

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:       RULE TITLE:

6A-10.0315       Common Placement Testing and Instruction  
PURPOSE AND EFFECT: The purpose of this rule development is to align the rule with changes resulting from House Bill 7069.

SUBJECT AREA TO BE ADDRESSED: House Bill 7069 was passed during the 2015 Legislative session requiring this rule be revised to remove the requirement that high schools provide common placement testing and postsecondary preparatory instruction in response to the testing for students prior to grade 12 if they score Level 2 or Level 3 on the statewide assessments in reading or ELA or if they score Level 2, Level 3, or Level 4 on the Algebra 1 EOC Assessment. 2.0 (FCAT 2.0).

RULEMAKING AUTHORITY: 1001.02(6), 1008.30(3), (4) FS.

LAW IMPLEMENTED: 1001.02, 1008.30 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: Chris Mullin, Ph.D., Executive Vice Chancellor, Division of Florida Colleges, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-0407. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>.

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:       RULE TITLE:

6A-10.0319       Developmental Education Competencies  
PURPOSE AND EFFECT: The purpose of this rule development is to align the rule with changes in House Bill 7069.

SUBJECT AREA TO BE ADDRESSED: Changes to the statutory provisions resulting from House Bill 7069 passed during the 2015 Legislative session requiring this rule be revised.

RULEMAKING AUTHORITY: 1008.30(4)(a) FS.

LAW IMPLEMENTED: 1008.30(4)(a) 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: Chris Mullin, Ph.D., Executive Vice Chancellor, Division of Florida Colleges, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-0407. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>.

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

**DEPARTMENT OF EDUCATION**

**Florida’s Office of Early Learning**

RULE NO.:       RULE TITLE:

6M-8.100       Definitions

PURPOSE AND EFFECT: The purpose of the revised rule is to update a program definition to align with the VPK accountability rules.

SUBJECT AREA TO BE ADDRESSED: The rule will be updated to define a common term used in the VPK program.

RULEMAKING AUTHORITY: 1001.213(2), 1002.79 FS.

LAW IMPLEMENTED: 1002.53(2), (3)(g), 1002.61(2)(a), (7), 1002.63(2), (8), 1002.71(2), (6)(d), 1002.75(2)(a), (c-d) 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: November 17, 2015, 10:00 a.m. – 10:30 a.m. or until business is concluded, whichever is sooner

PLACE: Via GoToWebinar, for which the link may be found at:

[http://www.floridaearlylearning.com/oel\\_resources/rules\\_guidance\\_technical\\_assistance/proposed\\_rules.aspx](http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.aspx)

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: Tara Huls, 250 Marriott Drive, Tallahassee, FL 32399, Telephone: (850)717-8635 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: Tara Huls, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8635 or email: tara.huls@oel.myflorida.com Available on the Office’s Website at: [http://www.floridaearlylearning.com/oel\\_resources/rules\\_guidance\\_technical\\_assistance/proposed\\_rules.aspx](http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.aspx)

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

**6M-8.100 Definitions.**

As used in this chapter, the term:

(1) “Absence” means each instructional day that a child does not attend (is absent from) a VPK program.

(2) “Advance payment” is the process of a Voluntary Prekindergarten (VPK) provider choosing to receive an advance payment, prior to providing services, instead of a reimbursement for services rendered as described in subsection 6M-8.205(2), F.A.C.

(3) “Attendance” means an instructional day, either in whole or in part, that a child is present (or attends) a VPK program.

(4) “Coalition” means an early learning coalition created under Section 1002.83, F.S.

(5) “Enrollment” is the final step in the process of entering (or enrolling) a child in the VPK program. It means officially entering the child’s name in the statewide information system as a VPK student associated with a VPK provider.

(6) “Instructional day” means a calendar day that a VPK provider delivers scheduled instruction for the VPK program.

(7) “Instructional hour” means 60 minutes of instructional time that comprises planned activities or experiences implementing a curriculum that enhances a child’s progress in attaining the VPK performance standards adopted in Rule 6M-8.602, F.A.C.

(8) “Parent” has the same meaning as the term defined in Section 1000.21, F.S.

(9) “Program year” means the annual period beginning in one calendar year on the first day that a school-year program may begin instruction under subsection 6M-8.204(3), F.A.C.,

and ending in the next calendar year on the last day by which a summer program must complete instruction under subsection 6M-8.304(3), F.A.C. A program year is designated by the corresponding calendar years (e.g., 2014-2015, 2015-2016).

(10) “Provider on Probation” is a VPK private provider or public school whose readiness rate is at or below the minimum level established by the Office of Early Learning and incorporated in Rule 6M-8.601, F.A.C.

~~(11)(10)~~ “School-year program” means a school-year prekindergarten program consisting of 540 instructional hours delivered by a private provider under Section 1002.55, F.S., or by a public school under Section 1002.63, F.S.

~~(12)(11)~~ “Summer program” means a summer prekindergarten program consisting of 300 instructional hours delivered by a private provider or public school under Section 1002.61, F.S.

~~(13)(12)~~ “VPK class” means a private provider’s or public school’s prekindergarten class that includes a child in the VPK program.

~~(14)(13)~~ “VPK program” means the Voluntary Prekindergarten Education program created under Section 1002.53, F.S., and which is organized, designed, and delivered in accordance with Section 1(b) and (c), Article IX of the State Constitution.

~~(15)(14)~~ “VPK provider” means a provider delivering the VPK school-year program or summer program. There are two types of VPK providers: private prekindergarten providers as defined in Section 1002.51, F.S. and public schools.

~~(16)(15)~~ “VPK SIS provider” means a provider delivering the VPK specialized instructional services (SIS) program defined in Section 1002.66, F.S.

~~(17)(16)~~ “VPK site” means the permanent physical location where a private provider or public school delivers instruction for the VPK program.

Rulemaking Authority 1001.213(2), 1002.79 FS. Law Implemented 1002.51, 1002.53(2), 1002.55(2), 1002.61(2)(a), 1002.63(2), 1002.71(2)(d), 1002.66, 1002.75(2)(a) FS. History—New 1-19-06, Amended 5-24-07, Formerly 60BB-8.100, Amended 3-29-15, Amended \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Standards and Training**

RULE NO.: 11A-7.002  
 RULE TITLE: Commission Procedures for Public Comment

PURPOSE AND EFFECT: Adds rule language to ensure the Commission complies with section 286.0114, F.S., related to public participation at meetings.

SUBJECT AREA TO BE ADDRESSED: Procedures for public comment.

RULEMAKING AUTHORITY: 120.53(1), 286.0114 FS.

LAW IMPLEMENTED: 943.11(2) 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: Wednesday, November 18, 2015 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, 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: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@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: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@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:

11A-7.002 Commission Procedures for Public Comment. The Criminal Justice Standards and Training Commission invites and encourages all members of the public to provide comment on matters or propositions before the Commission or a committee of the Commission. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Commission after an agenda item is introduced at a properly noticed Commission meeting.

(2) Members of the public shall be limited to five minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Commission members, staff or Commission counsel. The chair of the Commission may extend the time to provide comment if time permits.

(3) Members of the public shall notify Commission staff in writing of his or her interest to be heard on a proposition or matter before the Commission. The notification shall identify the person or entity, indicate support, opposition, or neutrality,

and identify who will speak on behalf of a group or faction of persons consisting of two or more persons. Any person or entity appearing before the Commission may use a pseudonym if he or she does not wish to be identified. The notification shall be submitted to Commission staff in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302.

Rulemaking Authority 120.53(1), 286.0114 FS. Law Implemented 943.11(2) FS. History--New \_\_\_\_\_.

## DEPARTMENT OF LAW ENFORCEMENT

### Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-14.002 General Program Provisions

PURPOSE AND EFFECT: 11B-14.002(2): Revises the Training Report, form CJSTC-67, to specify that only the applicant's last four digits are required for completion of the form.

SUBJECT AREA TO BE ADDRESSED: Revised Training Report, form CJSTC-67.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h) FS.

LAW IMPLEMENTED: 119.071, 943.22 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:

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

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:      RULE TITLES:  
 11B-18.003      Operational Definitions  
 11B-18.004      Regional Training Areas  
 11B-18.0053     Officer Training Monies Budget and Expenditure Categories

PURPOSE AND EFFECT: 11B-18.003(4), (7), (10), (15): Updates the statutory reference.

11B-18.004: Revised to include a description of the training areas and provides an internet address to assist customers with locating the names of the Commission-certified training schools and where they can be found.

11B-18.004(1)-(16): Removes the specific training school names in the respective regional training areas to eliminate the need to revise the rule each time a Commission-certified training school changes its name.

11B-18.0053(3)(d): Updates the statutory reference.

11B-18.0053(4)(e): Revises the Operating Capital Outlay Property Disposal Request, form CJSTC-311, to specify that the Trust Fund Administrator must sign the form to authorize the transfer or disposal of trust fund operating capital outlay property. Upon completing the form the training center director must forward the form to the CJP Field Services Section of the FDLE/Criminal Justice Professionalism Program.

SUBJECT AREA TO BE ADDRESSED: Regional training areas and revised Operating Capital Outlay Property Disposal Request, form CJSTC-311.

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

LAW IMPLEMENTED: 943.12(5), 943.25(2), (3), (4), (5) FS.

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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).

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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-20.0014     Minimum Requirements for High-Liability and Specialized Instructor Certifications  
 11B-20.0016     Inspection of Instructor Certification Applications  
 11B-20.0017     Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: 11B-20.001(1)(a): Incorporates the revised Training Report, form CJSTC-67, to specify that only the applicant’s last four digits are required for completion of the form.

11B-20.001(3)(a)3.a.: Updates the Instructor Competency Checklist, form CJSTC-81, because rule requires diving instructor applicants to have either a Scuba Instructor or Dive Master certification. Each of these certifications requires the instructor applicant to teach. The instructor applicant has already demonstrated the required competencies; therefore, there is no need to complete an internship.

11B-20.001(3)(a)5.a.: Revises the Affidavit of Separation, form CJSTC-61, to change the term “termination” to “separation” under the Administrative – Routine category.

11B-20.0014(1)(d): Incorporates the updated Instructor Competency Checklist, form CJSTC-81.

11B-20.0014(2)(d)6.-7.: Revises Rule 11B-20.0014(2)(d)6.-7., F.A.C., to reorganize the subparagraph rule text to identify certain individuals who are eligible for First Aid Instructor Certification without completing additional Commission-approved training, pursuant to Rule 11B-20.0014(2)(d)4.-5., F.A.C.

11B-20.0014(3)(a)3.-4.: Requires instructor applicants to possess a general instructor certification, scuba instructor or dive master certification, and must have been employed as a public safety diver or instructed Underwater Police Science

and Technology within the past four years. The instructor requirements in rule qualify the instructor applicant to teach the course without having to take the course.

11B-20.0014(3)(c)3.: Changes the rule so that applicants who previously completed the Canine Team Training Course number 1112 will not be required to repeat the training with the new Canine Team Training Course number 1198.

11B-20.0016(2): Revises the Instructor Certification Deficiency Notification, form CJSTC-271, to include Breath Test and Criminal Justice Diving as categories approved for instructor certification, pursuant to Rule 11B-20.0013, F.A.C.

11B-20.0017(9): Clarifies the specific requirements for Breath Test Instructors who fail the Breath Test Instructor Renewal Course to complete a Commission-certified training school, a Breath Test internship, and apply for Breath Test Instructor certification.

**SUBJECT AREA TO BE ADDRESSED:** Revised Training Report, form CJSTC-67; revised Instructor Competency Checklist, form CJSTC-81; revised Affidavit of Separation, form CJSTC-61; First Aid Instructor Certification; Underwater Police Science and Technology; Canine Team Training; revised Instructor Certification Deficiency Notification, form CJSTC-271; and requirements for Breath Test Instructors.

