12-month~~ ~~twelve~~ ~~(12)~~ ~~month~~ period shall result in revocation of the blood analyst permit.

Rulemaking Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 11-5-02,_____.

DEPARTMENT OF LAW ENFORCEMENT

Florida Criminal Justice Executive Institute

RULE NO.: RULE TITLE:

11K-1.003 Policy

PURPOSE AND EFFECT: Subsection 11K-1.003(1), F.A.C.: Changes the “New Sheriffs Seminar” to “Florida Sheriffs Institute,” to a more contemporary title, adds the word “designee” to provide FDLE’s designee authority to certify that the Florida Sheriffs Institute meets the 40-hour

requirement, and documents the current practice for completion of the Florida Sheriffs Institute by newly elected sheriffs after an election is certified and to count toward the calendar year they are sworn in;

Paragraphs 11K-1.003(4)(a) & subparagraph (4)(a)5., F.A.C.: Adds executive level courses offered through the Florida Sheriffs Association Center for Excellence and to be recognized as approved education/training courses that will apply for initial qualification or maintenance of initial qualification for salary supplement;

Subsection 11K-1.003(6) & paragraph (6)(b), F.A.C.: Allows an FDLE designee to approve education/training programs and adds the Executive Director, FDLE, or their designee to approve recommendations for education/training programs for the Florida Criminal Justice Executive Institute.

SUBJECT AREA TO BE ADDRESSED: Change of program title; adds FDLE designee; salary supplement for elected sheriffs; executive level courses that qualify for salary supplement.

RULEMAKING AUTHORITY: 145.071, 943.03(4) FS.

LAW IMPLEMENTED: 145.071 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 24, 2014, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1055, Tallahassee, Florida 32308

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: Bureau Chief Kristi Gordon at (850)410-7077, or kristigordon@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bureau Chief Kristi Gordon at (850)410-7077 or kristigordon@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-23.002 RULE TITLE: Operation of the Association
 PURPOSE AND EFFECT: Rule 61B-23.002, F.A.C., requires amendment to conform the rule to statutory language by removing language referring to “other life safety systems” and deleting certain association voting requirements contained in the rule.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses waiver of retrofitting requirements in condominiums.

RULEMAKING AUTHORITY: 718.112(2)(b)2., (d)3., 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.1085, 718.111(12), 718.112(2)(b)2., (c), (d)3., 4., (f)4., 718.117, 718.501(2)(a), 718.504 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-24.007 RULE TITLE: Converter Reserve Accounts; Warranties; Disclosures

PURPOSE AND EFFECT: Rule 61B-24.007, F.A.C., requires amendment to address issues relating to the time period for converter reserves which should start at the time the declaration is recorded, not when the first unit is sold. Further, portions of the rule relating to warranties is deleted as it appears to conflict with Section 718.618(6), F.S.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses condominium converter reserve accounts implied warranties.

RULEMAKING AUTHORITY: 718.501(1)(f), 718.621 FS.

LAW IMPLEMENTED: 718.502(5), 718.503, 718.618 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-78.001 RULE TITLE: Association Fee; Mailing Address; Retrofitting

PURPOSE AND EFFECT: Rule 61B-78.001, F.A.C., requires amendment to conform the rule to statutory language by removing language referring to “other life safety systems” and deleting certain association voting requirements contained in the rule.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses waiver of retrofitting requirements in cooperatives.

RULEMAKING AUTHORITY: 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.1055(5), (6), 719.501(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

Section II Proposed Rules

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-1.703	Procedures for Consideration of Permit Applications
40B-1.706	Fees
40B-1.901	General

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to implement changes resulting from statewide Consumptive Use Permitting consistency (CUPCON) efforts by the Florida Department of Environmental Protection and the five Water Management Districts to make permitting rules less confusing for applicants, treat applicants equitably statewide, provide consistent protection of water resources, streamline the application and permitting process, and incentivize behavior that protects water resources, including water conservation.

SUMMARY: Recognition of a General Permit by Rule designation, restructuring of permit fees based on permitted allocation, and removal of forms incorporated by reference in Chapter 40B-2, F.A.C. from Rule 40B-1.901, F.A.C.

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.

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: 373.044, 373.083, 373.109, 373.113, 373.118, 373.171, 373.4141 FS.

LAW IMPLEMENTED: 120.57, 120.59, 120.60, 218.075, 373.084, 373.085, 373.086, 373.106, 373.109, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 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: Warren Zwanka, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.703 Procedures for Consideration of Permit Applications.

(1) General Permits.

(a) Section 373.118, F.S., authorizes the governing board to adopt rules establishing a general permit system for projects or categories of projects which have, either singly or cumulatively, a minimal adverse impact on water resources of the district. The governing board of the Suwannee River Water Management District has established a general permit system which authorizes the issuance of ~~three two~~ categories of general permits – Noticed General Permits, and (all other) General Permits, and General Permits by Rule. A specific reference to the procedures for issuance of these categories of general permits is included in each district rule which authorizes a Noticed General Permit, or (any other) General Permit, and General Permit by Rule along with specific standards or conditions for issuance of such permits. When an activity does not qualify or conform to the conditions for issuance of general permits, an application for an individual permit or conceptual approval permit may be submitted to the district for consideration. No public notice by advertisement in a newspaper of general circulation in the affected area shall be required for general permits; however, public notice will be made by providing to any interested person a copy of any permit on file with the district and by posting at the district headquarters a current journal of all such permits issued.

(b) Noticed General Permits are a category of general permits for activities which have established standards and conditions for issuance of permits in district rules and which are considered by the governing board to have little or no potential for adverse impact to water resources of the district if those standards and conditions for issuance of permits are followed. ~~Specific procedures for processing Noticed General Environmental Resource Permits are included in Rule 40B-400.211, F.A.C., and in each such permit enumerated in Chapter 40B-400, Part II, F.A.C.~~

(c) General permits are reviewed, and agency action is initiated within 30 days of receipt of a completed and properly executed application, including any permit fees. Following investigation and review by District staff to insure the proposed activity qualifies for the specific general permit authorized by District rule and conforms to all conditions for issuance of the specific general permit, the general permit is issued by rule. In lieu of issuance of the general permit, the District will issue a notice of proposed agency action to deny the application and follow the procedures in Section 120.57, F.S., and Chapter 28, F.A.C., when investigation and review of the application by District staff reveals that the proposed activity does not qualify or conform to the conditions for issuance of the specific general permit authorized by District rule. If an application is received in an incomplete state, not

properly executed or if additional information is required, the applicant shall be notified pursuant to the procedures in Section 120.60, F.S., and Chapter 28, F.A.C.

(d) ~~General Minor-use~~ permits by rule, as defined in Rule 40B-2.041, F.A.C., are a category of general permits for activities which have established standards and conditions for issuance of permits in district rules. A permit application is not required for any use that meets the requirements of Rule 40B-~~24~~.041, F.A.C., and is thereby considered to be an existing legal user of water.

(2) Individual Permits.

(a) Individual permits are issued under the standard permitting and licensing procedures described in Section 120.60, F.S. Unless a general permit is specifically authorized by District rule or unless an applicant chooses to request a conceptual approval permit for an activity, the individual permit procedures described in this section and Chapter 120 govern all district permitting and licensing activities. Within 30 days of receipt of an application for an individual permit, the District will notify the applicant of any apparent errors or omissions and request any additional information that the District is authorized to request. A request for additional information shall include a reference to the specific rule or law which authorizes the District to make the request. If apparent errors or omissions are not corrected or additional information requested is not supplied within 90 days of the date of the District notice, the District shall issue a notice of proposed agency action to deny the application and follow the procedures in Section 120.57, F.S., and Chapter 28, F.A.C. The applicant may request an extension of time in writing necessary to correct apparent errors or omissions or supply additional information requested by the District.

