

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:**      **RULE TITLE:**

6A-1.09401      Student Performance Standards

**PURPOSE AND EFFECT:** The purpose of this rule development is to revise Next Generation Sunshine State Standards (Florida Standards) for Mathematics, Access Points to Next Generation Sunshine State Standards (Florida Standards) for Mathematics and Access Points to Next Generation Sunshine State Standards for Science. The effect will be the proposed adoption of the Next Generation Sunshine State Standards (Florida Standards) for Mathematics, Access Points to Next Generation Sunshine State Standards (Florida Standards) for Mathematics and Access Points to Next Generation Sunshine State Standards for Science.

**SUBJECT AREA TO BE ADDRESSED:** Student Performance Standards.

**RULEMAKING AUTHORITY:** 1001.02, 1003.41 FS.

**LAW IMPLEMENTED:** 1001.03, 1003.41 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:** Mary Jane Tappen, Executive Vice-Chancellor, K-12 Public Schools at [Mary.Tappen@fldoe.org](mailto:Mary.Tappen@fldoe.org). To request a rule development workshop, please contact: Cathy Schroeder, Director, Office of Executive Management, 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 AVAILABLE AT:** <https://app1.fldoe.org/rules/default.aspx>

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

**RULE NOS.:**      **RULE TITLES:**

- 69L-31.003      Petition Form
- 69L-31.004      Carrier Response Form
- 69L-31.005      Petition Requirements
- 69L-31.006      Consolidation of Petitions
- 69L-31.007      Service of Petition on Carrier and Affected Parties
- 69L-31.008      Computation of Time
- 69L-31.009      Carrier Response Requirements
- 69L-31.010      Effect of Non-Response by Carrier
- 69L-31.011      Complete Record
- 69L-31.012      Joint Stipulation of the Parties
- 69L-31.013      Petition Withdrawal
- 69L-31.014      Overutilization Issues Raised in Reimbursement Dispute Resolution
- 69L-31.016      Reimbursement Disputes Involving a Contract or Workers' Compensation Managed Care Arrangement

**PURPOSE AND EFFECT:** Rules are being amended which govern the process for resolution of disputes between workers’ compensation carriers and health care providers. Revised forms are adopted. Rule 69L-31.005, F.A.C., is amended to provide greater detail regarding materials required to be included in a petition for dispute resolution. Rule 69L-31.008, F.A.C., is revised to provide clarity regarding computation of the time period to submit a petition for dispute resolution. The time period in Rule 69L-31.009, F.A.C., for a carrier to respond to a petition is expanded from 10 to 30 days. New Rule 69L-31.016, F.A.C., is proposed to limit the scope of the dispute resolutions to compliance with standards under Chapter 440, F.S., and exclude issues of contract interpretation. Changes are also made to provide several minor edits, primarily for the purpose of clarity.

**SUBJECT AREA TO BE ADDRESSED:** The resolution of reimbursement disputes by the Florida Department of Financial Services pursuant to paragraph 440.13(7)(e), F.S.

**RULEMAKING AUTHORITY:** 440.13(7)(e), 440.591 FS.

**LAW IMPLEMENTED:** 440.13(7) (a), (b), (c), (e) FS.

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

DATE AND TIME: January 12, 2016, 9:30 a.m.

PLACE: Room 109, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

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: Pamela Macon, telephone: (850)413-1708, e-mail: Pamela.Macon@MyFloridaCFO.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela Macon, Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, address: 200 East Gaines Street, Tallahassee, Florida 32399-4232, telephone: (850)413-1708, e-mail: Pamela.Macon@MyFloridaCFO.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Rule Chapter 69L-31, F.A.C.: Utilization and Reimbursement Dispute Rule

69L-31.003 Petition for Resolution of Reimbursement Dispute Form.

(1) The Petition for Resolution of Reimbursement Dispute Form, DFS-F6-DWC 3160-0023, Revised \_\_\_\_\_ (Petition Form) (DFS Form 3160-0023, effective September 8, 2006), is hereby incorporated by reference in this rule chapter. This form may be obtained on the Department's website Internet at <http://www.myfloridacfo.com/Division/WC/pdf/DFS-3160-0023.pdf> <http://www.myfloridacfo.com/wc/forms.html> or by contacting the Department at (850)413-1613.