**RULEMAKING AUTHORITY:** 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS.

**LAW IMPLEMENTED:** 119.071, 120.60(1), 943.12(3), (9), 943.3(6), 943.14(3) 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:** Wednesday, November 18, 2015, 10:00 a.m.

**PLACE:** Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, 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: Joyce Gainous-Harris at (850)410-8615 or joycegainous-harris@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).

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**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification
11B-21.018	Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification
11B-21.019	Criminal Justice Training School Inspections

**PURPOSE AND EFFECT:** 11B-21.002(2): Updates the statutory reference.

11B-21.005(4)(a), (5), (6), (7): Updates the rule reference and revises the CMS First Aid Instructional Requirements, form CJSTC-208, to update the list of equipment and training kit materials necessary to properly conduct Commission-approved first aid training.

11B-21.018(3): Updates the statutory reference.

11B-21.019: Updates the statutory reference.

11B-21.019(1): Clarifies a time limit of December 31 of each year for inspections to be completed and specifies that the training center director or designee is allowed to conduct annual facility inspections within the five-year recertification period.

11B-21.019(3): Specifies that the training center director or designee must notify Commission staff if a non-compliance issue is found to ensure that appropriate action and follow-up can be taken; and clarifies that a facility may not be used if it has areas of non-compliance.

**SUBJECT AREA TO BE ADDRESSED:** Updates to statutory references; revised CMS First Aid Instructional Requirements, form CJSTC-208; and training school guidelines and inspections.

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

**LAW IMPLEMENTED:** 943.12(3), 943.14 FS.

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**DEPARTMENT OF LAW ENFORCEMENT**

**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-27.00212	Maintenance of Officer Certification
11B-27.00213	Temporary Employment Authorization
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: 11B-27.0011(4)(b)1.: Amends the current rule language by removing the charge of Video Voyeurism (810.145, F.S.) as a result of a 2012 statutory change which made the charge a misdemeanor for anyone under 19 years old, and a felony for anyone 19 years old or older.

11B-27.0011(5): Specifies a timeframe of 10 calendar days during which an officer can recant a false statement prior to the employing agency’s conclusion of the internal affairs investigation.

11B-27.002(3)(a)4.: Revises the Temporary Employment Authorization Statement, form CJSTC-65, to clarify the firearms training requirements outlined in Rule 11B-27.00213(2)(a), F.A.C., and specify that agencies must document and verify the appropriate training of the officer if he or she is carrying a firearm.

11B-27.002(3)(a)15.: Revises the Affidavit of Separation, form CJSTC-61, and removes the possible negative stigma associated with a person being “terminated” when this reason is typically used for a separation beyond the officer’s control such as the dissolution of the agency.

11B-27.00212(14)(e): Updates the name of the Injury or Illness Exemption for the Firearms Law Enforcement Officer Qualification Standard, form CJSTC-86B.

11B-27.00212(15)(c): Updates the list of programs that law enforcement officers may complete to satisfy the Elder Abuse Training requirement and renumbers Rule 11B-27.00212(15)(c)1.-10., F.A.C., because sub-paragraphs # 1, 3, and 5 were removed.

11B-27.00212(15)(c)1.: Deletes the retired CMS Application-Based Law Enforcement Basic Recruit Training Program (BRTP) number 224.

11B-27.00212(15)(c)3.: Deletes the retired Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement BRTP number 1143.

11B-27.00212(15)(c)4.: Updates the status of the Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1191 because the program was retired on 6/30/14.

11B-27.00212(15)(c)5.: Deletes the retired Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement BRTP number 1157.

11B-27.00212(15)(c)6.: Updates the status of the Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1179 because the program was retired on 6/30/14.

11B-27.00213(2)(b): Revises the CMS Firearms Performance Evaluation, form CJSTC-4 CMS, to include local agencies; adds the Safe Handling of Firearms Course to the list of courses required to maintain the instructor to student ratio; adds a line for the rangemaster’s printed name; clarifies language on the proficiency check lists; and revises language to clarify scoring criteria.

11B-27.004(8)-(14): Deletes subsection 11B-27.004(8), F.A.C., and renumbers subsections 11B-27.004(9)-(14), F.A.C., because Commission staff will no longer issue a Letter

of Acknowledgment to respondents who have been terminated by an employing agency.

11B-27.004(9)(e): Deletes the previous subsection 11B-27.004(9)(e), F.A.C., due to the removal of subsection 11B-27.004(8), F.A.C., reference Commission staff issuing a Letter of Acknowledgment to respondents who have been terminated by the employing agency.

11B-27.005(5)(a)18.: Adds the felony charge of Video Voyeurism to the list of enumerated penalty guidelines.

11B-27.005(b)4.: Adds language to specify the charge of Falsification of a Use of Force Report is included in the enumerated penalty guidelines for misdemeanors involving false reports and statements.

11B-27.005(b)8.: Removes the misdemeanor charge of Video Voyeurism (810.145, F.S.) from the list of enumerated penalty guidelines misdemeanor as a result of a 2012 statutory change.

11B-27.005(5)(c)2.: Changes the recommended penalty range for the violation of sexual harassment involving physical contact or misuse of position to “probation with training to suspension with training.”

11B-27.013(3)(b)2.: Revises the Canine Course Equivalency Checklist, form CJSTC-70A, to include the canine handler’s name as well as the canine’s name.

**SUBJECT AREA TO BE ADDRESSED:** Implementation of penalties for lack of good moral character; certification, employment, appointment, reactivation, or termination of officers; Temporary Employment Authorization; Probable Cause Determination; disciplinary guidelines and range of penalties; and requirements for Canine Team Certification.

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

**LAW IMPLEMENTED:** 119.071, 943.12, 943.12(3), (16), 943.13, 943.13(7), (11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), (7), (8), 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 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:** Wednesday, November 18, 2015, 10:00 a.m.

**PLACE:** Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, 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: Joyce Gainous-Harris at (850)410-8615 or joycegainous-harris@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:** Joyce Gainous-Harris at (850)410-8615 or joycegainous-harris@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-30.006 State Officer Certification Examination General Eligibility Requirements

11B-30.012 Post Examination Review of Missed Questions, Answers, and Grading Key

**PURPOSE AND EFFECT:** 11B-30.006(1): Incorporates the revised Training Report, form CJSTC-67, to specify that only the applicant’s last four digits are required for completion of the form.

11B-30.012(1), (4): Includes a time limit for the SOCE post-examination review and includes an exception to permit individuals to bring materials to the SOCE post-examination review.

**SUBJECT AREA TO BE ADDRESSED:** Revised Training Report, form CJSTC-67; and post-examination review of the State Officer Certification Examination (SOCE).

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

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

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**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
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, Specialized 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-35.006	Advanced Training Program
11B-35.007	Specialized Training Program

PURPOSE AND EFFECT: 11B-35.001(8)(b)-(c): Updates the rule reference and removes the specific subparagraphs because of the paragraph renumbering of Rule 11B-35.001(8)(d).

11B-35.001(8)(d)9.-14.: Updates the list of Specialized Training Program Courses that require an end-of-course examination based upon the Statewide Criminal Justice Officer Post-Basic Training Needs Assessment approved by the Commission in August 2014.

11B-35.001(9): Moves the projected implementation date of the new Correctional Probation Basic Recruit Training Program from July 1, 2015 to July 1, 2016.

11B-35.001(10)(a): Incorporates the revised Training Report, form CJSTC-67, to specify that only the applicant’s last four digits are required for completion of the form.

11B-35.001(10)(b): Removes the Traditional Correctional Basic Recruit Training Program because the program has been retired for more than four years.

11B-35.001(10)(d)14.: Revises the Physical Fitness Assessment, form CJSTC-75B, to remove questions related to exemption for previous chemical agent exposure.

11B-35.0011(1)(f): Removes the reference to a specific rule subsection and replaces it with the FDLE mailing address.

11B-35.002(1)(a): Revises the column header to remove “Updated (U)” from the field because the Criminal Justice Professionalism (CJP) Division will no longer track course and program updates in the rule; and revises the paragraph numbering of Rule 11B-35.002(1)(a)1.-15., F.A.C.

11B-35.002(1)(a)1.-2.: Deletes the retired Traditional Law Enforcement BRTP number 002 and CMS Application-Based Law Enforcement BRTP number 224 from the list of Basic Recruit Training Programs.

11B-35.002(1)(a)4.-5.: Deletes the retired Traditional Correctional Cross-Over Training to Traditional Law Enforcement BRTP number 222 and Traditional Correctional Cross-Over Training to CMS Application-Based Law Enforcement BRTP number 1143.

11B-35.002(1)(a)8.-9.: Deletes the retired Traditional Correctional Probation Cross-Over Training to Traditional Law Enforcement BRTP number 223 and Traditional Correctional Probation Cross-Over Training to CMS Application-Based Law Enforcement BRTP number 1157.

11B-35.002(1)(a)10.: Deletes the updated (U) date from the Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1179.

11B-35.002(1)(a)11.: Deletes the retired Law Enforcement Auxiliary Officer BRTP number 211.

11B-35.002(1)(b): Removes “Updated (U)” from the column header and revises the paragraph numbering of Rule 11B-35.002(1)(b)2.-11., F.A.C.

11B-35.002(1)(b)2.-4.: Deletes the retired Traditional Law Enforcement Cross-Over Training to Traditional Correctional BRTP number 555, Traditional Correctional Probation Cross-Over Training to Traditional Correctional BRTP number 556, and CMS Application-Based Law Enforcement Cross-Over Training to Traditional Correctional BRTP number 1155.

11B-35.002(1)(b)6.: Updates the sub-paragraph reference in Rule 11B-35.003(8), F.A.C., and changes it from (g) to (h).

11B-35.002(1)(c): Removes “Updated (U)” from the column header and revises the paragraph numbering of Rule 11B-35.002(1)(c)1.-8.

11B-35.002(1)(c)1.: Deletes the retired Traditional Correctional Probation BRTP number 602.

11B-35.002(1)(c)2.: Deletes the updated (U) date from the Florida Correctional Probation BRTP number 1176.



11B-35.002(1)(c)3.-5.: Deletes the retired Traditional Correctional Cross-Over Training to Traditional Correctional Probation BRTP number 667, Traditional Law Enforcement Cross-Over Training to Traditional Correctional Probation BRTP number 660, and CMS Application-Based Law Enforcement Cross-Over Training to Traditional Correctional Probation BRTP number 1156.

11B-35.002(1)(c)6.-7.: Deletes the updated (U) date from the Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP number 1183 and Law Enforcement Officer Cross-Over Training to Florida Correctional Probation BRTP number 1184.

11B-35.002(1)(c)8.: Updates the rule reference.

11B-35.002(5): Updates the rule reference.

11B-35.002(5)(a): Deletes the retired Traditional Law Enforcement BRTP number 002 from the list of Basic Recruit Training Programs.

11B-35.002(5)(c)-(d): Deletes the retired Traditional Correctional Probation BRTP number 602 and CMS Application-Based Law Enforcement BRTP number 224.

11B-35.002(5)(g): Revises the effective date of the Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04, and changes it from July 1, 2012 to April 1, 2008, which is the date the Commission approved the program.

11B-35.002(6)(b)2.: Changes the rule to allow an individual who may have been employed in a discipline for many years but had retired or otherwise left employment, to be eligible to attend a cross-over course that if they had entered the cross-over course prior to leaving employment, they would have been eligible.

11B-35.002(6)(b)3.: Revised to clearly identify the four year time frame in which an applicant who completes a Basic Recruit Training Program can qualify to attend a cross-over course.