(b) Upon receipt of an application for an individual permit, the District will cause to be published and distributed the notices of application required by Sections 373.116, 373.413(3), and 373.413(4), F.S. The notice of application shall specify a date not less than 14 days from the date of publication and distribution by which comments or objections to the application may be filed with the District. A notice of proposed agency action on an individual permit application will be prepared whenever possible. The notice of proposed agency action will be sent to the applicant or any other person requesting such notice. If no substantial objection to the application or notice of proposed agency action is received, the Governing Board may, at its discretion, consider the application at its next regularly scheduled meeting, which is at least 14 days after issuance of a notice of proposed agency action. If a substantial objection is received, the Board shall

proceed under the procedures in Chapter 28, F.A.C., and, if appropriate, set a time for a hearing in accordance with the provisions of Chapter 120, F.S. When there is not a reasonable opportunity for the District to issue a notice of proposed agency action, the Governing Board may, at its discretion, consider the application and advise the applicant and all other persons requesting notice of the Governing Board's action and providing an opportunity to request an administrative hearing on the action pursuant to Section 120.60(3), F.S., and Chapter 28, F.A.C.

(c) The Governing Board hereby delegates authority to the Executive Director, or Assistant Executive Director ~~or Deputy Executive Director~~ to issue individual environmental resource permits that require no special limiting conditions or that require only the following special limiting conditions pursuant to subsection 40B-4.1140(1), Florida Administrative Code (F.A.C.), under Chapters 40B-4 and 40B-400, F.A.C.:

1. Permits that identify non-profit associations as operation and maintenance entities under subsection 40B-4.2035(3), F.A.C.; or
2. Permits that require the following documents to be recorded in legal records:
 - a. Final plats; and
 - b. Deed restrictions; and
 - c. Drainage easements.

Unless objection to the permit application or the notice of proposed agency action is made according to statute and these rules by a substantially affected person, the Executive Director or Assistant Executive Director shall either issue the permit or place the application on the agenda of the next regularly scheduled meeting of the Governing Board.

(3) Conceptual Approval Permits. Any person may request conceptual approval of any activity that requires a permit from the governing board by making application for a conceptual approval permit. The procedure for review and consideration of such applications shall be the same as for an individual permit. A conceptual approval permit issued by the governing board cannot authorize construction or the beginning of the activity which is the subject of the conceptual approval.

Rulemaking Authority 373.044, 373.083, 373.113, 373.118, 373.171, 373.4141 FS. Law Implemented 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 FS. History—New 6-16-88, Amended 12-22-92, 10-3-95, 1-29-01, 12-10-07, 10-25-09, _____.

40B-1.706 Fees.

- (1) through (2) No change.

TABLE 1.A. SCHEDULE OF PERMIT FEES

WATER USE PERMITS

General Water Use Permits Less than 10,000 GPD-ADR per paragraph 40B-2.041(4), F.A.C.	\$100
Modification or Renewal	\$50
General Water Use Permits less than 2,000,000 10,000 GPD-ADR or more and less than 2,000,000 GPD-ADR as per paragraph 40B-2.041(4), F.A.C.	\$230
Modification or Renewal of Water Use Permits less than 2,000,000 GPD-ADR	\$115
Individual or Conceptual Approval Water Use Permits equal to or greater than 2,000,000 GPD-ADR per subsection 40B-1.703(3) and subsection 40B-2.041(5), F.A.C.	\$530
Modification or Renewal of Water Use Permits equal to or greater than 2,000,000 GPD-ADR	\$265

TABLE 1.B. SCHEDULE OF PERMIT FEES

ENVIRONMENTAL RESOURCE AND WORKS OF THE DISTRICT PERMITS

Use of the reviewing agency’s electronic self-certification system	\$0
Verification of exemption under Sections 373.406, 403.813, F.S., Chapter 62-330, F.A.C., or 40B-4, F.A.C.	\$100
Verification of qualification to use a General Permit under Chapter 62-330, F.A.C., or Noticed General under Chapter 40B-4, F.A.C.	\$250
Variance or Waiver under Section 120.542, F.S.	\$0
All other Variances or Waivers	\$550
Works of the District General Permits	\$490
Modification of a Works of the District General Permit	\$245
All Individual or Conceptual Approval Permits under Chapter 62-330, F.A.C. or Chapter 40B-4, F.A.C.:	
(1) New applications – the processing fee for a new permit application shall be as determined from the categories below:	
(a) Total project area of less than 10 acres, with no works in, on, or over wetlands and other surface waters, and no boat slips	\$490
(b) Total project area of less than 10 acres that does not meet paragraph (1)(a), above, but that involves less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters, AND less than 10 new boat slips	\$1,190
(c) Project exceeds any of the thresholds in paragraph (1)(b), above, but involves a total project area of less than 40 acres, less than 3 acres of works in, on or over wetlands and other surface waters, AND less than 30 new boat slips	\$2,110
(d) Project exceeds any of the thresholds in paragraph (1)(c), above, but involves a total project area of less than 100 acres, less than 10 acres of works in, on or over wetlands and other surface waters, AND less than 50 new boat slips	\$5,610
(e) Project exceeds any of the thresholds in paragraph (1)(d), above, but involves a total project area of less than 640 acres, AND less than 50 acres of works in, on or over wetlands and other surface waters	\$9,120
(f) Project exceeds any of the thresholds in paragraph (1)(e), above	\$11,220
(g) Projects that are exclusively agricultural or silvicultural, and that involve a total project area of less than 10 acres AND less than 1 acre of works (i.e. dredging, filling, construction, or alteration) in, on or over wetlands and other surface waters	\$250
(h) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in paragraph (1)(g), above, but involves a total project area of less than 40 acres AND less than 3 acres of works in, on or over wetlands and other surface waters	\$1,055
(i) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in paragraph (1)(h), above, but involve a total project area of less than 100 acres AND less than 10 acres of works in, on or over wetlands and other surface waters	\$2,805
(j) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in	\$4,590

paragraph (1)(i), above, but involve a total project area of less than 640 acres AND less than 50 acres of works in, on or over wetlands and other surface waters	
(k) Projects that are exclusively agricultural or silvicultural, and that exceed any of the thresholds in paragraph (1)(j), above	\$5,610
(l) Individual or Conceptual Permits solely for environmental restoration or enhancement activities, provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. For the purposes of this provision, the term “environmental restoration or enhancement” means an action or actions designed and implemented solely to convert degraded or altered uplands, wetlands, or other surface waters to intact communities typical of those historically present, or to improve the quality and condition of currently degraded wetlands or other surface waters to a more healthy, functional, and sustaining condition for fish, wildlife, and listed species	\$250
(m) Individual or Conceptual Permit solely to retrofit an existing stormwater management system or systems to add treatment to and reduce stormwater pollutant loadings from the system or systems	\$250
(2) All Major Modifications including those that exceed any of the thresholds in subsection 62-330.315(3), F.A.C.:	50% of (1)
(3) All Minor Modifications including those that do not exceed any of the thresholds in subsection 62-330.315(3), F.A.C.:	
(a) Transfers or Time Extensions of Permits, where not exempted from fees under Florida Statutes	\$0
(b) Minor Modifications to correct minor errors that do not involve technical review, or to incorporate changes requested by the reviewing agency	\$0
(c) All other Minor Modifications	25% of (1)
Resubmittal of an application that was previously withdrawn or administratively denied, in accordance with paragraph 62-330.090(1)(b), F.A.C. The Agency shall apply the processing fee paid when the previous application was submitted to the fee required for the new application. If the resubmitted application would require a greater fee, only the additional portion shall be required.	
New Determinations of the Landward Extent of Wetlands and Other Surface Waters	
(1) Informal Determinations, where:	
(a) Total area to be included in the determination is up to 1 acre	\$100
(b) Additional fee per acre (or portion thereof) beyond the first, total fee not to exceed \$500	\$50
(2) Formal Determinations, where:	
(a) Total area to be included in the determination is less than 10 acres	\$860
(b) Total area to be included in the determination is at least 10, but less than 40 acres	\$1,180
(c) Total area to be included in the determination is at least 40, but less than 100 acres	\$2,370
(d) Total area to be included in the determination is at least 100	\$2,370
(e) Additional fee per 100 acres (or portion thereof) beyond the first 100 acres	\$200
Reissuance of Informal Determinations	\$50
Reissuance of Formal Determinations, in accordance with subsection 62-330.201(5), F.A.C.	\$350
Application for any activity when submitted by the Department of Defense	\$0
Any fee in excess of \$100, as determined by this section, shall be reduced to this amount, which shall not exceed \$100, for public projects when the applicant is a county or municipality (or under contract thereto) that qualifies under Section 218.075, F.S.	\$100

Rulemaking Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 218.075, 373.109 FS. History—New 6-16-88, Amended 11-25-90, 12-22-92, 10-16-94, 11-8-94, 10-3-95, 1-3-96, 6-22-99, 5-6-12, 10-1-13,_____.