(2) A petition to contest carrier disallowance or adjustment of payment pursuant to paragraph Section 440.13(7)(a), F.S., must be submitted on the Petition for Resolution of Reimbursement Dispute Form and shall be the only form accepted by the Department. ~~Any submission seeking to contest the disallowance or adjustment of payment by a carrier pursuant to Section 440.13(7)(a), F.S., must include a completed Petition for Resolution of Reimbursement Dispute Form.~~

Rulemaking Authority 440.13(7)(e) FS. Law Implemented 440.13(7)(a) FS. History—New 11-28-06, Formerly 59A-31.003, Amended \_\_\_\_\_.

69L-31.004 Carrier Response to Petition for Resolution of Reimbursement Dispute Form.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute Form, DFS-F6-DWC 3160-0024, Revised \_\_\_\_\_ (Response Form) (DFS Form 3160-0024, effective September 8, 2006), is hereby incorporated by reference in this rule chapter. This form may be obtained on the Department's website Internet at <http://www.myfloridacfo.com/Division/WC/pdf/DFS-3160-0024.pdf> <http://www.myfloridacfo.com/wc/forms.html> or by contacting the Department at (850)413-1613.

(2) The Response Form shall be the only form accepted by the Department upon which a carrier may submit its response to a petition to contest carrier disallowance or adjustment of payment. ~~The Carrier Response to Petition for Resolution of Reimbursement Dispute Form shall be considered a required element of the requested documentation to the Department under Section 440.13(7)(b), F.S. The Carrier Response to Petition for Resolution of Reimbursement Dispute Form shall be the only form accepted by the Department upon which a carrier may submit to the Department its response to a Petition for Resolution of Reimbursement Dispute. Any submission by a carrier pursuant to Section 440.13(7)(b), F.S., that does not include a completed Carrier Response to Petition for Resolution of Reimbursement Dispute Form shall result in a notice of deficiency by the Department. A carrier shall have ten (10) calendar days from receipt of the notice of deficiency to cure the deficiency identified in the Department's notice of deficiency. Failure to timely cure the deficiency shall constitute failure to submit requested documentation to the Department.~~

Rulemaking Authority 440.13(7)(e) FS. Law Implemented 440.13(7)(b) FS. History—New 11-28-06, Formerly 59A-31.004, Amended \_\_\_\_\_.

69L-31.005 Petition Form Requirements and Reasons for Dismissal.

(1) All references to a "carrier" in this rule chapter include any entity acting on the carrier's behalf in administering the carrier's workers' compensation medical claims. All references to a "petitioner" in this rule chapter are to the health care provider submitting a petition to contest carrier disallowance or adjustment of payment.

(2) The Department in its determination shall address only the specific line item(s) in the Explanation of Bill Review (EOBR) or notice of disallowance or adjustment of payment that the health care provider contends were improperly

disallowed or adjusted. The Department will not address any disallowance or adjustment of payment where the basis for the disallowance or adjustment of payment by the carrier involves denial of compensability of the claim or assertion that the specific services provided are not medically necessary.

(3)(1) The petitioner shall submit all documentation All documents and records that support supporting the allegations contained in the Petition Form petition must accompany the petition. The supporting documentation shall include a hard copy of the items listed below A petition that is accompanied by all items specified below will not be dismissed for failure to submit supporting documents and records:

(a) A copy of each EOBExplanation of Bill Review or notice of disallowance or adjustment of payment received from the carrier providing notice of disallowance or adjustment of payment in this dispute.

(b) A copy of all the medical bill or medical bills or request(s) request for reimbursement sent to the carrier for which payment was disallowed or adjusted by the carrier on the contested EOBExplanation of Bill Review(s) or notice of disallowance or adjustment of payment.

(c) One copy set of all related medical documentation and records submitted to the carrier in support of the medical service(s), bill(s) or request(s) for reimbursement which are the subject of this dispute.

(d) If the answer to question 5 on the Petition for Resolution of Reimbursement Dispute Form is yes, a copy of all applicable provision(s) of the reimbursement contract.

(d) (e) If the reimbursement dispute involves carrier authorization of non-emergency treatment, a copy of the provider's Provider's documentation of authorization by the carrier for non-emergency treatment for the date(s) of service addressed in the Petition Form covered by the petition.

(e) (f) If the reimbursement dispute involves carrier notification of emergency treatment, a copy of the documentation Documentation of health care provider notification to the carrier, pursuant to paragraph Section 440.13(3)(b), F.S., for emergency treatment or admission following emergency treatment for the date(s) of service addressed in the Petition Form included in the petition.