11B-35.002(6)(d): Revises the sub-paragraph numbering in Rule 11B-35.002(5)(d)1.-7., F.A.C., because #1. and 2. were removed.

11B-35.002(6)(d)1.-2.: Deletes the retired Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement BRTP number 1143 and Traditional Correctional Probation Cross-Over CMS Application-Based Law Enforcement BRTP number 1157.

11B-35.002(6)(e)1.-7.: Deletes the retired CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional BRTP number 1155 and Traditional Correctional Probation Cross-Over to Traditional Correctional BRTP number 556; and renumbers subparagraphs in Rule 11B-35.002(6)(e), F.A.C.

11B-35.002(6)(f)5.: Revises the effective date of the Correctional Officer Cross-Over Training to Florida

Correctional Probation Basic Recruit Training Program number 1183, and changes it from July 1, 2012 to April 1, 2008, which is the date the Commission approved the program.

11B-35.0021(7): Adds “canine” and “diving” to the list of instructor certification topics.

11B-35.0024(3)(a)2.: Revises the CMS Defensive Tactics Performance Evaluation, form CJSTC- 6 CMS, to remove questions related to chemical agent exposure exemption.

11B-35.0024(3)(a)3.: Revises the rule text to remove the chemical agent exposure exemption to require all students to undergo chemical agent contamination as described in the CMS Criminal Justice Defensive Tactics Course.

11B-35.0024(3)(c)2.: Revises and incorporates the CMS Firearms Performance Evaluation, form CJSTC-4 CMS.

11B-35.0024(3)(f)2.: Incorporates the revised CMS First Aid Performance Evaluation, form CJSTC-5 CMS.

11B-35.0024(3)(h)2.: Revises the CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS.

11B-35.003(2): Makes a grammatical change to remove the word “an” from rule text.

11B-35.003(7)-(9): Deletes the retired Correctional Auxiliary Officer BRTP number 501, revises the paragraph numbering, and updates the paragraph rule reference.

11B-35.006(1)(b): Revises the paragraph numbering of Rule 11B-35.006(1)6.-48., F.A.C.

11B-35.006(1)(b)6.: Deletes Criminal Law, number 019, from the list of Advanced Training Program Courses and adds the course to the list of Specialized Training Program Courses.

11B-35.006(1)(b)9.: Retires and deletes Sex Crimes Investigations, number 033, from the list of Advanced Training Program Courses.

11B-35.006(1)(b)14.: Deletes Organized Crime, number 054, from the list of Advanced Training Program Courses and adds the course to the list of Specialized Training Program Courses.

11B-35.006(1)(b)16.: Retires and deletes Supervision of the Youthful Offender, number 058, from the list of Advanced Training Program Courses.

11B-35.006(1)(b)18.-19.: Retires and deletes Firefighting for Correctional Officers, number 072, and Community and Human Relations, number 073, from the list of Advanced Training Program Courses.

11B-35.006(1)(b)22.: Retires and deletes Computers and Technology in Criminal Justice, number 080, from the list of Advanced Training Program Courses.

11B-35.006(1)(b)39.-40.: Retires and deletes Computer Crime Investigations, number 1153, and Financial Fraud Investigations, number 1154, from the list of Advanced Training Program Courses.

11B-35.006(1)(b)42.: Retires and deletes Managing and Communicating with Inmates and Offenders, number 1161, from the list of Advanced Training Program Courses.

11B-35.006(1)(b)44.: Retires and deletes Inmate Manipulation, number 1164, from the list of Advanced Training Program Courses.

11B-35.006(1)(b)47.: Retires and deletes Investigating Crimes Against Children, number 1187, from the list of Advanced Training Program Courses.

11B-35.006(1)(b)48.: Retires and deletes Field Training Officer Course for Correctional Probation Officers, number 1188, from the list of Advanced Training Program Courses and removes the salary incentive statement (\*) associated with the course.

11B-35.006(1)(b)36.: Incorporates the new 11B-35.006(1)(b)36., F.A.C., to add the Violent Crime Investigator Training Course, number 1137, to the list of Advanced Training Program Courses and removes the course from the list of Specialized Training Program Courses.

11B-35.007(3): Revises the paragraph numbering of Rule 11B-35.007(3)(b)-(r), F.A.C.

11B-35.007(3)(b)-(c): Deletes the retired CMS Instructor Techniques Course, number 1116, and CMS General Instructor Transition Course, number 803, from the list of Specialized Instructor Training Courses.

11B-35.007(3)(e): Deletes the retired CMS Vehicle Operations Instructor Transition Course, number 805, from the list of Specialized Instructor Training Courses.

11B-35.007(3)(g): Deletes the retired CMS Firearms Instructor Transition Course, number 806, from the list of Specialized Instructor Training Courses.

11B-35.007(3)(i): Deletes the retired CMS Defensive Tactics Instructor Transition Course, number 807, from the list of Specialized Instructor Training Courses.

11B-35.007(3)(k): Deletes the retired CMS First Aid Instructor Transition Course, number 804, from the list of Specialized Instructor Training Courses.

11B-35.007(3)(m): Deletes the retired Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors, number 1109, from the list of Specialized Instructor Training Courses.

11B-35.007(4): Revises the paragraph numbering of Rule 11B-35.007(4)(b)-(z), F.A.C.

11B-35.007(4)(b): Retires and deletes Human Interaction Course, number 1144, from the list of Specialized Training Program Courses.

11B-35.007(4)(j): Retires and deletes Crimes Against Children, number 1135, from the list of Specialized Training Program Courses.

11B-35.007(4)(k): Retires and deletes Domestic Violence, number 1136, from the list of Specialized Training Program Courses.

11B-35.007(4)(l): Deletes Violent Crime Investigator Training Course, number 1137, from the list of Specialized Training Program Courses and adds the course to the list of Advanced Training Program Courses.

11B-35.007(4)(n)-(p): Retires and deletes the following courses from the list of Specialized Training Program Courses: Basic Incident Command System (ICS) Course, number 1140; Intermediate Incident Command System (ICS) Course, number 1141; and Advanced Incident Command System (ICS) Course, number 1142.

11B-35.007(4)(r): Retires and deletes Problem Solving Model: SECURE, number 1150, from the list of Specialized Training Program Courses.

11B-35.007(4)(w)-(x): Moves the Criminal Law, number 019; and Organized Crime, number 054, from the Advanced Training Program list to the list of Specialized Training Program Courses

11B-35.007(4)(y): Adds new Diabetic Emergencies and Officer Response, number 2009, to the list of Specialized Training Program Courses.

**SUBJECT AREA TO BE ADDRESSED:** Criminal justice officer training programs and course requirements.

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

**LAW IMPLEMENTED:** 119.071, 943.12, 943.17, 943.12, 943.12(5), 943.17, 943.17(1)(a), (b), 943.175, 943.25 FS.

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## DEPARTMENT OF LAW ENFORCEMENT

### Division of Criminal Justice Information Systems

RULE NOS.: RULE TITLES:

11C-6.004 Procedures for Requesting Criminal History Records

11C-6.009 Sale and Delivery of Firearms

11C-6.010 Retention of Applicant Fingerprints

PURPOSE AND EFFECT: 11C-6.004 - Updates language to be consistent with statute and to reflect that fingerprints must be submitted electronically in accordance with FBI requirements. Updates the Volunteer and Employee Background Checks (VECHS) Qualified Entity Application and the VECHS Dissemination Log to more effectively implement this rule.

11C-6.009 - Removes redundant rule language. Updates references to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) form F-4473. Extends appeal time frames from 21 calendar days to 60 calendar days as a direct benefit to the public. Requires dealers to maintain up-to-date telephone contact information, in the interest of public safety, while determining conditional non-approvals.

11C-6.010 - Moves the existing rule language to another section within the current rule for better organization. Replaces and updates references to the Automated Fingerprint Identification System (AFIS) to the Biometric Identification System (BIS). Updates reflect that the Care Provider Clearinghouse retains applicant fingerprints for a period of five years and are subject to the same fee schedule as non-instructional contractors outlined in 11C-6.010(7).

SUBJECT AREA TO BE ADDRESSED: Procedures for Requesting Criminal History Records, Sale and Delivery of Firearms, and Retention of Applicant Fingerprints.

RULEMAKING AUTHORITY: 943.03(4), 943.053(3), 943.0542, 943.056, 790.065, 943.03(4), 943.05(2)(g-h), 1012.32(3), 1012.465, 1012.56, FS.

LAW IMPLEMENTED: 943.053(3), 943.0542, 943.056, 790.065 FS., 432.12, 496.4101(3)(c), 550.105(10)(c), 551.107(7)(c), 560.141(1)(c)3, 559.555(2)3, 744.3135(4)(b), 943.13(5), 985.644(3)(c), 1002.395(6)(b)3, 1002.421(3)(a), 1012.32(3), 1012.465, 1012.467, 1012.56, FS.

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## DEPARTMENT OF REVENUE

### Property Tax Oversight Program

RULE NOS.: RULE TITLES:

12D-9.015 Petition; Form and Filing Fee

12D-9.020 Exchange of Evidence

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-9.015 and 12D-9.020, F.A.C., is to include statutory changes enacted in Sections 1 and 2 of Chapter 2015-115, L.O.F., which amended Sections 194.011 and 194.013, F.S. Owners of multiple tangible personal property (TPP) accounts may now file a single joint petition with a value adjustment board (VAB) if the property appraiser determines the accounts are substantially similar and will only be charged a single filing fee not to exceed \$15. Proposed changes to Rule 12D-9.015(7), F.A.C. will include citing to Section 194.011(3)(g), F.S. and references to a TPP account. Proposed changes to Rule 12D-9.020(2)(c), F.A.C., will include adding provisions that the property record card will be provided to the petitioner with the requested documentation.

This amendment also removes the language that the board clerk provides the property record card.

**SUBJECT AREA TO BE ADDRESSED:** The subject of the proposed rule amendments is the value adjustment board proceedings.

**RULEMAKING AUTHORITY:** 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS.

**LAW IMPLEMENTED:** 193.074, 193.155, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.171, 195.022, 195.084, 196.151, 197.2425, 197.301, 200.069, 213.05 FS.

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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: Janice Forrester at (850)617-8886 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:** Janice Forrester, Revenue Program Administrator, Property Tax Oversight Program, telephone: (850)617-8886 or email: ForrestJ@dor.state.fl.us. The proposed form will be posted on our website at <http://dor.myflorida.com/dor/property/legislation/rules/>.

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

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

**RULE NO.:** 12D-16.002  
**RULE TITLE:** Index to Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments is to implement legislative changes resulting from Chapter 2015-115, L.O.F., which amended Sections 194.011 and 194.013, F.S. Owners of multiple tangible personal property accounts may now file a single joint petition with a value adjustment board if the property appraiser determines the accounts are substantially similar. The effect of these proposed amendments is that affected parties will have updated Form DR-486MU, Value Adjustment Board-Attachment to Single Joint Petition for Multiple Units Filing, to file for both real property parcels and tangible personal property accounts on one attachment.

**SUBJECT AREA TO BE ADDRESSED:** To amend an existing form for the value adjustment board process so that it conforms to the rule changes proposed in Rules 12D-9.015 and 12D-9.020, F.A.C.

**RULEMAKING AUTHORITY:** 195.027(1), 213.06(1) FS.

**LAW IMPLEMENTED:** 92.525, 95.18, 136.03, 192.001(18), 192.0105, 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2425, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS.

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

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.223  
**RULE TITLE:** Designation of Institutions for Youthful Offenders

**PURPOSE AND EFFECT:** The purpose and effect of the amendment is to add Sumter Correctional Institution and Suwannee Correctional Institution to those which are designated to house youthful offenders, and to remove Indian River Correctional Institution and Hernando Correctional Institution from the list of institutions and units designated to house youthful offenders.