40B-1.901 General.

~~The District maintains a list of forms which is updated annually and is available upon request. All district forms and instructions may be obtained at the District headquarters or on the District's website and are hereby incorporated by reference as follows:~~

- ~~(1) Form number 40B 2.041A, Water Use Permit Status Form, is incorporated by reference in Rule 40B 2.041, F.A.C.;~~
- ~~(2) Form number 40B 2.041B, Application for Water Use Permit Agricultural Use, is incorporated by reference in Rule 40B 2.041, F.A.C.~~
- ~~(3) Form number 40B 2.041C, Application for Water Use Permit Augmentation/Other Use, is incorporated by reference in Rule 40B 2.041, F.A.C.;~~
- ~~(4) Form number 40B 2.041D, Application for Water Use Permit Commercial Use, is incorporated by reference in Rule 40B 2.041, F.A.C.;~~
- ~~(5) Form number 40B 2.041E, Application for Water Use Permit Potable Water Supply Use, is incorporated by reference in Rule 40B 2.041, F.A.C.;~~
- ~~(6) Form number 40B 2.351A, Water Use Permit Transfer Form, is incorporated by reference in Rule 40B 2.351, F.A.C.;~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, 7-7-08, 4-1-10, 10-1-13, Repealed by Section 3, Chapter 2012-31, Laws of Florida,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Warren Zwanka, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 2, 2014

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.030
RULE TITLE: Birth Center Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.030, F.A.C., is to incorporate by reference the Florida Medicaid Birth Center and Licensed Midwife Services

Coverage and Limitations Handbook,_____. The amendment clarifies existing language, updates policy, and establishes two separate fees; one for facility services and one for licensed midwife services. The amendment also removes terminology regarding family planning products that are no longer available and changes the title of the rule to Birth Center and Licensed Midwife Services.

SUMMARY: This rule combines birth center services and licensed midwife services. This rule applies to all providers of birth center and licensed midwife services who are enrolled in the Florida Medicaid program.

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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 383.335, 409.902, 409.906, 409.907, 409.908, 409.9081, 409.912, 409.913 FS.

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

DATE AND TIME: Thursday, January 30, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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: Eleanor Cofer at the Bureau of Medicaid Services, (850)412-4271. 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: Eleanor Cofer, Medicaid Services,

2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4271, e-mail: eleanor.cofer@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Comments will be received until 5 p.m. on Thursday, February 6, 2014.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.030 Birth Center and Licensed Midwife Services.

(1) This rule applies to all providers of birth center and licensed midwife services who are providers enrolled in the Florida Medicaid program ~~for birth center services under Section 409.906, F.S.~~

(2) All providers of birth center and licensed midwife services ~~services providers enrolled in the Medicaid program~~ must be in compliance with the provisions of the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004, updated January 2005, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. The handbook is available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Services Contact Center at 1-800-289-7799 and selecting Option 7. Both handbooks are available from the Medicaid fiscal agent.

Rulemaking Specific Authority 409.919 FS. Law Implemented 383.335, 409.902, 409.906, 409.907, 409.908, 409.9081, 409.912, 409.913 FS. History--New 4-18-85, Formerly 10C-7.532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 8-5-01, 2-20-03, 8-5-0, 7-27-04, 8-18-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Eleanor Cofer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 9, 2012

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:

64B5-1.001 Public Comment.

PURPOSE AND EFFECT: The board proposes the development of a rule to address the recent statutory addition set forth in Section 286.0114, F.S., with regard to public participation in public meetings.

SUMMARY: The proposed rule sets forth the procedures for those members of the public who desire to speak at the Board's public meetings.

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: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(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: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-1.001 Public Comment.

The Board of Dentistry invites and encourages all interested parties to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

(1) Interested parties will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Interested parties shall be limited to three (3) minutes to provide comment. This time shall not include time spent by the presenter responding to questions imposed by Board members, staff or board counsel. The chair of the Board may extend the time to comment if time permits.

(3) An interested party shall notify board staff in writing of its interest to be heard on a proposition or matter before the Board. The notification shall identify the party, indicate its support, opposition, or neutrality, and identify who will speak on behalf of the party if the interested party is a group or faction of persons consisting of five (5) or more persons. Interested parties may use pseudonyms if they do not wish to identify themselves.

Rulemaking Authority Section 1, Chapter 2013-227, Laws of Florida. Law Implemented Section 1, Chapter 2013-227, Laws of Florida. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 17, 2013

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: The proposed rule amendment is intended to update and clarify the rule.

SUMMARY: The proposed rule amendments are necessary to update the criteria for training, education, certification, and the requirements for issuance of permits.

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: 466.004(4), 466.017(3), (6) FS.

LAW IMPLEMENTED: 466.017(3), (5), (6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

- (1) No change.
- (2) Conscious Sedation Permit.
- (a) through (b) No change.

(c) Personal Administration of Conscious Sedation: The board shall award credit towards the required 20 dental patients, if and only if, the applicant is responsible for and remains with the patient from pre-anesthetic evaluation through discharge. The evaluation and responsibilities include the following: pre-anesthetic evaluation, induction, maintenance, emergence, recovery, and approval for discharge. The board will not award credit for dental anesthetic procedures performed that are greater than or less than the administration of conscious sedation.

- (d)(e) No change.
- (e)(f) No change.
- (f)(g) No change.
- (g)(h) Dentists permitted to administer conscious sedation may administer nitrous-oxide inhalation conscious sedation.
- (h)(i) No change.
- (3) Pediatric Conscious Sedation Permit.

(a) A permit shall be issued to a dentist authorizing the use of pediatric conscious sedation at a specified practice location or locations on an outpatient basis for dental patients provided such dentist:

1. through 2. No change.

3. Personal Administration of Pediatric Conscious Sedation: Personal Administration of Pediatric Conscious Sedation: The board shall award credit towards the required 20 dental patients, if and only if, the applicant is responsible for and remains with the patient from pre-anesthetic evaluation through discharge. The evaluation and responsibilities include the following: pre-anesthetic evaluation, induction, maintenance, emergency, recovery, and approval for discharge. The board will not award credit for dental anesthetic procedures performed that are greater than or less than the administration of pediatric conscious sedation; or

4. The applicant demonstrates that the applicant graduated, within 24 months prior to application for the permit, from an accredited post-doctoral pediatric residency. The pediatric residency anesthesia requirements must meet the minimum number of sedation cases as required in subsection (2).

~~5.3.~~ No change.

(b) through (d) No change.

(4) through (5) No change.

Rulemaking Authority 466.004(4), 466.017(3), (6) FS. Law Implemented 466.017(3), (5), (6) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, 6-23-04, 6-11-07, 2-8-12, 8-16-12 (1)(a)-(f), 8-16-12 (5), 8-19-13, 12-16-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesia Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 17, 2014

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.008
RULE TITLE: Requirements for General Anesthesia or Deep Sedation

PURPOSE AND EFFECT: The board proposes the rule amendments to update the rule title and add language and clarification on the requirements for general anesthesia or deep sedation regarding operatory, recovery room, equipment,

medicinal drugs, emergency protocols, records and continuous monitoring.

SUMMARY: The proposed rule amendments are necessary to update the rule title and the criteria for general anesthesia or deep sedation regarding operatory, recovery room, equipment, medicinal drugs, emergency protocols, records and continuous monitoring.

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: 466.004, 466.017 F.

LAW IMPLEMENTED: 466.017 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: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B5-14.008 follows. See Florida Administrative Code for present text.)

64B5-14.008 Requirements for General Anesthesia or Deep Sedation: Operatory, Recovery Room, Equipment, Medicinal Drugs, Emergency Protocols, Records, and Continuous Monitoring.