(f) If the reimbursement dispute involves physician dispensed medication, a copy of the Prescription (Legend) Drug Pedigree documenting the ownership and distribution history of the medication dispensed and a copy of the invoice documenting the physician's purchase of the medication dispensed.

(g) If the reimbursement dispute involves hospital services, documentation of the hospital's charge master as of the date of service and for the medical services billed.

(h) If the reimbursement dispute involves Surgical Implants, a copy of the acquisition invoice(s) from the health

care facility for Surgical Implants and Associated Disposable Instrumentation billed, and the record or implant log reflecting the utilization of items.

(i) If the reimbursement dispute involves supplies not incidental to the medical services, a copy of the acquisition invoice(s) from the health care provider for supplies billed, and the record or medical services notes reflecting the utilization of items.

(4)(2) The Petition Form shall be dismissed if:

(a) The Petition Form is not accurately completed; or

(b) The Petition Form is submitted to the Department more than forty-five (45) calendar days from the health care provider's receipt of the EOBR or notice of disallowance or adjustment of payment from the carrier; or

(c) The Petition Form is a duplicate of a previously submitted Petition Form with all of the same issues; health care provider; carrier; and date(s) of service; or

(d) The supporting documentation required in section (3) of this rule is missing or incomplete; or,

(e) The carrier (for purposes pertaining to receipt of service in this rule chapter, "carrier" shall include any entity the carrier has designated to receive service on the carrier's behalf) has not been properly served in accordance with Rule 69L-31.007, F.A.C.

(2) If the petitioner does not submit a completed Petition for Resolution of Reimbursement Dispute Form, accompanied by all of the items specified in subsection 69L-31.005(1), F.A.C., the petitioner will be notified by the Department of the deficiency in submission. The petitioner shall have ten (10) calendar days from receipt of the notice of deficiency to cure the deficiency by providing to the Department the items specified in the Department's notice along with proof of proper service of the curative documentation upon the carrier. If the Department does not receive the curative documentation and proof of service of the curative documentation upon the carrier within ten (10) days after petitioner's receipt of the notice of deficiency, the petition will be dismissed with prejudice.

(3) Documents and records accompanying the petition must be submitted in hard copy.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7) FS. History—New 11-28-06, Formerly 59A-31.005, Amended\_\_\_\_\_.

69L-31.006 Consolidation of Petitions.

(1) If multiple petitions Petition Forms addressing the same substantive issue(s) have been filed by a petitioner contesting disallowance or adjustment of payment by the same carrier, the Department may, in its discretion, consolidate the petitions Petition Forms into a single determination.

(2) If the Department consolidates multiple ~~petitions~~ Petition Forms into a single determination, the timetable for rendering a determination upon a consolidated ~~petitions~~ Petition Forms shall be ~~expanded to 120 calendar days after the Department's Department~~ receipt of all documentation.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(e) FS. History—New 11-28-06, Formerly 59A-31.006, Amended \_\_\_\_\_.

69L-31.007 Service of Petition on Carrier and Affected Parties.

(1) The petitioner shall effectuate service ~~upon on~~ on the carrier and on all affected parties by serving a copy of the Petition ~~petition~~ Form and all supporting documentation submitted to the Department ~~documents and records in support of the petition~~, by United States Postal Service (referred to as "USPS" in this rule chapter) certified mail on the specific entity identified on the Explanation of Bill Review (EOBR) or notice of disallowance or adjustment of payment as the entity the carrier designates to receive service of the Petition Form on behalf of the carrier and all affected parties. If the ~~EOBR Explanation of Bill Review~~ or notice of disallowance or adjustment of payment does not specifically identify the name and mailing address of the entity the carrier designates to receive service on behalf of the carrier and all affected parties, as required by subsection 69L-7.740(14) paragraph 69L-7.602(5)(e), F.A.C., the petitioner may effectuate service of the Petition ~~petition~~ Form ~~upon on~~ on the carrier and all affected parties by serving a copy of the petition and copies of all documentation ~~documents and records~~ in support of the Petition ~~petition~~ Form by United States Postal Service (USPS) certified mail upon the entity who issued the ~~EOBR Explanation of Bill Review~~ or notice of disallowance or adjustment of payment at the address from which the ~~EOBR Explanation of Bill Review~~ or notice of disallowance or adjustment of payment was issued.