**SUBJECT AREA TO BE ADDRESSED:** Youthful offender housing designations.

**RULEMAKING AUTHORITY:** 944.09, 958.11 FS.

**LAW IMPLEMENTED:** 944.09, 958.11 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: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.223 Designation of Institutions for Youthful Offenders.

- (1) No change.
- (2) The following institutions and units are designated to house youthful offenders:
  - ~~(a) Indian River Correctional Institution;~~
  - ~~(a)(b) Lancaster Correctional Institution and Lancaster Work Camp;~~
  - ~~(b) Sumter Correctional Insitution;~~
  - (c) Sumter Basic Training Unit;
  - ~~(d) Suwannee Correctional Institution;~~
  - ~~(e)(d) Lowell Correctional Institution and Basic Training Unit;~~
  - ~~(f)(e) Lake City Correctional Facility.~~
  - ~~(f) Hernando Correctional Institution.~~

Rulemaking Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History—New 10-11-95, Amended 9-11-97, 4-14-98, Formerly 33-33.009, Amended 3-13-01, Formerly 33-506.103, Amended 12-7-04, 4-2-12,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-8.002	Definitions
59A-8.003	Licensure Requirements
59A-8.007	Geographic Service Area
59A-8.025	Registration Requirements for Homemaker and Companion Services Providers
59A-8.027	Emergency Management Plans

PURPOSE AND EFFECT: The Agency is amending the rules relating to nurse registries to update licensing application forms, modify requirements for home health agency satellite offices due to statutory changes, modify requirements relating to survey requirements and geographic service areas, and make technical changes for clarification.

SUBJECT AREA TO BE ADDRESSED: The licensure requirements for home health agencies are being revised to conform to statutory changes in Section 400.464(2), F.S. that

became effective on July 1, 2015. Rule 59A-8.002, F.A.C, is amended to clarify the definitions of “geographic service area” and “satellite office”. Rule 59A-8.003, F.A.C, is amended to update the home health agency licensing application form, modify requirements relating to satellite offices and changes of ownership due to statutory changes, clarify requirements for changes of address, and make technical changes. Rule 59A-8.007, F.A.C, is amended to make technical changes for clarification relating to geographic services areas and modify requirements relating to the provision of services. Rule 59A-8.025, F.A.C, is amended to update the homemaker and companion services provider licensing application form and make technical changes for clarification relating to geographic service areas. Rule 59A-8.027, F.A.C, is amended to make technical changes for clarification relating to geographic service areas.

RULEMAKING AUTHORITY: 400.497, 400.509, 408.819 FS.

LAW IMPLEMENTED: 400.462, 400.464, 400.471, 400.474, 400.484, 400.487, 400.492, 400.497, 400.509, 408.805, 408.806, 408.807, 408.809, 408.810 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: November 9, 2015, 1:00 – 2:00 p.m.  
 PLACE: Agency for Health Care Administration Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 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 7 days before the workshop/meeting by contacting: Ruby Grantham, Home Care Unit, Bureau of Health Facility Regulation, ruby.grantham@ahca.myflorida.com or (850)412-4386 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: Ruby Grantham, Home Care Unit, Bureau of Health ruby.grantham@ahca.myflorida.com or (850)412-4386

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:      RULE TITLES:  
 59A-18.002      Definitions  
 59A-18.004      Licensure Requirements, Procedures, and Fees

PURPOSE AND EFFECT: The Agency is amending the rules relating to nurse registries to revise definitions of “geographic service area” and “satellite office”, update licensing application forms, modify the requirements for nurse registry satellite offices due to statutory changes, and make technical changes for clarification.

SUBJECT AREA TO BE ADDRESSED: The licensure requirements for nurse registries are being revised to conform to statutory changes in Sections 400.462(28) and 400.509(1), F.S. that became effective on July 1, 2015. Rule 59A-18.002, F.A.C., is amended to revise the definitions of “geographic service area” and “satellite office”. Rule 59A-18.004, F.A.C., is amended to update the nurse registry licensing application form, modify requirements relating to satellite offices due to statutory changes, clarify requirements for changes of address, and make technical changes.

RULEMAKING AUTHORITY: 400.497, 400.509, 408.810(8), 408.819 FS.

LAW IMPLEMENTED: 400.497, 400.506, 400.512, 408.806, 408.809, 408.810, 408.811 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: November 9, 2015, 2:00 – 3:00 p.m.  
 PLACE: Agency for Health Care Administration Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 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 7 days before the workshop/meeting by contacting: Ruby Grantham, Home Care Unit, Bureau of Health, ruby.grantham@ahca.myflorida.com or (850)412-4386. 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: Ruby Grantham, Home Care Unit, Bureau of Health, ruby.grantham@ahca.myflorida.com or (850)412-4386

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:      RULE TITLE:  
 59G-1.052      Third-Party Liability Requirements

PURPOSE AND EFFECT: The purpose of rule 59G-1.052 is to specify provider responsibilities when a Florida Medicaid recipient has coverage through an individual, entity, insurance, or program that is liable to pay for health care services, and where to submit notices informing Florida Medicaid that a recipient has third-party coverage.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-1.052, Third-Party Liability Requirements; 59G-1.054, Recordkeeping and Documentation Requirements; and 59G-1.056, Copayments and Coinsurance.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-1.052, 59G-1.054, and 59G-1.056, F. A. C., will have as provided for under sections 120.54 and 120.541, FS.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.910 FS.

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

DATE AND TIME: November 16, 2015, 2:00 – 4:00 p.m.  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, 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: Ray Aldridge. 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: Ray Aldridge, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4151, e-mail: Ray.Aldridge@ahca.myflorida.com.

Comments will be received until 5:00 p.m., on November 17, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.052 Third-Party Liability Requirements.

(1) This policy applies to all providers enrolled or registered under the Florida Medicaid program and to all persons who are required to notify Florida Medicaid of any third-party benefit a recipient has.

(2) Purpose: Third-Party Liability (TPL) refers to the legal obligation of third parties (e.g., certain individuals, entities, insurers, or programs to pay part or all of the expenditures for medical assistance furnished under the Florida Medicaid Program. In accordance with Title 42, Code of Federal Regulations, section 433, Subpart D, all other available third-party resources must meet their legal obligation to pay claims before the Florida Medicaid program pays for a recipient's care.

(3) Exhausting third-party resources.

(a) Florida Medicaid is the payer of last resort. Providers must exhaust all TPL sources of payment, such as Medicare, TRICARE, private health insurance, AARP plans, or automobile coverage, prior to submitting or resubmitting a claim for reimbursement to Florida Medicaid.

(b) The following programs are exceptions to Florida Medicaid being the payer of last resort:

1. Federal funds for the Individuals with Disabilities Education Act, Part B or C.
2. Indian Health Services, according to 42 CFR 136.61.
3. Programs funded through state and county funds, including:
  - a. Acquired Immune Deficiency Syndrome (AIDS) drug assistance programs.
  - b. County health departments.
  - c. Department of Health indigent drug programs.
  - d. Substance abuse, mental health, and developmental disabilities programs funded by the Department of Children and Families and the Agency for Persons with Disabilities.
  - e. Victim's compensation funds.
  - f. Vocational rehabilitation programs.

(4) Refusal of services to recipients. Providers may not refuse to furnish a covered Florida Medicaid service to a recipient solely because of the presence of other insurance, including Medicare, in accordance with 42 CFR 447.20(b).

(5) Florida Medicaid reimbursement.

(a) Florida Medicaid reimburses the difference between the rate specified on the applicable Florida Medicaid fee schedule and the third-party payment, minus any Florida Medicaid copayment or coinsurance.

(b) Florida Medicaid does not reimburse for services when:

1. The amount of the third-party payment is equal to, or exceeds, the fee for the service specified on the applicable Florida Medicaid fee schedule.
2. The provider's TPL claim is denied for failing to obtain the appropriate authorizations from the third-party.

(6) Third-party liability resources.

(a) Third-party liability information for each recipient is available when the provider verifies recipient eligibility on the

Florida Medicaid fiscal agent's Web site at <http://portal.flmmis.com/flpublic>.

(b) Providers must determine if the insurance on the Florida Medicaid file is applicable to the services being provided. Florida Medicaid uses the following two-digit numeric codes when verifying recipient eligibility and for claims processing purposes:

<u>CODE</u>	<u>INSURANCE COVERAGE TYPE</u>
<u>03</u>	<u>BASIC SURGICAL</u>
<u>04</u>	<u>BASIC HOSPITAL/MEDICAL/SURGICAL</u>
<u>05</u>	<u>PHARMACY ADMINISTRATOR (TPA)</u>
<u>06</u>	<u>MAJOR MEDICAL</u>
<u>07</u>	<u>ACCIDENT ONLY (NON AUTO)</u>
<u>08</u>	<u>VEHICLE ALL INCLUSIVE</u>
<u>09</u>	<u>MAJOR MEDICAL WITH TPA OR NO PHARMACY</u>
<u>10</u>	<u>CANCER</u>
<u>11</u>	<u>MEDICARE SPECIAL NEED PLAN</u>
<u>12</u>	<u>MEDICARE SUPPLEMENT</u>
<u>13</u>	<u>NURSING HOME SUPPLEMENT</u>
<u>14</u>	<u>HEALTH MAINTENANCE ORGANIZATION</u>
<u>15</u>	<u>DENTAL</u>
<u>16</u>	<u>TRICARE</u>
<u>17</u>	<u>HMO WITHOUT PHARMACY</u>
<u>18</u>	<u>CONTINUOUS CARE/LIFE CARE</u>
<u>19</u>	<u>MEDICARE HMO UNLIMITED PHARMACY</u>
<u>20</u>	<u>MEDICARE HMO LIMITED PHARMACY</u>
<u>21</u>	<u>PHARMACY CARD SERVICE</u>
<u>22</u>	<u>HOSPITAL ROOM – BOARD/INDEMNITY</u>
<u>23</u>	<u>BASIC MEDICAL</u>

(7) Claim instructions.

(a) Providers must adjust or void a Florida Medicaid claim if they receive payment from a third-party after the Florida Medicaid claim is paid.

(b) Discounted contracts.

1. Florida Medicaid reimburses providers participating in plans with a third-party, in which the provider agrees to accept as full payment an amount less than its customary charges for any remaining recipient liability under the plan, such as a copayment or deductible.

2. If the discount contract's allowable fee is less than Florida Medicaid's maximum allowable fee and there remains a recipient liability under the plan, providers must:

- a. Compute the amount of patient responsibility (deductible, coinsurance, etc.).
- b. Deduct the result of sub-subparagraph a. from the Florida Medicaid rate.
- c. Include the result of sub-subparagraph b. as the third-party payment on the claim.

Providers must prorate the discount contract's allowable, third-party liability payment, and the recipient responsibility



for each line item, if the Explanation of Benefits (EOB) from the insurance company is not itemized.

(c) Canceled, expired, non-payment, or no proof of third-party coverage.

1. Providers must obtain proof from the third-party insurer that a recipient is not covered by the third-party when Florida Medicaid’s eligibility verification information indicates the recipient has TPL coverage.

a. If the provider has billed the third-party insurer and the third-party insurer refuses to send an EOB, proof that the coverage has been terminated, or proof that the service is not covered, providers must submit a letter on letterhead with a claim for reimbursement to the Florida Medicaid fiscal agent, including:

(I). A detailed explanation of the attempts made to obtain an EOB or other proof of non-coverage from the third-party.

(II). Any pertinent information obtained from the third-party.

(III). Date of correspondence or other communication with the third-party.