General Anesthesia Permit applicants and permit holders shall comply with the following requirements at each location

where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

(1) Operator: The operator where anesthesia is to be administered must:

(a) Be of adequate size and design to permit physical access of emergency equipment and personnel and to permit effective emergency management;

(b) Be equipped with a chair or table adequate for emergency treatment, including a chair or cardiopulmonary resuscitation (CPR) board suitable for CPR;

(c) Be equipped with suction and backup suction equipment, also including suction catheters and tonsil suction.

(2) Recovery Room: If a recovery room is present, it shall be equipped with suction and back up suction equipment, positive pressure oxygen and sufficient light to provide emergency treatment. The recovery room shall also be of adequate size and design to allow emergency access and management. The recovery room shall be situated to allow the patient to be observed by the dentist or an office team member at all times.

(3) Standard Equipment: The following equipment must be readily available to the operator and recovery room and maintained in good working order:

(a) A positive pressure oxygen delivery system and backup system, including full face mask for adults and for pediatric patients, if pediatric patients are treated;

(b) Oral and nasal airways of various sizes;

(c) Blood pressure cuff and stethoscope;

(d) Cardioscope – electrocardiograph (EKG) machine, pulse oximeter, and capnograph;

(e) Precordial stethoscope;

(f) Suction with backup suction, including suction catheters and tonsil suction;

(g) Thermometer (Continuous temperature monitoring device, if volatile gases are used);

(h) A backup lighting system; and

(i) A scale to weigh patients.

(3) Emergency Equipment: The following emergency equipment must be present, readily available and maintained in good working order:

(a) Appropriate I.V. set-up, including appropriate supplies and fluids;

(b) Laryngoscope with spare batteries and spare bulbs;

(c) McGill forceps, endotracheal tubes, and stylet;

(d) Appropriate syringes;

(e) Tourniquet and tape;

(f) CPR board or chair suitable for CPR;

(g) Defibrillator equipment appropriate for the patient population being treated;

(h) Cricothyrotomy equipment; and

(i) A Supraglottic Airway Device (SAD) or a Laryngeal Mask Airway (LMA).

(4) Medicinal Drugs: The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operator and recovery room:

(a) Epinephrine;

(b) A narcotic (e.g., Naloxone) and benzodiazepine (e.g., Flumazenil) antagonist, if these agents are used;

(c) An antihistamine (e.g., Diphenhydramine);

(d) A corticosteroid (e.g., Dexamethasone);

(e) Nitroglycerin;

(f) A bronchodilator (e.g., Albuterol inhaler);

(g) An antihypoglycemic agent (e.g., D50W IV solution);

(h) Amiodarone;

(i) A vasopressor (e.g., Ephedrine);

(j) An anticonvulsant (e.g., Valium or Versed);

(k) Antihypertensive (e.g., Labetalol);

(k) Anticholinergic (e.g., atropine);

(l) Antiemetic;

(m) A muscle relaxant (e.g., Succinylcholine);

(n) An appropriate antiarrhythmic medication (e.g., Lidocaine);

(o) Adenosine; and

(p) Dantrolene, if volatile gases are used.

(5) Emergency Protocols: The applicant or permit holder shall provide written emergency protocols, and shall provide training to familiarize office personnel in the treatment of the following clinical emergencies:

(a) Laryngospasm;

(b) Bronchospasm;

(c) Emesis and aspiration;

(d) Airway blockage by foreign body;

(e) Angina pectoris;

(f) Myocardial infarction;

(g) Hypertension/Hypotension;

(h) Hypertensive crisis;

(i) Allergic and toxicity reactions;

(j) Seizures;

(k) Syncope;

(l) Phlebitis;

(m) Intra-arterial injection;

(n) Hyperventilation/Hypoventilation;

(o) Cardiac arrest; and

(p) Cardiac arrhythmias.

The applicant or permit holder shall maintain for inspection a permanent record, which reflects the date, time, duration, and type of training provided to named personnel.

(6) Records: The following records are required when general anesthesia or deep sedation is administered:

(a) The patient's current written medical history, including known allergies and previous surgery;

(b) Physical examination including airway evaluation and risk assessment (e.g., Mallampati Classification, Body Mass Index, and ASA Classification):

(c) Base line vital signs, including blood pressure, and pulse; and

(d) An anesthesia record which shall include:

1. Continuous monitoring of vital signs, which are taken and recorded at a minimum of every 5 minute intervals during the procedure;

2. Drugs administered during the procedure, including route of administration, dosage, time and sequence of administration;

3. Duration of the procedure;

4. Documentation of complications or morbidity (See Rule 64B5-14.006, F.A.C., for Adverse Incident Reporting Requirements);

5. Status of patient upon discharge, and to whom the patient is discharged; and

6. Names of participating personnel.

(7) Continuous Monitoring: The patient who is administered drug(s) for general anesthesia or deep sedation must be continuously monitored intra-operatively by electrocardiograph (EKG), pulse oximeter, and capnograph to provide heart rhythm and rate, oxygen saturation of the blood, and ventilations (end-tidal carbon dioxide). This equipment shall be used for each procedure.

Rulemaking Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, Formerly 21G-14.008, Amended 12-20-93, Formerly 61F5-14.008, Amended 8-8-96, Formerly 59Q-14.008, Amended 5-31-00, 6-23-04, 9-14-05, 3-23-06, 10-24-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 17, 2013

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-14.009 Conscious Sedation

PURPOSE AND EFFECT: The board proposes the rule amendments to update the rule title and add language and clarification on the requirements for conscious sedation regarding operator, recovery room, equipment, medicinal drugs, emergency protocols, records and continuous monitoring.

SUMMARY: The proposed rule amendments are necessary to update the rule title and the criteria for conscious sedation regarding operator, recovery room, equipment, medicinal drugs, emergency protocols, records and continuous monitoring.

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: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B5-14.009 follows. See Florida Administrative Code for present text.)

64B5-14.009 Conscious Sedation Requirements: Operator, Recovery Room, Equipment, Medicinal Drugs, Emergency Protocols, Records, and Continuous Monitoring. Conscious Sedation Permit applicants and permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements

shall be met and equipment permanently maintained and available at each location.

(1) Operator: The operator where anesthesia is to be administered must:

(a) Be of adequate size and design to permit physical access of emergency equipment and personnel and to permit effective emergency management;

(b) Be equipped with a chair or table adequate for emergency treatment, including a chair or cardiopulmonary resuscitation (CPR) board suitable for CPR;

(c) Be equipped with suction and backup suction equipment, also including suction catheters and tonsil suction.

(2) Recovery Room: If a recovery room is present, it shall be equipped with suction and backup suction equipment, positive pressure oxygen and sufficient light to provide emergency treatment. The recovery room shall also be of adequate size and design to allow emergency access and management. The recovery room shall be situated to allow the patient to be observed by the dentist or an office team member at all times.

(3) Standard Equipment: The following standard equipment must be readily available to the operator and recovery room and must be maintained in good working order:

(a) A positive pressure oxygen delivery system and backup system, including full face mask for adults and for pediatric patients, if pediatric patients are treated;

(b) Oral and nasal airways of various sizes;

(c) Blood pressure cuff and stethoscope;

(d) A pulse oximeter which provides continuous monitoring of pulse and rate of oxygen saturation of the blood shall be used during each procedure;

(e) A Precordial stethoscope or capnometer;

(f) Suction with backup suction, also including suction catheters and tonsil suction;

(g) Thermometer;

(h) A backup lighting system; and

(i) A scale to weigh patients.

(4) Emergency Equipment: The following emergency equipment must be present, readily available and must be maintained in good working order:

(a) Appropriate I.V. set-up, including appropriate supplies and fluids;

(b) Laryngoscope with spare batteries and spare bulbs;

(c) McGill forceps, endotracheal tubes, and stylet;

(d) Appropriate syringes;

(e) Tourniquet and tape;

(f) CPR board or chair suitable for CPR;

(g) Defibrillator equipment appropriate for the patient population being treated;

(h) Cricothyrotomy equipment; and

(i) A Supraglottic Airway Device (SAD) or a Laryngeal Mask Airway (LMA).