(2) A ~~The Petition Form for Resolution of Reimbursement Dispute~~ must be served ~~upon on~~ on the carrier and all affected parties by United States Postal Service (USPS) certified mail. Service ~~upon on~~ on the carrier shall include one copy ~~set~~ of all documents and records submitted to the Department in support of the Petition ~~petition~~ Form.

(3) Service by certified mail means service by United States Postal Service (USPS) certified mail. Service by common carrier or service ~~Service by USPS United States Postal Service~~ delivery other than USPS certified mail ~~or service by common carrier~~ does not constitute service by USPS certified mail, as required by paragraph 440.13(7)(a), F.S. statute, even if carrier delivery and receipt of the petition are confirmed.

(4) If a carrier or the entity the carrier designates to receive service has not been properly served in accordance with this rule subsection, the Petition Form shall be dismissed. ~~petitioner will be notified by the Department of the deficiency in service. The petitioner shall have ten (10) calendar days from receipt of the notice of deficiency in service to provide the Department with proof the deficiency in service identified in the notice of deficiency has been cured by proper service. If the Department does not receive proof of proper service within ten (10) days after petitioner's receipt of the notice of deficiency, the petition will be dismissed with prejudice.~~ For purposes of this rule, "proof of proper service" means that a copy of the Petition ~~petition~~ Form and one copy ~~set~~ of all documentation ~~documents and records~~ in support of the Petition ~~petition~~ Form have been sent by United States Postal Service (USPS) certified mail to the proper entity at the proper address as set forth in this rule, and a certified mail receipt number is provided to the Department to confirm mailing and service. If the petitioner unsuccessfully attempts to effectuate service on the carrier, its designated entity, or the entity issuing the EOBR or notice of disallowance or adjustment of payment at the service address as it is listed on the EOBR or notice of disallowance or adjustment of payment because the service address as listed is incorrect or invalid, the Petition Form will not be dismissed.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a) FS. History—New 11-28-06, Formerly 59A-31.007, Amended \_\_\_\_\_.

69L-31.008 Computation of Time.

(1)(a) An Explanation of Bill Review (EOBR) that meets the requirements of paragraph 69L-7.740(14), F.A.C., constitutes a notice of disallowance or adjustment of payment for the purposes of calculating the forty-five (45) day time period in subsection 440.13(7), F.S.

(b) In addition, any document issued by or on behalf of the carrier that includes the following information constitutes a notice of disallowance or adjustment of payment for the purposes of calculating the forty-five (45) day time period in subsection 440.13(7), F.S.

1. The document must identify the amount of disallowance or adjustment of payment that corresponds with the medical bill submitted by the health care provider.

2. The document must identify the name and address of the entity issuing the notice of disallowance or adjustment of payment.

3. The document must contain a statement indicating that the document is issued for purposes of noticing the health care provider of the disallowance or adjustment of payment for purposes of subsection 440.13(7), F.S.

4. The document must identify specific EOBR codes related to the adjudication of each line item billed pursuant to Rule 69L-7.740, F.A.C.

(c) The forty-five (45) day time period within which a Petition Form must be served upon the Department begins upon receipt of the EOBR or notice of disallowance or adjustment of payment by the health care provider or by an entity designated by the provider to receive such notice on behalf of the health care provider.

(d) The health care provider shall document receipt of the EOBR or notice of disallowance or adjustment of payment using a date stamp that clearly reflects date of receipt of the EOBR or notice of disallowance or adjustment of payment by the health care provider or by using a verifiable login process. Documentation of receipt through a date stamp or verifiable login process shall accompany the Petition Form. A date-stamped EOBR or notice of disallowance or adjustment of payment will be accepted as proof of date of receipt. A copy of the applicable portion of the login roster showing the date of login of the EOBR or notice of disallowance or adjustment of payment will be accepted as proof of date of receipt through a verifiable login process.