(IV). Name of person(s) contacted.

(V). Recipient’s name, Florida Medicaid number, and date of service.

(VI). Recipient’s third-party policy number.

(VII). Telephone number, if available, for the third-party.

b. Providers must submit a written explanation certifying there has not been a response from an absent non-custodial parent’s third-party for at least 30 days.

(d) Contributions to a facility.

1. Providers must treat any contribution made to a facility on behalf of a specific recipient as a third-party payment.

2. Providers do not have to report a contribution made to a facility to Florida Medicaid, when it is not for a specific recipient, but for the benefit of all residents.

(e) Crossover with TPL Claim and Adjustment Form.

1. Providers must submit the following with the claim for reimbursement when Florida Medicaid is liable for all, or a portion of, the claim after the third-party has settled or denied its claim:

a. Crossover with TPL Claim and/or Adjustment Form, \_\_\_\_\_, incorporated by reference in Rule 59G-1.045, F.A.C.

b. Proof of third-party liability payment or denial.

c. Explanation of Medicare Benefits (EOMB)

2. Providers must submit one of the following forms, as applicable, with Medicare Advantage Plan (Part C) claims:

a. State of Florida Medicare Part C – Florida Medicaid CMS-1500 Crossover Invoice Form, \_\_\_\_\_, incorporated by reference in Rule 59G-1.045, F.A.C.

b. State of Florida Medicare Part C – Florida Medicaid UB-04 Crossover Invoice Form, \_\_\_\_\_, incorporated by reference in Rule 59G-1.045, F.A.C.

(8) Third-party liability vendor. Florida Medicaid contracts with a TPL contractor to identify, manage, and recover Florida Medicaid funds paid on behalf of recipients when another party is or was responsible. For more information, visit <https://www.flmedicaidtplrecovery.com>.

(9) Third-party liability notices.

(a). In accordance with sections 409.910 (Medicaid Third-Party Liability Act) and 409.9101, F.S., notices informing Florida Medicaid of any third party benefit must be submitted in writing, by United States mail, private carrier, or hand, to the Agency for Health Care Administration’s designated third-party liability contractor or the following address:

Office of Florida Medicaid Third-Party Liability  
Agency for Health Care Administration  
2727 Mahan Drive  
Tallahassee, Florida 32308-5403

(b). Notice provided to any other office of the Florida Medicaid Program or delivered to any other address is not effective to fulfill notice requirements of section 409.910, F.S. Rulemaking Authority 409.919 FS. Law Implemented 409.910 FS. History-New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-1.054  
RULE TITLE: Recordkeeping and Documentation Requirements

PURPOSE AND EFFECT: The purpose of Rule 59G-1.054 is to specify recordkeeping and documentation requirements for Florida Medicaid providers.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-1.054, F.A.C., Recordkeeping and Documentation Requirements; 59G-1.052, F.A.C., Third-Party Liability Requirements; and 59G-1.056, F.A.C., Copayments and Coinsurance.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-1.054, 59G-1.052, and 59G-1.056, F.A.C., will have as provided for under sections 120.54 and 120.541, FS.

RULEMAKING AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.907, 409.913 FS.



A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: November 16, 2015, 2:00 – 4:00 p.m.  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, 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: Ray Aldridge. 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: Ray Aldridge, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4151, email: Ray.Aldridge@ahca.myflorida.com Comments will be received until 5:00 p.m., on November 17, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.054 Recordkeeping and Documentation Requirements.

(1) This rule applies to all providers of Florida Medicaid services who are enrolled in or registered with the Florida Medicaid program. If a recipient is enrolled in a Florida Medicaid managed care plan, providers must also comply with the recordkeeping and documentation requirements specified by the recipient's managed care plan.

(2) Documentation Requirements.

(a) All Florida Medicaid providers must:

1. Ensure medical records establish the medical necessity for and the extent of services provided.

2. Sign and date each medical record at the time of service, or otherwise authenticate the record by signature, written initials, or computer entry. Electronic signatures are permissible as defined in Chapter 668, Part I, Florida Statutes.

3. Initial rubber stamped signatures.

(b) Providers must document the following information, as applicable, for each service visit or encounter with a Florida Medicaid recipient:

1. Chief complaint of the visit.

2. Dates of service.

3. Description of services rendered.

4. Diagnosis.

5. Diagnostic tests and results.

6. History and physical assessment.

7. Medications and supplies.

8. Progress reports.

9. Referrals to other services.

10. Scheduling frequency for follow-up or other services.

11. Treatment plan.

(3) Electronic Records.

(a) Providers that create or maintain electronic records must develop and implement an electronic records policy to comply with the applicable state and federal laws, rules, and regulations to ensure the validity and security of electronic records. Electronic record policies must address the technical safeguards required by Title 45, Code of Federal Regulations, section 164.312, where applicable.

(b) The Agency for Health Care Administration (AHCA) reserves the right to require modifications to a provider's electronic records policy if AHCA determines, at its sole discretion, the provider's electronic records policy does not adequately ensure the validity or security of the provider's electronic records.

(c) Providers that maintain electronic records must have the ability to produce electronic records in a paper format within a reasonable time, upon AHCA's request.

(4) Recordkeeping Requirements. Providers must retain all business records, medical-related records, and medical records, as defined in Rule 59G-1.010, Florida Administrative Code, according to the requirements specified below, as applicable:

(a) Providers may maintain records on paper, magnetic material, film, or other media including electronic storage, except as otherwise required by law or Florida Medicaid requirements. All records must be accessible, legible, and comprehensible.

(b) Providers must retain all records related to services rendered to Florida Medicaid recipients for a period of at least five years from the date of service.

(c) Providers who are not in compliance with the Florida Medicaid documentation and recordkeeping policies described in this rule may be subject to administrative sanctions and recoupment of Florida Medicaid payments. Florida Medicaid must recover payment for goods or services when the provider has incomplete records or does not deliver the records.

(5) Copying or Transferring Records.

(a) Providers may seek reimbursement from a recipient for copying medical records at the recipient's request when the provider's standard policy is to bill all patients for copying medical records and the recipient is notified of the copying charge before the records are copied.

(b) Providers may not seek reimbursement from the recipient or AHCA for copying records requested by AHCA or any other state or federal agency.

(6) Right to Review Records.

(a) Authorized state and federal agencies, and their authorized representatives, may audit or examine provider records. This examination includes all records AHCA finds necessary to determine whether Florida Medicaid payment amounts were, or are, due. This requirement applies to the provider’s records and records for which the provider is the custodian. Providers must give authorized state and federal agencies, and their authorized representatives, access to all Florida Medicaid recipient records and any other information that cannot be separated from Florida Medicaid-related records.

(b) Providers must send, at their expense, legible copies of all Florida Medicaid-related information to the authorized state and federal agencies or their authorized representatives upon AHCA’s request.

(c) All records must be provided regardless of the media format on which the original records are retained by the provider at the time of the request. All medical records must be reproduced onto paper copies unless otherwise authorized by the requestor.

Rulemaking Authority 409.919 FS. Law Implemented 409.907, 409.913 FS. History-New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:        RULE TITLE:

59G-1.056        Copayments and Coinsurance

PURPOSE AND EFFECT: The purpose of Rule 59G-1.056 is to establish Florida Medicaid copayment and coinsurance responsibilities for Florida Medicaid covered services.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-1.056, F.A.C., Copayments and Coinsurance; F.A.C., 59G-1.052, F.A.C., Third-Party Liability Requirements; and 59G-1.054, F.A.C., Recordkeeping and Documentation Requirements.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-1.056, 59G-1.052, and 59G-1.054, F.A.C., will have as provided for under sections 120.54 and 120.541, FS.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.9081 FS.

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

DATE AND TIME: November 16, 2015, 2:00 – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, 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: Ray Aldridge. 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: Ray Aldridge, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4151, email: Ray.Aldridge@ahca.myflorida.com Comments will be received until 5:00 p.m., on November 17, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.056 Copayments and Coinsurance.

(1) This rule applies to all recipients receiving Florida Medicaid services, and all providers of Florida Medicaid services who are enrolled in or registered with the Florida Medicaid program.

(2) Requirement. Recipients are responsible for paying all applicable copayment and coinsurance amounts directly to the provider who furnished Florida Medicaid covered services, unless otherwise exempt, or if the copayment or coinsurance is waived by the Florida Medicaid managed care plan in which the recipient is enrolled.

(3) Amounts. The copayment and coinsurance amounts, as specified in section 409.9081, Florida Statutes, are included in the service-specific coverage policies codified in Rule Chapter 59G-4, Florida Administrative Code.

(4) Exemptions. The following categories of recipients are not required to pay a copayment or coinsurance:

(a) Individuals under the age of 21 years.

(b) Pregnant women – for pregnancy-related services, including services for medical conditions that may complicate the pregnancy. This exemption includes the six week period following the end of the pregnancy.

(c) Individuals receiving services in an inpatient hospital setting, long-term care facility, or other medical institution if, as a condition of receiving services in the institution, that individual is required to spend all of his or her income for medical care costs with the exception of a minimal amount required for personal needs.

(d) Individuals who require emergency services after the sudden onset of a medical condition, which if left untreated would place their health in serious jeopardy.

(e) Individuals receiving services or supplies related to family planning.

(5) Recipients Unable to Pay. Providers cannot deny service to a recipient based solely on the recipient's inability to pay a Florida Medicaid copayment or coinsurance amount. Providers may bill the recipient for the unpaid copayment or coinsurance amount.

(6) Third-Party Coverage. Recipients who have third-party liability coverage (including dually eligible recipients) are required to pay copayment or coinsurance amounts, unless:

(a) The recipient is otherwise exempt.

(b) The Medicare or third-party payment is equal to, or exceeds, the Florida Medicaid fee for the service. Providers must reimburse recipients who have paid a Florida Medicaid copayment when the Medicare or third-party liability payment is equal to or exceeds the Florida Medicaid fee for the service. Rulemaking Authority 409.919 FS. Law Implemented 409.9081 FS. History-New\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-19.002  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the definitions within the rule as well as the laws being implemented.

SUBJECT AREA TO BE ADDRESSED: Talent Agencies.

RULEMAKING AUTHORITY: 468.402(3) FS.

LAW IMPLEMENTED: 468.401(2), 468.401(9), 468.403(4)(b), 468.403(7), 468.404(3), 468.405(2), 468.412(7), 468.412(8) 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.

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 days before the workshop/meeting by contacting: 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: Chevonne Christian, Assistant General Counsel, Rules

Division, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062  
 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**

RULE NO.: 61-37.006  
 RULE TITLE: Energy Compliance Information Reporting Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reinstate energy code compliance form submission and reporting requirements which existed within the Florida Building Code until June 30, 2015.

SUBJECT AREA TO BE ADDRESSED: Energy compliance information reporting forms and requirements.

RULEMAKING AUTHORITY: 553.907 FS.

LAW IMPLEMENTED: 553.901, 553.904, 553.905, 553.907, 553.73(7)(a) 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: Jim Richmond, Executive Director, Florida Building Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NOS.: 61-41.003, 61-41.006, 61-41.007, 61-41.009, 61-41.011, 61-41.016, 61-41.017, 61-41.0211  
 RULE TITLES: Administration and Department Responsibilities, Certification of Agencies, Manufacturer Certification, Design Plan and Systems Approval, Alterations and Relocation, Department Insignia, Insignia Application and Issuance, Change in Manufacturer's Status

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to eliminate obsolete, unnecessary, or redundant rule provisions; simplify and streamline existing rule provisions; and institute programmatic changes to existing rules to increase compliance with the Florida Building Code.

SUBJECT AREA TO BE ADDRESSED: Administration of the Department's Manufactured Buildings Program and regulation of manufactured buildings.