(5) Medicinal Drugs: The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operator and recovery room:

(a) Epinephrine;

(b) A narcotic (e.g., Naloxone) and benzodiazepine (e.g., Flumazenil) antagonists, if these agents are used;

(c) An antihistamine (e.g., Diphenhydramine);

(d) A corticosteroid (e.g., Dexamethasone);

(e) Nitroglycerin;

(f) A bronchodilator (e.g., Albuterol inhaler);

(g) An antihypoglycemic agent (e.g., D50W IV solution);

(h) Amiodarone;

(i) A vasopressor (e.g., Ephedrine);

(j) An anticonvulsant (e.g., Valium or Versed);

(k) Antihypertensive (e.g., Labetalol);

(l) Anticholinergic (e.g., atropine);

(m) Antiemetic;

(n) A muscle relaxant (e.g., Succinylcholine);

(o) An appropriate antiarrhythmic medication (e.g., Lidocaine); and

(p) Adenosine.

(6) Emergency Protocols: The applicant or permit holder shall provide written emergency protocols, and shall provide training to familiarize office personnel in the treatment of the following clinical emergencies:

(a) Laryngospasm;

(b) Bronchospasm;

(c) Emesis and aspiration;

(d) Airway blockage by foreign body;

(e) Angina pectoris;

(f) Myocardial infarction;

(g) Hypertension/Hypotension;

(h) Hypertensive crisis;

(i) Allergic and toxicity reactions;

(j) Seizures;

(k) Syncope;

(l) Phlebitis;

(m) Intra-arterial injection;

(n) Hyperventilation/Hypoventilation;

(o) Cardiac arrest; and

(p) Cardiac arrhythmias.

The applicant or permit holder shall maintain for inspection a permanent record, which reflects the date, time, duration, and type of training provided to named personnel.

(7) Records: The following records are required when conscious sedation is administered:

(a) The patient's current written medical history, including known allergies and previous surgery;

(b) Physical examination including airway evaluation and risk assessment (e.g., Mallampati Classification, Body Mass Index, and ASA Classification);

(c) Base line vital signs, including blood pressure, and pulse; and

(d) A sedation or anesthesia record which shall include:

1. Continuous monitoring of vital signs, which are taken and recorded at a minimum of every 5 minute intervals during the procedure;

2. Drugs administered during the procedure, including route of administration, dosage, time and sequence of administration;

3. Duration of the procedure;

4. Documentation of complications or morbidity (See Rule 64B5-14.006, F.A.C., for Adverse Incident

Reporting requirements);

5. Status of patient upon discharge, and to whom the patient is discharged; and

6. Names of participating personnel.

(8) Continuous Monitoring: The patient who is administered a drug(s) for conscious sedation must be continuously monitored intraoperatively by pulse oximetry. A precordial/pretracheal stethoscope must be available to assist in the monitoring of the heart rate and ventilations.

Rulemaking Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 10-24-88, Amended 11-16-89, 4-24-91, Formerly 21G-14.009, 61F5-14.009, Amended 8-8-96, 10-1-96, Formerly 59Q-14.009, Amended 8-2-00, 11-4-03, 6-23-04, 3-23-06, 10-26-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Anesthesia Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: November 15, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: December 17, 2013

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:

64B5-14.010 Pediatric Conscious Sedation.

PURPOSE AND EFFECT: The board proposes the rule amendments to update the rule title and add language and clarification on the requirements for pediatric conscious sedation regarding operator, recovery room, equipment, medicinal drugs, emergency protocols, records and continuous monitoring.

SUMMARY: The proposed rule amendments are necessary to update the rule title and the criteria for pediatric conscious sedation regarding operator, recovery room, equipment,

medicinal drugs, emergency protocols, records and continuous monitoring.

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: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B5-14.010 follows. See Florida Administrative Code for present text.)

64B5-14.010 Pediatric Conscious Sedation Requirements: Operator; Recovery Room, Equipment, Medicinal Drugs, Emergency Protocols, Records, and Continuous Monitoring. Pediatric Conscious Sedation Permit applicants and permit holders shall comply with the following requirements at each location where anesthesia procedures are preformed. The requirements shall be met and equipment permanently maintained and available at each location.

(1) Operator: The operator where the sedated child patient is to be treated must:

(a) Be of adequate size and design to permit physical access of emergency equipment and personnel and to permit effective emergency management;

(b) Be equipped with a chair or table adequate for emergency treatment, including a cardiopulmonary resuscitation (CPR) board of chair suitable for CPR;

(c) Be equipped with suction and backup suction equipment, also including suction catheters and tonsil suction.

(2) Recovery Room: If a recovery room is present, it shall be equipped with suction and backup suction equipment, positive pressure oxygen and sufficient light to provide emergency treatment. The recovery room shall also be of adequate size and design to allow emergency access and management. The recovery room shall be situated so that the patient can be observed by the dentist or an office team member at all times.

(3) Standard Equipment: The following equipment must be readily available to the operatory and recovery room and maintained in good working order:

(a) A positive pressure oxygen delivery system and backup system, including full face mask for pediatric patients;

(b) Oral and Nasal Airways of appropriate size for the pediatric patient;

(c) Blood pressure cuff and stethoscope or automated unit;

(d) A pulse oximeter which provides continuous monitoring of pulse and rate of oxygen saturation of the blood shall be used during each procedure;

(e) A Precordial stethoscope;

(f) Suction with backup suction, also including suction catheters and tonsil suction;

(g) Thermometer;

(h) A backup lighting system; and

(i) A scale for weighing pediatric patients.

(4) Emergency Equipment: The following emergency equipment must be present, readily available and maintained in good working order:

(a) Appropriate I.V. set-up, including appropriate supplies and fluids;

(b) Laryngoscope with spare batteries and spare bulbs;

(c) McGill forceps, endotracheal tubes, and stylet;

(d) Suction with backup suction, also including suction catheters and tonsil suction;

(e) Appropriate syringes;

(f) Tourniquet and tape;

(g) CPR board or chair suitable for CPR;

(h) Defibrillator equipment appropriate for the patient population being treated; and

(i) Cricothyrotomy equipment.

(j) A Supraglottic Airway Device (SAD) or a Laryngeal Mask Airway (LMA).

(5) Medicinal Drugs: The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:

(a) Epinephrine;

(b) A narcotic (e.g., Naloxone) and benzodiazepine (e.g., Flumazenil) antagonists, if these agents are used;

(c) An antihistamine (e.g., Diphenhydramine HCl);

(d) A corticosteroid (e.g., Dexamethasone);

(e) Nitroglycerin;

(f) A bronchodilator (e.g., Albuterol inhaler);

(g) An antihypoglycemic agent (e.g., D50W IV solution);

(h) Amiodarone;

(i) A vasopressor (e.g., Ephedrine);

(j) An anticonvulsant (e.g., Valium or Versed);

(k) Antihypertensive (e.g., Labetalol);

(l) Anticholinergic (e.g., atropine);

(m) Antimetic;

(n) A muscle relaxant (e.g., Succinylcholine);

(o) An appropriate antiarrhythmic medication (e.g., Lidocaine); and

(p) Adenosine.

(6) Emergency Protocols: The applicant or permit holder shall provide written emergency protocols, and shall provide training to familiarize office personnel in the treatment of the following clinical emergencies:

(a) Laryngospasm;

(b) Bronchospasm;

(c) Emesis and aspiration;

(d) Airway blockage by foreign body;

(e) Angina pectoris;

(f) Myocardial infarction;

(g) Hypertension/Hypotension;

(h) Hypertensive crisis;

(i) Allergic and toxicity reactions;

(j) Seizures;

(k) Syncope;

(l) Phlebitis;

(m) Intra-arterial injection;

(n) Hyperventilation/Hypoventilation;

(o) Cardiac arrest; and

(p) Cardiac arrhythmias.

The applicant or permit holder shall maintain for inspection a permanent record, which reflects the date, time, duration, and type of training provided to named personnel.