(1) Pursuant to paragraph 69L 7.602(5)(q), F.A.C., notice of disallowance or adjustment of payment, which begins the thirty (30) day time period in Section 440.13(7), F.S., shall only be through receipt of an Explanation of Bill Review issued by or on behalf of a carrier. Therefore, the thirty (30) day time period within which a petition must be served upon the Department begins upon receipt of the Explanation of Bill Review by the health care provider or by an entity designated by the provider to receive such notice on behalf of the health care provider. The health care provider shall document receipt of the Explanation of Bill Review using a date stamp, which clearly reflects date of receipt, or by using a verifiable login process. Documentation of receipt through a date stamp or verifiable login process shall accompany the petition. A date stamped Explanation of Bill Review will be accepted as proof of date of receipt by date stamp. A copy of the applicable portion of the login roster showing the date of login of the Explanation of Bill Review will be accepted as proof of receipt through a verifiable login process. If receipt cannot be established through a date stamp or verifiable login process, the health care provider may provide with the petition a copy of the envelope in which the Explanation of Bill Review was sent which clearly and legibly shows the postmark date, in which case receipt will be deemed to be five (5) calendar days from the postmark date on the envelope in which the Explanation of Bill Review was sent. If the health care provider does not establish the date of its receipt of the Explanation of Bill Review by any of the methods set forth in this subsection through documentation accompanying the

Petition, the health care provider receipt of the Explanation of Bill Review will be deemed to be five (5) calendar days from the issue date on the Explanation of Bill Review. An affidavit attesting to date of receipt will not be accepted as proof of date of receipt.

(2) Petitioning the Department to resolve a reimbursement dispute shall be effectuated upon service of the Petition ~~petition Form upon on~~ the Department. The timeliness of a ~~Petition petition Form for Resolution of Reimbursement Dispute~~ shall be calculated based upon service of the ~~Petition petition Form upon on~~ the Department. Service ~~upon on~~ the Department shall be by ~~United States Postal Service (USPS)~~ mail, by common carrier, or by hand delivery. If service is by ~~United States Postal Service (USPS)~~ mail, the date of service on the Department shall be the postmark date placed on the envelope by USPS and does not include handwritten postmarks or those issued in-house by the health care provider via metered mail. If service is by common carrier, the date of service on the Department shall be the common carrier pick-up date. If service on the Department is by hand delivery, the date of service is the date the petition is hand delivered to: Receptionist, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida. Service on the Department by hand delivery is available Monday through Friday between 8:00 a.m. and 5:00 p.m., Eastern Time, excluding state holidays.

(3) Carrier date of receipt of the ~~Petition petition Form~~ by ~~USPS~~ certified mail will be established by reference to the ~~United States Postal Service (USPS)~~ certified mail receipt date. Timely submission by the carrier to the Department of the ~~carrierCarrier Response to Petition for Resolution of Reimbursement Dispute~~ Form and accompanying documentation ~~to the Department~~ shall be determined based upon the date of service of the ~~carrierCarrier Response to Petition for Resolution of Reimbursement Dispute~~ Form and accompanying documentation to on the Department. If service on the Department is by ~~United States Postal Service (USPS)~~ mail, the date of service shall be the postmark date placed on the envelope by USPS, and does not include handwritten postmarks or those issued in-house by the health care provider via metered mail. If service on the Department is by common carrier, the date of service shall be the common carrier pick-up date. If service on the Department is by hand delivery, the date of service is the date the petition is hand delivered to: Receptionist, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida. Service by hand delivery is available Monday through Friday between 8:00 a.m. and 5:00 p.m., Eastern Time, excluding state holidays.

(4) Time periods established for petitioning the Department to resolve a reimbursement dispute or responding to a Petition Form are not tolled by any of the following actions: requesting an on-site audit; conducting an on-site audit; referral of the health care provider for peer review consultation; or an independent medical examination of the injured worker. Neither the request for, nor the conducting of, an on-site audit, nor the referral of the health care provider for peer review consultation, nor independent medical examination shall toll the time period for petitioning the Department for the resolution of a reimbursement dispute as set forth in Section 440.13(7)(a), F.S., or the time period for the carrier to submit requested documentation under Section 440.13(7)(b), F.S.

(5) If a health care provider submits a Petition Form with multiple notices of disallowance or adjustment of payment or EOBR for the same claimant, date(s) of service and services, the Department will base timeliness of the Petition Form on the latest notice of disallowance or payment or EOBR that includes reimbursement.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a), (b) FS. History—New 11-28-06, Formerly 59A-31.008, Amended \_\_\_\_\_.