RULEMAKING AUTHORITY: 553.37(1-2), (5); 553.375; 553.381 FS.

LAW IMPLEMENTED: 553.37(1-2), (5-6), (8); 553.38; 553.375; 553.381 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: Jim Richmond, Executive Director, Florida Building Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NO.:       RULE TITLE:  
61B-29.001       Definitions

PURPOSE AND EFFECT: Chapter 2015-90, Laws of Florida, amended Section 723.003, F.S., to provide additional definitions. The Division proposes this rule amendment to delete those definitions listed in Rule 61B-29.001, F.A.C., which were added to Section 723.003, F.S.

SUBJECT AREA TO BE ADDRESSED: Definitions for mobile home related matters.

RULEMAKING AUTHORITY: 723.006(7) FS.

LAW IMPLEMENTED: 723.016 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.

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: Debbie Miller Pennington at (850)488-1631. 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: Debbie Miller Pennington, Government Analyst I, 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.:       RULE TITLE:  
61B-33.004       Operation of the Association

PURPOSE AND EFFECT: Chapter 2015-90, Laws of Florida, amended Section 723.078(2)(c), F.S., to allow members of a mobile home homeowners' association to tape record or videotape meetings of the board of directors and its committees. Rule 61B-33.004, F.A.C., is being created to establish rules governing the tape recording and videotaping of such meetings.

SUBJECT AREA TO BE ADDRESSED: The recording of mobile home homeowners' association meetings and its committees.

RULEMAKING AUTHORITY: 723.078(2)(c)4. FS.

LAW IMPLEMENTED: 723.078(2)(c)4. 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.

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: Debbie Miller Pennington at (850)488-1631. 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: Debbie Miller Pennington, Government Analyst I, 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**

**Child and Farm Labor Program**

RULE NO.: RULE TITLE:  
 61L-2.003 Proof of Age and Removal of Disability of Nonage

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Child Labor statutes regarding the employment of minors in adult theaters.

SUBJECT AREA TO BE ADDRESSED: Child Labor

RULEMAKING AUTHORITY: 450.121 FS.

LAW IMPLEMENTED: 450.012, 450.021, 450.045, 450.061, 450.081 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: Jamie E. Royal, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0062

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.: RULE TITLES:  
 62-701.210 Documents Incorporated by Reference  
 62-701.900 Forms

PURPOSE AND EFFECT: Rule 62-701.210, F.A.C., must be amended to address changes allowing for the incorporation of additional technical references in Chapter 62-701, F.A.C., as requested by the Joint Administrative Procedures Committee (JAPC). In addition, Rule 62-701.900 is being opened for rule development to provide for additional forms that may be proposed and adopted to meet the requirement of subsection 403.707(9), F.S., that, to the extent economically feasible, all construction and demolition debris must be processed prior to disposal, either at a permitted materials recovery facility or at a permitted disposal facility.

SUBJECT AREA TO BE ADDRESSED: Solid Waste Management

RULEMAKING AUTHORITY: 403.061, 403.704, 403.707, F.S.

LAW IMPLEMENTED: 403.061, 403.702-.717, F.S.

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: Richard Tedder, P.E., Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8735, or email at Richard.Tedder@dep.state.fl.us.

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NOS.: RULE TITLES:  
 5M-17.001 Approved Florida Dairy Best Management Practices  
 5M-17.002 Presumption of Compliance  
 5M-17.003 Notice of Intent to Implement  
 5M-17.004 Record Keeping

PURPOSE AND EFFECT: The purpose of this rule is to effect agricultural nonpoint source pollutant reduction in Florida through the implementation of Best Management Practices to ensure that agricultural discharges have minimal individual or cumulative adverse impacts to state water resources.

SUMMARY: This rule establishes a procedure for Florida dairies to submit a Notice of Intent (NOI) which contains water quality and quantity Best Management Practices (BMPs) applicable to their operation. Submittal of the NOI to the Florida Department of Agriculture and Consumer Services and implementation of identified BMPs that have been verified effective by the Florida Department of Environmental Protection provides a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5), Florida Statutes, for those pollutants addressed by the practices. This rulemaking also provides that records maintained by the participant confirming the implementation of BMPs are subject to inspection.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. As part of this analysis, the Department relied upon past experiences with developing voluntary Best Management Practices based on generally accepted industry practices. Additionally, no interested party submitted additional information regarding the economic impact.

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

RULEMAKING AUTHORITY: 403.067(7)(c)2; 570.07(10) and (23) FS.

LAW IMPLEMENTED: 403.067(7)(c)2 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: Bill Bartnick, Office of Agricultural Water Policy, Mayo Building, 407 South Calhoun Street (MS E1), Tallahassee, Florida 32399, Telephone: (850)617-1705, FAX: (850)617-1701

THE FULL TEXT OF THE PROPOSED RULE IS:

5M-17.001 Approved Florida Dairy Best Management Practices.

The manual titled Water Quality/Quantity Best Management Practices for Florida Dairy Operations (2015 Edition), FDACS-P-02008, is hereby adopted and incorporated by reference. Copies of the manual may be obtained from the University of Florida county extension offices or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, Mayo Building, 407 South Calhoun Street, Tallahassee, Florida, 32399 or accessed online at <http://www.flrules.org/Gateway/reference>.

Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_.

5M-17.002 Presumption of Compliance.

Pursuant to Section 403.067(7)(c)3., F.S., implementation of Best Management Practices (BMPs), in accordance with this rule chapter, that have been verified by the Florida Department of Environmental Protection as effective in

reducing pollutants addressed by the practices, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants. In order to qualify for a presumption of compliance and release from Section 376.307(5), F.S., the applicant must:

(1) Submit a Notice of Intent (NOI) to Implement, as provided in Rule 5M-17.003, F.A.C., that identifies the applicable BMPs;

(2) Implement all applicable BMPs in accordance with the requirements in Rule 5M-17.003, F.A.C.;

(3) Implement all applicable Level I BMPs no later than 18 months after submittal of the NOI; and

(4) Maintain documentation, in accordance with Rule 5M-17.004, F.A.C., to verify the implementation and maintenance of the identified BMPs.

Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_.

5M-17.003 Notice of Intent to Implement.

(1) A Notice of Intent (NOI) to Implement Water Quality/Quantity Best Management Practices for Florida Dairy Operations (FDACS-04000, 03/15), hereby adopted and incorporated by reference, shall be submitted to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, Mayo Building, 407 South Calhoun Street, Tallahassee, Florida 32399. The NOI may be obtained from FDACS or accessed online at <http://www.flrules.org/Gateway/reference>.

(2) A BMP checklist with a schedule for implementation, as contained in the manual incorporated in Rule 5M-17.001, F.A.C., must be submitted with the NOI. The applicant shall select the applicable BMPs by following the instructions in the manual.

(3) Once the NOI is submitted, the applicant is eligible to receive assistance with BMP implementation.

Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_.

5M-17.004 Record Keeping.

BMP participants must keep records for a period of at least five years after they are generated to document implementation and maintenance of the practices identified in the manual incorporated by reference in Rule 5M-17.001, F.A.C., and in the Notice of Intent to Implement. All documentation is subject to inspection upon request.

Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Darrell Smith, Acting Director, Office of Agricultural Water Policy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 31, 2014

**FLORIDA COMMISSION ON OFFENDER REVIEW**

RULE NO.: 23-21.001  
 RULE TITLE: General

PURPOSE AND EFFECT: Rule discusses general jurisdiction of the agency.

SUMMARY: The rule is being repealed since it is duplicative of the statute.

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: 1) there is no requirement for SERC triggered under § 120.541(1), F.S., and 2) based on direct past experiences with agency rules, there are no adverse impacts or regulatory costs as defined by § 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 947.07 FS.  
 LAW IMPLEMENTED: 947.06, 947.23 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: Sarah J. Rumph, (850)488-4460, SarahRumph@fcor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

23-21.001 General.

~~(1) The Commission shall be known as the Florida Commission on Offender Review and Control Release Authority. There is no right to parole or control release in the State of Florida. Pursuant to Article IV, Section 8, Florida~~

~~Constitution, the Commission may grant paroles or conditional releases to persons under sentence for crimes who are eligible for consideration. The Commission can also, as the Control Release Authority, establish control release dates for statutorily eligible inmates. The Commission can also require periods of supervision in conjunction with any release ordered by the Commission including Conditional Medical Release. The Commission may rescind an unexecuted order granting parole, and may revoke paroles, conditional releases, control releases, addiction recovery or conditional medical releases based upon violation of any of the specified conditions of release.~~

~~(2) Gender specific language includes the other gender and neuter.~~

Rulemaking Authority 120.53, 947.06, 947.07, 947.20, 960.001(1)(d)3. FS. Law Implemented 120.53, 947.23, 947.06, 960.001 FS. History—New 9-10-81, Formerly 23-21.01, Amended 1-26-93, 1-5-94, 8-16-94, 8-17-06, 3-31-10, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah J. Rumph, (850)488-4460, SarahRumph@fcor.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena M. Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 16, 2015

**FLORIDA COMMISSION ON OFFENDER REVIEW**

RULE NO.: 23-25.001  
 RULE TITLE: General

PURPOSE AND EFFECT: Rule states general jurisdiction of the Commission for Addiction Recovery Supervision.

SUMMARY: The rule is being repealed as duplicative of statute.

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: 1) there is no requirement for SERC triggered under § 120.541(1), F.S., and 2) based on direct past experiences with agency rules, there are no adverse impacts or regulatory costs as defined by § 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 944.4731 FS.

LAW IMPLEMENTED: 944.4731 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: Sarah J. Rumph, (850)488-4460, SarahRumph@fcor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

23-25.001 General.

~~The Commission on Offender Review is charged with establishing the term and conditions of supervision for offenders released from incarceration who are subject to the addiction recovery supervision as provided under Section 944.4731, F.S. The Commission on Offender Review has the authority to issue warrants and revoke such supervision upon a finding of a violation of a condition of addiction recovery supervision.~~

Rulemaking Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History—New 2-10-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Sarah J. Rumph, (850)488-4460, SarahRumph@fcor.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tena M. Pate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 16, 2015

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:

59A-4.205 The State Long Term Care Ombudsman Council Review

PURPOSE AND EFFECT: The Agency proposes to repeal this rule as the requirement in Rule 59A-4.205, F.A.C., regarding evidence of verified complaints reported to the State Long-Term Care Ombudsman, is located in 400.235(5)(f), F.S.

SUMMARY: Rule 59A-4.205 is duplicative of statutory requirements and is no longer necessary.

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 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. The Agency has determined that no SERC is required and that no legislative ratification pursuant to subsection 120.541(3) F.S. is required based on the Agency's review of information at the time of analysis and the preparation of a checklist for the Rule to determine the need for the creation of a SERC.

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: 400.235 FS.

LAW IMPLEMENTED: 400.235 FS.

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

DATE AND TIME: Tuesday, November 24, 2015, 9:30 – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Fort Knox Building #3, Conference Room C, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jacqueline Williams, Long Term Care Unit, Agency for Health Care Administration, 2727 Mahan Drive, MS# 33, Tallahassee, FL 32308, email: LTCstaff@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.205 The State Long Term Care Ombudsman Council Review.

Rulemaking Authority 400.235(9) FS. Law Implemented 400.235(5)(f), FS. History—New 8-21-01, Amended 5-15-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jacqueline Williams

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2015



## Section III Notice of Changes, Corrections and Withdrawals

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Medicaid

RULE NO.:       RULE TITLE:  
59G-4.105       Freestanding Dialysis Center Services  
                  NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 127, July 1, 2015 issue of the Florida Administrative Register.