(7) Records: The following records are required when pediatric conscious sedation is administered:

(a) The patient's current written medical history, including known allergies, history of previous surgery and anesthesia, and the patient's age, weight, and calculation of maximum allowable local anesthesia;

(b) Physical examination including airway evaluation and risk assessment (e.g., Mallampati Classification, Body Mass Index, and ASA Classification);

(c) Base line vital signs, including pulse, percent hemoglobin oxygen saturation, and when possible, blood pressure; and

(d) An anesthesia or sedation record which shall include:

1. Periodic vital signs recorded a minimum of every 5 minute intervals during the procedure;

2. Drugs, including local anesthetics, administered during the procedure, including route of administration, dosage, time and sequence of administration;

3. Duration of the procedure;

4. Documentation of complications or morbidity (See Rule 64B5-14.0006, F.A.C., for Adverse Incident Reporting Requirements);

5. Status of patient upon discharge, and to whom the patient is discharged; and

6. Names of participating personnel.

(8) Continuous Monitoring: Drugs for conscious sedation must be administered in the dental office and the patient must be observed by a qualified office staff member. Continuous monitoring with pulse oximetry must be initiated with early signs of conscious sedation and continued until the patient is alert. A precordial, pretracheal stethoscope or capnograph must be available to assist in the monitoring of the heart rate and ventilations. A sphygmomanometer shall be immediately available.

Rulemaking Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 8-8-96, Formerly 59Q-14.010, Amended 8-2-00, 5-20-01, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesia Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 17, 2013

Section III

Notice of Changes, Corrections and Withdrawals

NONE

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on December 20, 2013, the Board of Medicine, received a petition for waiver or variance filed by Nanda Gopal Salem, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

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

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF CITRUS

The Florida Department of Citrus announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2014, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regularly scheduled meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, issues pertaining to Chapter 601, F.S., rulemaking; and any other matter addressed during regular meetings of the

Commission. The Commission will go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to Case # 2013CA-003581-0000-00 Agrosource, Inc., Plaintiff vs. State of Florida, Florida Department of Citrus, Defendants. The parties attending the closed session will be Commissioners Jay Clark, Michael Garavaglia, Michael Haycock, Vernon Hollingsworth, James Horrisberger, Ellis Hunt, Martin McKenna, Virginia Pena, Michael Taylor; Doug Ackerman, Executive Director; Kristie Hatcher-Bolin, Esq., William Roberts, Esq., Mark Miller, Esq., Mayanne Downs, Esq., and Wasilewski Court Reporters. A copy of the agenda may be obtained by contacting: Heather Facey, Florida Department of Citrus, P O Box 9010, Bartow, Florida 33831 or hfacey@citrus.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at dscrews@citrus.myflorida.com or (863)537-3984. 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.

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's Commission on Community Service (Volunteer Florida) announces public meetings to which all persons are invited.

DATES AND TIMES: Tuesday, January 14, 2014, 8:00 a.m. until all business is complete; Wednesday, January 15, 2014, 8:00 a.m. until all business is complete

PLACE: Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission Business.

A copy of the agenda may be obtained by contacting: Debbie Brown at (850)414-7400, ext. 114 or debbie@volunteerflorida.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 3 days before the workshop/meeting by contacting: Debbie Brown at (850)414-7400, ext. 114 or debbie@volunteerflorida.org. 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: Debbie Brown at (850)414-7400, ext. 114 or debbie@volunteerflorida.org.

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

The Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2014, 1:00 p.m.

PLACE: Okeechobee County Emergency Operations Center (EOC), Room 106, 707 NW 6th Street, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting and/or Public Hearing of the Transportation Disadvantaged (TD) Local Coordinating Board (LCB).

A copy of the agenda may be obtained by contacting: Marcia Staszko, Program Director, (863)534-7130, ext. 103, or at mstaszko@cfrpc.org.

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.

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

The Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2014, 10:00 a.m.

PLACE: Heartland Workforce Board Room, 5901 US Hwy 27 South, Suite 1, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: A regular meeting of the Heartland 2060 Consortium Partners.

A copy of the agenda may be obtained by contacting: Shannon Brett at (863)534-7130, ext. 132 or at sbrett@cfrpc.org.

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.

DEPARTMENT OF CORRECTIONS

The Florida Department of Corrections announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2014, 10:00 a.m.

PLACE: Florida Department of Corrections Headquarters Building, 501 South Calhoun Street, Training Classroom 118, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Under the authority of the Florida Criminal Justice Standards and Training Commission, Criminal Justice Standards and Training Region XVI, announces a regular schedule meeting of the Region XVI Training Council. The primary business of the meeting will be to discuss training and budget issues.

A copy of the agenda may be obtained by contacting: Florida Department of Corrections, attention Oscar Paz Soldan, Bureau of Staff Development and Training, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

The Florida Commission on Human Relations announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, January 23, 2014, 10:00 a.m., ET

PLACE: Call 1(888)670-3525 and when prompted, enter passcode 1760507820 followed by the # key

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Commission to vote on the disposition of cases pending before it for decision.

A copy of the agenda may be obtained by contacting: Jim Mallue at (727)570-5151, ext. 13 or Jim.Mallue@fchr.myflorida.com.

ACCESS POINT: The Florida Commission on Human Relations office at 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida, 32301, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.

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: Jim Mallue at (727)570-5151, ext. 13 or Jim.Mallue@fchr.myflorida.com.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:

64B5-17.002 Written Dental Records; Minimum Content; Retention

The Board of Dentistry announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 16, 2014, 6:00 p.m.

PLACE: 1(888)670-3525; when prompted, enter conference code 5805370981

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule review regarding dental records.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 14, 2014, 9:00 a.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd., Bldg. 6, Conference Room 335, Tallahassee, FL 32399-0700, 1(888)670-3525, participant code 2868250655

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN #09H13GC1 – System of Care (SOC) Evaluation: Meeting of Negotiators to Formulate Recommendation for Award – The purpose of this meeting is to provide an opportunity for the Department’s negotiators to discuss the Respondents with which they conducted negotiations, to determine their recommendation for award that will be presented to the Secretary.

A copy of the agenda may be obtained by contacting: Adrian Williams, Procurement Manager, email: Adrian_Williams@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Adrian Williams, Procurement Manager, email: Adrian_Williams@dcf.state.fl.us. 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: Adrian Williams, Procurement Manager, email: Adrian_Williams@dcf.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Refugee Services

The Tampa Bay Refugee Task announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 28, 2014, 1:30 p.m. – 3:30 p.m.

PLACE: Ana G. Mendez University Tampa Campus, 3655 West Waters Avenue, Tampa, Florida 33614

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The purpose of the Tampa Bay Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Janet Blair at (813)545-1716 or Taddese Fessehaye at (407)317-7335.

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: Janet Blair at (813)545-1716 or Taddese Fessehaye at (407)317-7335. 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: Janet Blair at (813)545-1716 or Taddese Fessehaye at (407)317-7335.

BOARD OF GOVERNORS

The Board of Governors of the State University System of Florida and the Facilities Committee, the Select Committee on Florida Polytechnic University, the Strategic Planning Committee and the Budget and Finance Committee of the Board of Governors announce public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, January 15, 2014, 1:00 p.m.; Thursday, January 16, 2014, 8:30 a.m.

PLACE: Florida Gulf Coast University, Cohen Center Ballroom, Ft. Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Board of Governors and its Committees.