#### 69L-31.009 Carrier Response Requirements.

(1) The carrierCarrier Response to Petition for Resolution of Reimbursement Dispute Form, accompanied by all supporting documentation requested information, must be served upon on the Department within no later than thirty (30) ten (10) days after the carrier's receipt of a copy of the Petition petition Form by United States Postal Service (USPS) certified mail. However, where the Carrier has received curative documentation from the Petitioner pursuant to subsection 69L 31.005(2), F.A.C., the Carrier Response to Petition for Resolution of Reimbursement Dispute Form, accompanied by all requested information, must be served upon the Department within ten (10) calendar days after receipt, by the carrier of the curative documentation from the Petitioner. The carrier's response to the Petition petition Form must include an accurately a completed carrier Response to Petition for Resolution of Reimbursement Dispute Form (DFS Form 3160-0024, effective September 8, 2006). Failure of the carrier to meet these requirements constitutes waiver of all objections to the petition.

(2) The carrier shall provide to the petitioner, using a delivery method which provides providing confirmation of date of delivery, at the petitioner's mailing address provided on the Petition for Resolution of Reimbursement Dispute Form, a copy of the carrier Response to Petition for Resolution of Reimbursement Dispute Form, and one copy set of all accompanying documentation information served upon on the

Department in response to the Petition petition Form. The carrier shall document the delivery tracking information on the carrier Response Form in such detail that the Department can verify the health care provider's receipt of the carrier Response Form and accompanying documentation.

(3) Documents and records accompanying the carrier's Response to Petition for Resolution of Reimbursement Dispute Form must be in hard copy.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b) FS. History—New 11-28-06, Formerly 59A-31.009, Amended \_\_\_\_\_.

#### 69L-31.010 Effect of Non-Response by Carrier.

Failure of by the carrier to timely submit an accurately completed a carrierCarrier Response to Petition for Resolution of Reimbursement Dispute Form (DFS Form 3160-0024, effective September 8, 2006) and accompanying documentation substantiating its disallowance or adjustment of payment constitutes a waiver of all objections to the petition Petition Form, pursuant to paragraph 440.13(7)(b), F.S. Waiver of all objections to the Petition petition Form shall result in the Department determination and applicable final order being based solely upon the allegations and supporting documentation submitted by the petitioner.

Rulemaking Authority 440.13(7), 440.591 FS. Law Implemented 440.13(7)(b) FS. History—New 11-28-06, Formerly 59A-31.010, Amended \_\_\_\_\_.

#### 69L-31.011 Complete Record.

The evidentiary record upon which the Department's determination will be made shall be the Petition for Resolution of Reimbursement Dispute Form and all supporting documentation documents and records accompanying the Petition petition Form, and the carrier'sCarrier's Response to Petition for Resolution of Reimbursement Dispute Form and all accompanying documents. However, if the petitioner and carrier enter into a joint stipulation of the parties pursuant to Rule 69L 31.012, F.A.C., the evidentiary record upon which the Department's determination will be made shall also include all additional supporting documentation submitted to the Department by the parties within the 10 calendar day period provided for in Rule 69L 31.012, F.A.C.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(c) FS. History—New 11-28-06, Formerly 59A-31.011, Amended \_\_\_\_\_.

#### 69L-31.012 Joint Stipulation of the Parties.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7) FS. History—New 11-28-06, Formerly 59A-31.012, Repealed \_\_\_\_\_.

69L-31.013 Petition Withdrawal.

(1) Prior to the issuance of a determination, the petitioner may voluntarily withdraw its Petition for ~~Resolution of Reimbursement Dispute Form~~.

(2) The withdrawal of a petition ~~must~~ shall be in writing and ~~must~~ clearly indicate:

(a) The name of the health care provider or facility requesting withdrawal;

(b) The name of the carrier against whom the ~~petition reimbursement dispute~~ has been initiated;

(c) The date(s) of service ~~covered by~~ addressed in the Petition ~~petition~~ Form; and

(d) The identity of the injured ~~employee worker~~ to whom medical services were delivered.

(3) Receipt ~~The result of receipt~~ by the Department of a written request for withdrawal of a ~~petition~~ Petition Form shall result in closure of the Department's file in the matter without further action ~~be dismissal of the determination case by the Department.~~

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a), (c) FS. History—New 11-28-06, Formerly 59A-31.013, Amended.

69L-31.014 Overutilization Issues Raised in Reimbursement Dispute Resolution.