The following changes have been made to the Florida Medicaid Dialysis Coverage Policy:

The table of contents was updated to reflect changes in the policy.

Section 1.1.1 Florida Medicaid Policies, now reads:

This policy is intended for use by dialysis and hospital providers that render dialysis services to eligible Florida Medicaid recipients. It must be used in conjunction with Florida Medicaid's general policy and any applicable service-specific and claim reimbursement policies with which providers must comply.

Note: Policies are available on the Florida Medicaid fiscal agent's Web site at <http://portal.flmmis.com/FLPublic>. All policies are incorporated by reference in Rule Division 59G, Florida Administrative Code (F.A.C.).

Section 1.3 Definitions, alphabetized subsection titles and renumbered based on policy update. Added beginning paragraph that reads:

The following definitions are applicable to this policy. For additional definitions that are applicable to all sections of Rule Division 59G, F.A.C., please refer to the Florida Medicaid definitions policy.

Section 1.3.1 Claim Reimbursement Policy, definition added and now reads:

A policy document that provides instructions on how to bill for services.

Section 1.3.6 Long-term Care Plan, term and definition removed based on standard language update. Added new term and definition that now reads:

General Policy

A collective term for Florida Medicaid policy documents found in Rule Chapter 59G-1 containing information that applies to all providers (unless otherwise specified) rendering services to recipients.

Section 1.3.7 Managed Medical Assistance Plan, term and definition removed based on standard language update.

Section 1.3.8 Medically Necessary/Medical Necessity, now reads:

As defined in Rule 59G-1.010, F.A.C.

Section 1.3.11 Provider General Handbook, term and definition removed based on standard language update.

Section 1.3.13 Reimbursement Handbook, term and definition removed based on standard language update.

Section 2.2 Who Can Receive, now reads:

Florida Medicaid recipients requiring medically necessary dialysis services. Some services may be subject to additional coverage criteria as specified in section 4.0.

Section 3.1 General Criteria, first paragraph now reads:

Providers must be at least one of the following to be reimbursed for services rendered to eligible recipients:

Section 3.2 Who Can Provide, now reads:

Facilities certified by the Centers for Medicare and Medicaid (CMS), as required in 42 CFR 494, can provide dialysis services.

Section 4.2.1 Dialysis Treatment, now reads:

Florida Medicaid reimburses for the following:

- Hemodialysis treatments
- Peritoneal dialysis treatments

The composite fee for dialysis treatment includes all supervision and management of the dialysis treatment routine, durable and disposable medical supplies, equipment, laboratory tests, support services, parenteral drugs and applicable drug categories (including substitutions), and all necessary training and monitoring for recipients receiving peritoneal dialysis treatment.

Section 6.1 General Criteria, now reads:

For information on general documentation requirements, please refer to Florida Medicaid's recordkeeping and documentation policy.

Section 7.1 General Criteria, second paragraph, second sentence now reads:

For recipients receiving services through the fee-for-service delivery system, providers should request authorization through the Quality Improvement Organization. For more information on general authorization submission requirements, please refer to Florida Medicaid's authorization policy.

Section 7.2 Specific Criteria, first sentence now reads:

The authorization information described below is applicable to the fee-for-service delivery system, unless otherwise specified.

Section 8.1 General Criteria, now reads:

The reimbursement information below is applicable to the fee-for-service delivery system, unless otherwise specified.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Drugs, Devices and Cosmetics**

RULE NO.: RULE TITLE:  
 61N-1.027 Distribution of Emergency Use Medical Oxygen  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 41 No. 173, September 4, 2015 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NOS.: RULE TITLES:  
 65C-31.001 Definitions  
 65C-31.002 Case Management for Young Adults Formerly in Foster Care  
 65C-31.004 Road to Independence Scholarship  
 65C-31.006 Young Adult Services Documentation Requirements  
 65C-31.007 High School Needs Assessment  
 65C-31.008 Post Secondary Needs Assessment  
 65C-31.009 Independent Living Benefits Due Process Notification  
 65C-31.010 Jurisdictional and Service Requirements for Young Adults Formerly in the Custody of the Department  
 65C-31.011 Independent Living Program Budget Management

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 151, August 5, 2015 issue of the Florida Administrative Register.

A notice of withdrawal for Rules 65C-31.001-.006, .008, .010-.011 was published in the October 27, 2015 issue of the Florida Administrative Register. The rules referenced for withdrawal are incorrect.

Notice is hereby given that Rules 65C-31.001-.002, .004, .006-.011, as noticed in Vol. 41 No. 151, August 5, 2015 issue of the Florida Administrative Register, have been withdrawn.

**Section IV  
 Emergency Rules**

**NONE**

**Section V**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: RULE TITLE:  
 62-610.462 Reliability and Operator Staffing  
 NOTICE IS HEREBY GIVEN that on October 20, 2015, the Department of Environmental Protection received a petition for variance from Citrus County Utilities, Point O' Woods Wastewater Treatment Facility. The petition was filed pursuant to Section 120.542, F.S., and requests a variance/waiver for operator staffing requirements from subsection 62-610.462(3), F.A.C., which requires operator staffing at this facility by a Class C or higher operator 6 hours per day for 7 days per week. The variance requests a reduction in the minimum operator staffing requirements to 3 hours per days for 5 days per week and 1 hour visits on each weekend day. The facility is located at East Gable Court, Inverness, Florida 34451, in Section 2, Township 19 South, Range 20 East in Citrus County. The petition has been assigned OGC # 15-0665 and File No. 0339016-001-EV/AD.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacquelyn Champion, (813)470-5918, jacquelyn.champion@dep.state.fl.us; Department of Environmental Protection, Southwest District, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637; during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:  
 64B8-9.009 Standard of Care for Office Surgery  
 The Board of Medicine hereby gives notice that on October 29, 2015, an Order was filed on the Petition for Variance or Waiver. The Petition for Variance or Waiver was filed by Kevin W. Graham, from Rule 64B8-9.009, F.A.C., with regard to the requirement for sterilization equipment in office surgery settings. The Notice was published in Volume 41, No. 173, of the Florida Administrative Register, on September 4, 2015. The Board, at its meeting held on October 9, 2015, voted to deny the Petition for Variance or Waiver, finding that the Petitioner lacks standing to bring the petition. Additionally, the petition was not in compliance because it failed to provide an address for the Petitioner; it failed to cite to the statute the rule in question implements; and failed to

state how the requested waiver would serve the purpose of the underlying statute.

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

## Section VI Notice of Meetings, Workshops and Public Hearings

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

The Florida Department of Agriculture and Consumer Services announces a hearing to which all persons are invited.

DATE AND TIME: November 12, 2015, 1:00 p.m., ET

PLACE: W.H. Stuart Conference Center, 1702 South Holland Parkway, Bartow, Florida 33830, (863)519-8677

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of Proposed Peach Marketing Order.

A copy of the agenda may be obtained by contacting Chris Denmark, (850)617-7341.

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: Chris Denmark, (850)617-7341. 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: Christopher.Denmark@FreshFromFlorida.com.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

The Florida Viticulture Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 10, 2015, 9:30 a.m. – 1:00 p.m., ET

PLACE: Florida A&M University, Center for Viticulture and Small Fruit Research, 6505 Mahan Drive, Tallahassee, Florida 32317, (850)599-3996

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Reports on the Status of the Industry, Research and Promotion. Report on Viticulture Trust Fund Collections. Biennial update of the State Viticulture Plan.

A copy of the agenda may be obtained by contacting: Melissa Hunt at (407)245-1611.

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: Melissa Hunt at (407)245-1611. 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 Melissa Hunt at (407)245-1611.

### DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

The Office of Early Learning announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2015, 10:00 a.m. – 4:00 p.m.

PLACE: The Early Learning Coalition of the Big Bend, 1940 North Monroe St., Suite 70, Tallahassee, FL 32303; webinar: access

<https://attendee.gotowebinar.com/register/1983328031316917249>; once registered, you will receive the conference call number and an access code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Developing the CCDF State Plan for 2016 – 2018.

A copy of the agenda may be obtained by contacting: katerina.maroney@oel.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 5 days before the workshop/meeting by contacting: katerina.maroney@oel.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: katerina.maroney@oel.myflorida.com.

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces certain date and time changes to the series of Bond Team meetings previously noticed in Docket No. 150171-EI - Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, LLC d/b/a Duke Energy.

**DATE AND TIME CHANGES:** The Bond Team will meet Thursday, November 5, 2015, 1:00 p.m., instead of on Wednesday, November 4, 2015, 2:00 p.m.; and on Tuesday, November 10, 2015, 3:00 p.m., instead of on Wednesday, November 11, 2015, 2:00 p.m.; the Bond Team meeting scheduled for Wednesday, November 25, 2015, has been canceled.

**PLACE:** Florida Public Service Commission, Gerald L. Gunter Building, Room 154, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399

**PURPOSE:** The purpose of these meetings is to allow members of the Bond Team, as established through the stipulation approved in this docket, to work cooperatively to establish the structuring, marketing, and pricing of nuclear asset-recovery bonds. As previously noticed, one or more of the Commissioners of the Florida Public Service Commission may attend and participate in these meetings.

Except as noticed herein, and unless otherwise provided by notice, the Bond Team meetings in this series will continue to be conducted on a regular, weekly basis each Wednesday afternoon at 2:00 p.m., including on November 18, 2015, at the location set forth above. It is not known at this time when this series of meetings will terminate; this series of meetings will be conducted until such time as nuclear asset-recovery bonds have been issued or until the Bond Team determines that such meetings are no longer necessary. Notice will be provided when it is known that this series of meetings will be terminated. Due to time constraints inherent in the process of structuring, marketing, and pricing these bonds, supplemental meetings might be needed and scheduled on an expedited basis. Notice of such supplemental meetings, if any are scheduled, will be provided by reasonable means.

**WATER MANAGEMENT DISTRICTS**

Northwest Florida Water Management District

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

**DATE AND TIME:** November 10, 2015, 2:30 p.m., ET

**PLACE:** District Headquarters, 81 Water Management Drive, Havana, FL 32333

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** All respondents proposing to submit a bid must be represented at this meeting. In accordance with the timeframe set forth in section 120.525, Florida Statutes, a public opening is hereby noticed within the timeline for the Invitation to Bid (ITB) 16B-002 for the 2016 Hand Planting Services for Reforestation.

A copy of the agenda may be obtained by contacting: Tyler Macmillan, (850)539-5999, Tyler.macmillan@nwfwater.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 72 hours before the workshop/meeting by contacting: Division of Administration, (850)539-5999. 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: Tyler Macmillan, (850)539-5999, Tyler.macmillan@nwfwater.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

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

**DATE AND TIME:** Tuesday, November 10, 2015, 10:00 a.m. – 2:00 p.m.

**PLACE:** Florida Gulf Coast University, WGPU TV Studio, 10501 FGCU Boulevard South, Fort Myers, Florida 33965

Any person interested in watching the live stream of the meeting, please go to the Florida Channel's website at <http://thefloridachannel.org/>. If you have any difficulty accessing the live stream, please call the Florida Center's main number: (850)412-3730.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Commission on Healthcare and Hospital Funding. The Commission was created by the Governor's Executive Order Number 15-99, to investigate and advise on the role of taxpayer funding for hospitals, insurers, and health care providers, and the affordability, access, and quality of healthcare services they provide to Florida families as a return on taxpayer investment.

**\*\*Please note that this meeting will be recorded\*\***

A copy of the agenda may be obtained by contacting: The agenda will be posted at the Commission on Healthcare and Hospital Funding website, at: <http://healthandhospitalcommission.com>. You may also contact us at: [FLHospitalCommission@ahca.myflorida.com](mailto:FLHospitalCommission@ahca.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 5 days before the workshop/meeting by contacting: Betty Schmidt, Florida Center for Health Information and Policy Analysis at Betty.Schmidt@ahca.myflorida.com or (850)412-3770. 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: Betty Schmidt, Florida Center for Health Information and Policy Analysis at Betty.Schmidt@ahca.myflorida.com or (850)412-3770.