A copy of the agenda may be obtained by contacting: Monoka Venters, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines Street, Tallahassee, FL 32399-0400 and 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 7 days before the workshop/meeting by contacting: Monoka Venters, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines Street, 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: Monoka Venters, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines Street, Tallahassee, FL 32399-0400.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Polar Trading Co., Inc., DS 2013-055, on July 18, 2013. The following is a summary of the agency's disposition of the petition:

On July 18, 2013, the Division received a Petition for Declaratory Statement in which the Petitioner, Polar Trading Co., Inc. requested the Divisions interpretations regarding license and registration classifications and relations between beer distributors and manufacturers under Florida Statues 561.14 and 563.022. The Petitioner is substantially affected by the Florida Statues because they permit brokers and sale agents to sell alcoholic malt beverages but are unclear as to the permitted source from which Petitioner may, as a licensed

broker or sales agent, procure alcoholic beverages for sale to Licensed Distributors. The Petitioner is also substantially affected by the issue of whether, as a holder of an Importer's License, it is required to obtain a Broker's or Sale Agent License to act as a broker to sale agent. The notice of receipt was published on the Florida Administrative Register website on July 22, 2013, Vol. 39, No. 141. On August 12, 2013, the Division received a Motion for Leave to Intervene on behalf of Florida Beer Wholesales Association, Inc., and Beer Industry of Florida Inc. On August 23, 2013, the Division received Petitioner's Response in Opposition to Motion for Leave to Intervene. On September 20, 2013, the Division issued an Order Granting Petition to Intervene and Request for Stipulated Facts. On October 31, 2013, the Interveners submitted that they did not dispute facts as proposed in the Petition. On December 31, 2013, the Division denied the Petitioner proposed business model.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joy.Cottrell@myfloridalicense.com or by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-1020.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Mark Hickinbotham, P.E., on August 15, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 169, of the August 29, 2013, Florida Administrative Register. The petitioner seeks interpretation of Section 489.105(3)(a), Florida Statutes, to clarify if a certified general contractor is licensed to perform the same scope of work as a PCC, and whether a certified general contractor can furnish and install chemical feed systems without a PCC, CMC or CFC license. The Board's Order, filed on December 26, 2013, denied the Petition for Declaratory Statement due to lack of standing because Petitioner is asking whether a third party has acted beyond the scope of his license.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by email – Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

AMENDED NOTICE OF DISPOSITION

NOTICE IS HEREBY GIVEN THAT the Construction Industry Licensing Board has issued an order denying the petition for declaratory statement filed by Sun Star Energy LLC on May 21, 2013. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 106, of the May 31, 2013, Florida Administrative Register. Petitioner appears to be requesting the Board's interpretation of Section 489.105(3)(m), Florida Statutes, as to whether a plumbing contractor can install the company's solar water heating system. The Board issued an order on July 16, 2013, granting the Petition. A Notice of Disposition was published in Vol. 39, No. 143 of the July 24, 2013, Florida Administrative Register Upon considering a Motion for Reconsideration of Final Order, the Board issued an Final Order Vacating Order Granting Petition for Declaratory Statement on September 18, 2013. The Board's Order, filed December 26, 2013, denied the Petition for Declaratory Statement because it is not adequate and lacks sufficient detail. Copies of the Order Denying the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, telephone: (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Pharmacy

Notice is hereby given that the Board of Pharmacy has received a Petition for Declaratory Statement filed by Basel Asali., on behalf of BTV Pharmacy, on December 18, 2013. The Petitioner seeks a Declaratory Statement from the Board with regard to Section 465.026(1)(d), F.S., and seeks the agency's opinion as to whether the prescriptions that were transferred to the pharmacy were completed correct in accordance with Section 465.026(1)(d), F.S. The board will address this at the next available board meeting.

Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting Tammy Collins, Acting Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 or by email at info@floridaspharmacy.gov within 14 days of publication of this notice.

**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:

D.A.B. Constructors, Inc. vs. Department of Transportation; Case No.: 13-4786RP; Rule Nos.: 14-91.002, 14-91.004, 14-91.005, 14-91.007

Bianca Larios, R.N. vs. Department of Health, Board of Nursing; Case No.: 13-4918RX; Rule No.: 64B9-8.005(12)

Capital City Check Cashing vs. Office of Financial Regulation; Case No.: 13-4739RX; Rule Nos.: 69V-560.704(4)(d), 69V-560.704(5)(a), 69V-560.704(5)(b)

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

Fairpay Solutions, Inc. vs Department of Financial Services, Division of Workers' Compensation; Case No.: 13-4170RX; Rule No.: 69L-7.100; Voluntarily Dismissed

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

Maritza Novas, RN vs. Department of Health, Board of Medicine; Case No.: 13-4680RU

River Region Human Services, Inc. vs. Department of Children and Families; Case No.: 13-4908RU

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

NONE

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

DEPARTMENT OF EDUCATION
University of Central Florida
Landscape Maintenance

NOTICE TO CONSULTANTS

The University of Central Florida announces that continuing contracting services for certain projects are required in the following discipline: Landscape Maintenance.

Projects included in the scope of this agreement will be specific projects for the University of Central Florida main and associated campuses. These services will include working with the Landscape & Natural Resources Departments on various projects.

Campus Service contracts for these projects provide that the contractor will be available on an as-needed basis. The contractor receiving the award will not have an exclusive contract to perform services for these projects. The university will have additional campus service contractors under contract during the same period.

Firms desiring to provide landscape maintenance services shall apply by letter specifying as such. Proximity of location will be a prime factor in the selection of the firm. Firms will be evaluated in the following areas: experience of professional personnel, recent and projected workload, location, and past performance. Firms will also be evaluated by fulfilling the requirements listed below.

Carefully review the Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at www.fp.ucf.edu with the advertisement.

Attach to each letter of application:

1. A copy of the applicant's current license from the appropriate governing board. An applicant must be properly licensed at the time of application to provide landscape maintenance services in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

2. Cover Letter: Include a brief introductory letter summarizing the statement of qualifications. It must be signed by a person authorized to make representations on behalf of the landscape contractor.
3. Company Profile: Provide a summary of the landscape contractor's history, methods, strengths, and experience meeting the needs of its clients. Mention any awards or commendations the landscape contractor has received.
4. Maintenance Team: Describe the composition and experience of the construction team, identifying the project manager, foreman, arborist, spray technician, and irrigation manager, which the landscape contractor would assign to UCF projects with a summary of their qualifications.
5. Subcontractors: Please identify any subcontractors, if any, that are used regularly by the landscape contractor and provide a brief summary of their experience and qualifications.
6. Representative List of Projects: Describe recent maintenance projects completed by the landscape contractor that are similar in scope and type to those required by UCF. Provide at least five (5) representative projects of each. Include the following information about each project:
 1. Project name and brief description of landscape work performed.
 2. Beginning and end date of landscape project/maintenance
 3. Location of maintenance project
 4. Photos of project
 5. Monetary amount of the landscape maintenance contract
 6. Owner of project/contact person/phone number with area code
 7. References: Provide at least three (3) written letters of reference, including contact names, phone numbers, and a brief description of the work completed by the landscape contractor.

Submit five (5) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application materials will not be returned. Late submissions will not be accepted.

As required by University of Central Florida Regulations 7.102.22, a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this

project for a period of 36 months from the date of placement on the convicted vendor list.

The contractor will agree to provide all necessary information and consent required for the University to run a background check on the contractor. Additionally, the contractor's subcontractors, suppliers, employees, agents or representatives or any other person or entity employed by the contractor that will have direct contact with University staff, faculty or students must also be prepared to provide required information for a background check. Background checks on the contractor's subcontractors, suppliers, employees, agents or representatives or any other person or entity employed by the contractor will be conducted at the discretion of the University. In some instance the contractor may be responsible for the cost of background checks.

BADGING AND IDENTIFICATION

Criminal background checks, E-verification and drug testing verification will be provided for all employees and sub-contractors. Picture ID cards will be worn at all times workers are on the job.

The University of Central Florida Maintenance Management Qualifications Supplement and the Project Fact Sheet may be obtained at the website www.fp.ucf.edu (click on advertisements) or by contacting: Ms. Gina Seabrook, University of Central Florida, Office of Facilities Planning, 3528 North Perseus Loop, Orlando, FL 32816-3020, Phone: (407)823-2166, fax: (407)823-5141, email: gina.seabrook@ucf.edu.

Five (5) bound copies of the required proposal data shall be submitted to: Ms. Gina Seabrook, University of Central Florida, Office of Facilities Planning, 3528 North Perseus Loop, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. local time on February 3, 2014. Facsimile (FAX) submittals are not acceptable and will not be considered.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

ITN#14-01 Marketing, Advertising, & Public Relations Services for the Stanley G. Tate Florida Prepaid College Program, for the Florida 529 Savings Plan, & for the Florida Prepaid College Foundation

The Florida Prepaid College Board is requesting responses to an Invitation to Negotiate, ITN #14-01, from qualified firms to provide Marketing, Advertising, and Public Relations Services for the Stanley G. Tate Florida Prepaid College Program, for the Florida 529 Savings Plan, and for the Florida Prepaid College Foundation.