If the carrier, in its ~~Carrier Response Form to Petition for Resolution of Reimbursement Dispute~~, asserts that a basis for disallowing the health care provider's claim for reimbursement is overutilization by the health care provider and submits documentation substantiating the assertion, ~~that a basis for disallowing petitioner's claim for payment is overutilization~~ and the Department, in its discretion, determines that the reimbursement dispute cannot be resolved without addressing the overutilization issue, the Department will issue a determination ~~pursuant to Section 440.13(7), F.S.~~, finding that the reimbursement dispute cannot be resolved under subsection ~~Section~~ 440.13(7), F.S., and is being converted to a proceeding under either subsection ~~Sections~~ 440.13(8) and or 440.13(11), F.S., or both.

Rulemaking Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b), 440.13(7)(c) FS. History—New 11-28-06, Formerly 59A-31.014, Amended.

69L-31.016 Reimbursement Disputes Involving a Contract or Workers' Compensation Managed Care Arrangement.

Department reimbursement dispute determinations issued pursuant to subsection 440.13(7), F.S., will be guided only by applicable reimbursement schedules, practice parameters, and protocols of treatment described in Chapter 440, F.S. The Department will not apply, interpret, or otherwise consider the provisions of contracts, rate agreements, or workers'

compensation managed care arrangements which the parties may have entered into and which may specify reimbursement amounts.

Rulemaking Authority 440.13(7)(e), FS. Law Implemented 440.13(7), FS. History—New.

## Section II Proposed Rules

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

#### Board of Professional Engineers

RULE NO.:           RULE TITLE:

61G15-20.0010   Application for Licensure by Examination

PURPOSE AND EFFECT: To clarify and streamline Form FBPE/001 for easier completion by applicants.

SUMMARY: Clarify and streamline Form FBPE/001 for easier completion by applicants.

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 Board voted that no SERC was required and legislative ratification was unnecessary, since the revisions clarify and streamline the existing form. The Board found the new form will be easier to complete and, thus, is expected to reduce regulatory costs and burdens; accordingly, legislative ratification is not expected to be required.

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

RULEMAKING AUTHORITY: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0500

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.0010 Application for Licensure by Examination.

(1) Any person desiring to be licensed as a professional engineer shall submit a completed application to the Board. The instructions and application Form FBPE/001 (rev. 10/15) (06-13), entitled, "Application For Licensure By Examination," which is hereby incorporated by reference and copies of which may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; from the Board's website at <http://www.fbpe.org/licensure/application-process/principles-practice-examination> or at <https://www.flrules.org/gateway/reference.asp?NO=Ref-0615804544>. The Board shall certify as eligible to take the licensure examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they:

(a) through (2) No change.

Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New 9-27-01, Amended 11-19-03, 9-14-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 7, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: November 30, 2015

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: RULE TITLE:

61G15-31.004 Design of Cast-in-Place Post-Tensioned Concrete Structural Systems

PURPOSE AND EFFECT: To update existing rule and clarify the responsibilities of the engineer of record.

SUMMARY: Update existing rule and clarify the responsibilities of the engineer of record.

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 Board determined the rule amendments will have a minimal cost impact which will not exceed \$1 million in the aggregate over the next 5 years.

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: 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.033(1)(g) 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-31.004 Design of Cast-in-Place Post-Tensioned Concrete Structural Systems.

(1) Structural engineering documents shall show the complete structural configuration and loading requirements of the post-tensioned system including: member sizes, nature, type of post-tensioning system, location of all the prestressing tendons (in plans and elevation), and the magnitude of all prestressing forces, and all design assumptions. Structural engineering documents shall also show all required non post-tensioned reinforcing steel including size, spacing, and lengths required for the post-tensioned system.

(2) If the engineer of record (EOR) elects to delegate the responsibility for preparation of calculations and installation drawings to a delegated engineer for the post-tensioning system(s), the EOR Engineer of Record shall require the submission of installation drawings for review ~~by the engineer of record~~. Calculations shall also be submitted by the delegated engineer which show sufficient information to document and confirm that the number and size of tendons provided are adequate to carry all loads provide the prestressing forces shown on the structural engineering documents. The member dimensions and tendon directions shall match those on the structural engineering documents, unless otherwise agreed to with the EOR, via modified structural engineering documents. Installation drawings shall include the following as a minimum: identification of all the structural elements designed by the delegated engineer, identify the structure and provide all details of post-tensioned