**DEPARTMENT OF HEALTH**

The Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 2, 2015, 10:00 a.m. – 12:00 Noon

PLACE: Conference call: 1(888)670-3525, participant code: 2922384719 followed by the #key

GENERAL SUBJECT MATTER TO BE CONSIDERED: Biomedical Research Advisory Board (BRAC) conference call.

A copy of the agenda may be obtained by contacting: Derek Schwabe-Warf, Derek.Schwabe-Warf@flhealth.gov, (850)245-4034.

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: Derek Schwabe-Warf, Derek.Schwabe-Warf@flhealth.gov, (850)245-4034. 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: Derek Schwabe-Warf, Derek.Schwabe-Warf@flhealth.gov, (850)245-4034.

**DEPARTMENT OF HEALTH**

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

DATE AND TIME: January 20, 2016, 10:00 a.m. – 3:00 p.m.

PLACE: 6101 Lake Ellenor Drive #102, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Biomedical Research Advisory Board (BRAC) in-person meeting

A copy of the agenda may be obtained by contacting: Derek Schwabe-Warf, Derek.Schwabe-Warf@flhealth.gov, (850)245-4034.

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: Derek Schwabe-Warf, Derek.Schwabe-Warf@flhealth.gov, (850)245-4034. 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: Derek Schwabe-Warf, Derek.Schwabe-Warf@flhealth.gov, (850)245-4034.

**DEPARTMENT OF HEALTH**

Board of Medicine

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

DATE AND TIME: Friday, November 6, 2015, 2:00 p.m.

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

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

A copy of the agenda may be obtained by contacting: Sheila Autrey, (850)245-4444, ext. 8210, sheila.autrey@flhealth.gov or Christopher Bush, (850)245-4444, ext. 8192, christopher.bush@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sheila Autrey, (850)245-4444, ext. 8210, sheila.autrey@flhealth.gov or Christopher Bush, (850)245-4444, ext. 8192, christopher.bush@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Sheila Autrey, (850)245-4444, ext. 8210, sheila.autrey@flhealth.gov or Christopher Bush, (850)245-4444, ext. 8192, christopher.bush@flhealth.gov

DEPARTMENT OF HEALTH

Board of Medicine

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

DATE AND TIME: Friday, November 20, 2015, 2:00 p.m.

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

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

A copy of the agenda may be obtained by contacting: Jacoyia Hill, (850)245-4444, ext. 8215, jacoyia.hill@flhealth.gov or Christopher Bush, (850)245-4444, ext. 8192, christopher.bush@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jacoyia Hill, (850)245-4444, ext. 8215, jacoyia.hill@flhealth.gov or Christopher Bush, (850)245-4444, ext. 8192, christopher.bush@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: : Jacoyia Hill, (850)245-4444, ext. 8215, jacoyia.hill@flhealth.gov or Christopher Bush, (850)245-4444, ext. 8192, christopher.bush@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Family Health Services

The Department of Health, Community Health Promotion, Florida Coordinating Council for the Deaf and Hard of Hearing announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 12, 2015, 8:45 a.m. – 3:30 p.m.

PLACE: Conference Call Only: 1(888)670-3525, conference code: 8338411399#

Communication Access Real-time Translation Services: (CART) <http://www.streamtext.net/text.aspx?event=FCCDHH>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Coordinating Council for the Deaf and Hard of Hearing (FCCDHH) Advisory Council Committee Meeting. The Florida Coordinating Council for the Deaf and Hard of Hearing (FCCDHH) is mandated by Florida Statute 413.271 to

serve as an advisory and coordinating body which recommends policies that address the needs of Florida's community who are deaf, hard of hearing, late deafened or have combined hearing and vision loss.

A copy of the agenda may be obtained by contacting: John Escoto, (850)245-4913 or Kim Ingram, (850)245-4330.

For more information, you may contact: John Escoto, (850)245-4913 or Kim Ingram, (850)254-4330.

DEPARTMENT OF CHILDREN AND FAMILIES

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

DATE AND TIME: November 13, 2015, 10:00 a.m. – 12:00 Noon

PLACE: Santa Rosa School Board, 5086 Canal Street, Milton, FL 32570, telephone conference: 1(888)670-3525, participant code: 5412711821#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Children and Families, Circuit 1 Alliance-Community Action Team to provide a forum for providers and the Community to identify needs and gaps in services in order to improve the lives of our children and families in the Escambia, Santa Rosa, Okaloosa and Walton Counties. A conference call is available for those unable to attend in person at 1(888)670-3525, participant code: 5412711821#.

A copy of the agenda may be obtained by contacting: Fay Evans, (850)483-6708.

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: Fay Evans, (850)483-6708. 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: Fay Evans, (850)483-6708.

Section VII

Notice of Petitions and Dispositions  
Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-2.003 Definitions

NOTICE IS HEREBY GIVEN that the Board of Clinical Laboratory Personnel has received the petition for declaratory statement from Dawn L. Richards, on behalf of Sheridan Healthcare, Inc., filed on October 28, 2015. The petition seeks the agency's opinion as to the applicability of subsection

64B3-2.003(18), F.A.C., and Section 483.803(4), Florida Statutes, as they apply to the petitioner.

The Petitioner is seeking the Board’s interpretation of subsection 64B3-2.003(18), F.A.C. and Section 483.803(4), F.S., regarding petitioner’s responsibility to the Research Coordinators. 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: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257 or by email at info@floridasclincallabs.gov or by telephone: (850)488-0595, within 14 days of publication of this notice.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of Accounting and Auditing, Bureau of Unclaimed Property (the “Department”) has declined to rule on the petition for declaratory statement filed by Aspen Exchange, Inc., d/b/a Harris Eckland Associates, Inc. (the “Petitioner”) on August 3, 2015. The following is a summary of the agency’s declination of the petition:

The Notice of Petition for Declaratory Statement was published August 11, 2015, in Vol. 41, No. 155 of the Florida Administrative Register. The Petitioner sought a determination by the Department regarding its application of several provisions of Section 717.1241, Florida Statutes, in denying Petitioner’s claim for unclaimed property. The Department determined that the petition should be denied because it requested a determination of the propriety of conduct that has already occurred. Therefore, the petition was denied on October 29, 2015.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Dustin William Metz, Assistant General Counsel, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333 or by email: Dustin.metz@myfloridacfo.com.

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

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF EDUCATION

University of West Florida

CALL FOR QUALIFICATIONS

Laboratory Sciences Annex – Architectural Services  
15PQS-07AW

The University of West Florida Board of Trustees invites qualified firms to respond to a solicitation for professional qualifications to provide professional design services in the discipline of Architectural Services for construction of a new Laboratory Sciences Annex and renovation of Building 58, Laboratory Sciences.

Solicitation documents including project information may be downloaded from the University’s Procurement and Contracts’ website at <http://uwf.edu/offices/procurement/vendors-only/open-solicitations/>.

Interested firms are required to attend a mandatory pre-submittal meeting to participate in this solicitation. The mandatory pre-submittal meeting will be held on November 10, 2015 at 9:00 a.m. Central Time in Building 92, Room 110, University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Sealed submittals will be received until 3:00 p.m. Central Time on December 8, 2015 at the Office of Procurement and Contracts, Building 20W, Room 159, University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Solicitation number 15PQS-07AW must be clearly marked on outside of sealed submittal. The University will not be responsible for unopened submittals when the package is not properly identified. Responses must be submitted in full and in accordance with the requirements of all terms and conditions of the Professional Qualifications Solicitation.

All inquiries should be submitted in writing to Alicia Waymack, awaymack@uwf.edu.

Publication date(s): Florida Administrative Register 10/30/15  
Pensacola News Journal 11/1/15

**DEPARTMENT OF TRANSPORTATION  
LEASE OF RIGHTS-OF-WAY FOR COMMERCIAL  
TELECOMMUNICATIONS FACILITIES**

The Florida Department of Transportation (FDOT) is requesting proposals to lease rights-of-way owned by FDOT in Districts 2, 3, and 6, for the purposes of constructing, operating, and maintaining commercial telecommunications facilities in the aforementioned FDOT Districts, excluding Florida's Turnpike Enterprise right-of-way. Qualified proposers must submit a proposal in accordance with the project Request for Proposal (RFP) document. A copy of the RFP may be obtained by submitting a written request to: row.lease@dot.state.fl.us.

Please provide a contact name and email address when submitting your request. Questions about the RFP should also be directed to the aforementioned email address. Notice of changes (addenda) to the RFP will be posted on the FDOT Procurement website at:

<http://www.dot.state.fl.us/procurement/ROWLeaseCommercialTelecomFacilities.shtm>.

It is the responsibility of all potential proposers to monitor the website for any changing information prior to submitting your proposal. Proposals must be submitted by the time and date indicated in the RFP.

An application fee of \$10,000.00 is required from each proposer upon submittal of its proposal to FDOT.

**DEPARTMENT OF CHILDREN AND FAMILIES  
QUINCY SERVICE CENTER RESTROOM  
RENOVATIONS - ADA  
REQUEST FOR PROPOSALS  
INVITATION TO BID**

Proposals are requested from QUALIFIED GENERAL AND BUILDING CONTRACTORS by the State of Florida, Department of Children and Families, hereinafter referred to as OWNER, for the construction of:

PROJECT NO: DCF - 15240200

TITLE: RESTROOM RENOVATIONS – ADA

SITE: Quincy Service Center, 6 South Key Street, Quincy, Florida 32351

PREQUALIFICATION: Each prime Bidder shall be state-certified in accordance with Chapter 489, Florida Statutes, as a General or Building Contractor. Bids from firms not able to furnish proof of the required certification are subject to disqualification.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings and the General and Technical Specifications, which may be examined and obtained from the ARCHITECT/ENGINEER:

A/E: Department of Children and Families, Office of General Services, Design, and Construction. 1317 Winewood Blvd., Building #3, Room 205-G, Tallahassee, Florida 32399-0700; telephone (850)717-4011, email bill.bridges@myflfamilies.com.

BID DOCUMENTS: Full sets of Drawings and Specifications may be purchased from the ARCHITECT/ENGINEER, by payment of printing and handling costs at the rate of \$20.00 per bid set.

PRE-BID MEETING: A Mandatory pre-bid meeting will be held on Tuesday, November 10, 2015 at 10:00 a.m. local time. The meeting will be held at the Quincy Service Center, 6 South Key Street, Quincy, Florida.

BID OPENING: Sealed bids will be received, publicly opened and read aloud on

DATE: November 18, 2015, Wednesday

TIME: 2:00 p.m. local time

LOCATION: 1317 Winewood Blvd., Building #3, Room 205G, Tallahassee, Florida. Opening and reading bids aloud will occur in Building #3, Room 202, Conference Room.

**SUMMARY OF WORK:**

All work to be performed shall be located in Quincy, Florida at the Quincy Service Center, located at 6 South Key Street. The project work shall consist of the removal of sheetrock to install blocking for new toilet room accessories, install new sink with carrying channels, reinstall moisture resistant sheetrock and apply new ceramic tile floor and wainscot ceramic tile. Install new grab bars, mirrors, install new door hardware, new acoustical tile ceiling, new lighting and paint.



## Section XII Miscellaneous

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments is available at: <https://fldep.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2170. This public notice fulfills the requirements of 15 CFR 930.

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## Section XIII Index to Rules Filed During Preceding Week

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

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