The Board's current contract for Communication Services, which is made publically available by the Department of Management Services at www.dms.myflorida.com/business_operations/state_purchasing, expires on June 30,

2014. There are multiple components of this ITN to continue and expand upon the services in the current contract. The components of this ITN include: (1) strategy, creative, and media services, (2) digital services, (3) social media and (4) public relations. Respondents may choose to address one or more of these components in response.

The ITN which includes the timeline of events will be available on or after January 13, 2014, by logging on to http://www.myflorida.com/apps/vbs/vbs_www.search.criteria_form.

Please then select the following on the aforementioned website:

Agency: State Board of Administration

Advertisement Number: ITN#14-01

Advertisement Type: Competitive Solicitation

Title: Marketing, Advertising and Public Relations Services for the Stanley G. Tate Florida Prepaid College Program, for the Florida 529 Savings Plan, and for the Florida Prepaid College Foundation.

If you have any problems accessing this information, please contact the ITN Administrator by email at ITNinfo.PrePaid@MyFloridaPrepaid.com.

Certified Minority Business Enterprises are encouraged to participate.

SPECIAL ACCOMMODATION: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations with regard to this ITN is asked to advise this agency at least five (5) days prior to the response deadline. Please email a written request for same to the ITN Administrator at the email address provided above.

DEPARTMENT OF HEALTH

Invitation to Negotiate

Florida Department of Health (FDOH)

Invitation to Negotiate

DOH13-020: Tobacco Free Florida Media Campaign Services
 In accordance with Section 120.525, Florida Department of Health announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 13, 2014 9:00 a.m. Eastern Time. Any changes in meeting dates and times will be posted directly to the advertisement located on the Vendor Bid System (VBS) prior to the meetings.

PLACE: FDOH Purchasing Office, 4052 Bald Cypress Way Room 310L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE DISCUSSED: Procurement Officer to conduct training with the Evaluation and Negotiation Team Members only.

Any person requiring a special accommodation because of a disability at this public meeting should contact the FDOH Purchasing Office at (850)245-4199 at least 24 hours prior to the meeting.

If a person decides to appeal any decision made by the Department with respect to any matter considered at the meeting, he or she will need a recording of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made which to include testimony and evidence upon which the appeal is to be based.

Please direct all questions to VBSRequests@flhealth.gov.

**Section XII
 Miscellaneous**

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Medicaid**

State Plan Amendment

The Agency for Health Care Administration announces that it is requesting an amendment to the Medicaid State Plan. The amendment will request approval to cover the influenza vaccine for all pregnant women regardless of age: effective December 19, 2013 through March 31, 2014. Interested parties may contact the following staff for further information: Jessica Kenny, Medicaid Services, located at 2727 Mahan Drive, Mailstop 20, Tallahassee, Florida 32308-5407, by telephone at (850)412-4227 or by email at: jessica.kenny@ahca.myflorida.com.

Section XIII
Index to Rules Filed During Preceding
Week

RULES FILED BETWEEN DECEMBER 30, 2013
AND JANUARY 3, 2014

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
					12B-5.150	12/31/2013	1/20/2014	39/205	
					12B-5.200	12/31/2013	1/20/2014	39/205	
					12B-5.300	12/31/2013	1/20/2014	39/205	
					12B-5.500	12/31/2013	1/20/2014	39/205	
					12B-8.0016	12/31/2013	1/20/2014	39/205	
					12B-8.003	12/31/2013	1/20/2014	39/205	39/235
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES					Corporate, Estate and Intangible Tax				
Division of Consumer Services					12C-1.051	12/31/2013	1/20/2014	39/205	
5J-4.004	12/30/2013	1/19/2014	39/132	39/210	12C-2.0115	12/31/2013	1/20/2014	39/205	
5J-4.005	12/30/2013	1/19/2014	39/132	39/210	12C-3.0015	12/31/2013	1/20/2014	39/205	
5J-6.005	12/30/2013	1/19/2014	39/135	39/210	12C-3.0025	12/31/2013	1/20/2014	39/205	
5J-6.013	12/30/2013	1/19/2014	39/135	39/210	12C-3.0035	12/31/2013	1/20/2014	39/205	
5J-6.014	12/30/2013	1/19/2014	39/135	39/210	12C-3.0045	12/31/2013	1/20/2014	39/205	
5J-7.004	12/30/2013	1/19/2014	39/135	39/210	12C-3.0055	12/31/2013	1/20/2014	39/205	
5J-7.009	12/30/2013	1/19/2014	39/135	39/210	12C-3.008	12/31/2013	1/20/2014	39/205	
5J-7.010	12/30/2013	1/19/2014	39/135	39/210	12C-3.010	12/31/2013	1/20/2014	39/205	
5J-7.011	12/30/2013	1/19/2014	39/135	39/210	12C-3.011	12/31/2013	1/20/2014	39/205	
5J-7.012	12/30/2013	1/19/2014	39/135	39/210	12C-3.012	12/31/2013	1/20/2013	39/205	
5J-14.003	12/30/2013	1/19/2014	39/214		WATER MANAGEMENT DISTRICTS				
DEPARTMENT OF REVENUE					South Florida Water Management District				
12-24.023	12/31/2013	1/20/2014	39/205		40E-1.021	12/30/2013	1/19/2014	39/216	
12-28.008	12/31/2013	1/20/2014	39/205		40E-1.6058	12/30/2013	1/19/2014	39/216	
Sales and Use Tax					DEPARTMENT OF THE LOTTERY				
12A-1.059	12/31/2013	1/20/2014	39/205	39/228	53ER14-1	1/3/2014	1/3/2014	40/03	
12A-1.0641	12/31/2013	1/20/2014	39/205	39/228	53ER14-2	1/3/2014	1/3/2014	40/03	
12A-1.097	12/31/2013	1/20/2014	39/205		53ER14-3	1/3/2014	1/3/2014	40/03	
12A-16.008	12/31/2013	1/20/2014	39/205	39/235	53ER14-4	1/3/2014	1/3/2014	40/03	
12A-19.071	12/31/2013	1/20/2014	39/205	39/235	DEPARTMENT OF MANAGEMENT SERVICES				
12A-19.100	12/31/2013	1/20/2014	39/205		Division of Retirement				
Miscellaneous Tax					60S-2.005	12/31/2013	1/20/2014	39/233	39/234
12B-5.020	12/31/2013	1/20/2014	39/205		60S-3.006	12/31/2013	1/20/2014	39/233	39/234
12B-5.060	12/31/2013	1/20/2014	39/205		60S-4.007	12/30/2013	1/19/2014	39/201	
12B-5.080	12/31/2013	1/20/2014	39/205		60S-4.008	12/31/2013	1/20/2014	39/233	39/234
12B-5.090	12/31/2013	1/20/2014	39/205		DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION				
12B-5.130	12/31/2013	1/20/2014	39/205		Division of Hotels and Restaurants				
12B-5.140	12/31/2013	1/20/2014	39/205		61C-1.008	1/2/2014	2/1/2014	39/224	
					61C-4.020	1/2/2014	1/22/2014	39/224	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-815.013	1/2/2014	1/22/2014	39/192	39/226
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DEPARTMENT OF HEALTH

Board of Nursing

64B9-4.002	12/31/2013	1/20/2013	39/221	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-13.003	1/3/2014	1/23/2014	39/203	
68A-13.008	1/3/2014	1/23/2014	39/203	

Marine Fisheries

68B-61.002	1/3/2014	1/3/2014	39/203	
68B-61.004	1/3/2014	1/3/2014	39/203	
68B-61.009	1/3/2014	1/3/2014	39/203	

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

69O-186.014	12/30/2013	1/19/2014	39/201	39/230
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO CHAPTER 2010-279, LAWS OF FLORIDA

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

64J-2.006	7/12/2013	*****	39/53	39/103
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-772.300	12/27/2013	*****	39/194	39/224
62-772.400	12/27/2013	*****	39/194	39/224

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

69L-7.020	10/24/2011	*****	37/24	37/3
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OIR Insurance Regulation

69O-186.013	12/30/2013	*****	39/201	39/230
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