~~ensioning and non post-tensioned~~ materials to be used including necessary accessories, and instructions for construction. If the delegated engineer utilizes or requires any additional reinforcing to maintain the member sizes shown on the structural engineering documents, the delegated engineer shall inform the EOR. If any moments, shears or axial loads are required for the lateral force resisting system the EOR shall provide them to the delegated engineer for inclusion in the preparation of the delegated engineering documents. All forces imposed on the load supporting members from the post-tensioned system shall be reported to the EOR. The installation drawings and calculations shall bear the ~~impressed~~ seal, date, and signature of the delegated engineer who prepared them and shall be reviewed by the EOR engineer of record for the structure. ~~A cover sheet listing the drawings and calculations may be used.~~

(3) It is the responsibility of the EOR engineer of record for the structure to review the post-tensioning system installation drawings together with the shop drawings of all required reinforcing steel needed for a complete structural design.

(4) The effect of post-tensioning on other parts of the structure is the responsibility of the EOR engineer of record.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.005(7), 471.031(1)(a), 471.033(1)(g),(j) FS. History—New 1-26-93, Formerly 21H-31.004, Amended 9-28-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 30, 2015

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: RULE TITLE:  
61G15-32.004 Design of Water Based Fire Protection Systems

PURPOSE AND EFFECT: To clarify need for and design of water based fire protection systems.

SUMMARY: Determining when a fire pump may be determined.

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 Board found the amendments will clarify when a determination of the need for a fire pump must be made. The Board expects this clarification to reduce overall costs of compliance and, therefore, will not result in aggregate costs increasing in excess of \$1 million in the next 5 years.

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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033(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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-32.004 Design of Water Based Fire Protection Systems.

(1) through (2)(j) No change.

(k) For high hazard occupancy classifications, storage occupancies, factory occupancies, and high-rise buildings, as defined in the Florida Building Code, aA determination of whether a fire pump is required and if so, the specific volumetric flow and pressure rating of the pump.

(2)(l) through (4) No change.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.004, Amended 4-2-00, 6-26-01, 6-15-15,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 30, 2015

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: RULE TITLES:

64E-3.001 Fees  
 64E-3.011 Disciplinary Guidelines

PURPOSE AND EFFECT: The Department determined that amendment of sections 64E-3.001(1) and (2), Florida Administrative Code (F.A.C.), are necessary to remove obsolete language regarding the study guide for certification by examination and renumber subsections (3) through (9) as (2) through (8); paragraphs 64E-3.011(1)(a)–(p), which are the disciplinary guidelines regarding violations pertaining to Sections 468.3101 and 381.0034, Florida Statutes, will be deleted from rule text and incorporated by reference in a new document entitled, “Disciplinary Guidelines for Radiological Personnel.”

SUMMARY: The study guide for certification examination referred to in section 64E-3.001(1) and (2), F.A.C., is no longer produced by the Department and therefore language referencing the study guide is being removed. The disciplinary guidelines in Rule 64E-3.011, F.A.C., will be deleted to reduce lines in rule text.

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 rules are 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: These rule amendments will not have an adverse economic impact. Obsolete language sections 64E-3.001(1) and (2), F.A.C., referring to the study guide that is no longer produced by the Department is being deleted. The disciplinary guidelines currently in Rule 64E-3.011, F.A.C., are being deleted from rule text and incorporated by reference to reduce lines in rule text. There will be no substantive changes to the disciplinary guidelines text once incorporated by reference. Therefore, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s. 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 468.303, 468.304, 468.3065, 468.309, 468.3101 FS.

LAW IMPLEMENTED: 381.0034, 468.303, 468.304, 468.306, 468.3065, 468.309, 468.3095 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: Brenda Andrews, 4052 Bald Cypress Way Bin C-21, Tallahassee, Florida 32399-1741, (850)245-4266, Brenda.Andrews@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-3.001 Fees.

The following fees are prescribed by the Department:

~~(1) The fee for initial application and a study guide for certification by examination as provided in Section 468.304, F.S., is 75 dollars plus the actual charge by the testing organization for the examination.~~

~~(1)(2) The fee for initial application without a study guide for certification by examination as provided in Section 468.304, F.S., is 50 dollars plus the actual charge by the testing organization for the examination.~~

(3) through (9) to be renumbered (2) through (8).

Rulemaking Authority 468.303, 468.304, 468.3065, 468.309 FS. Law Implemented 468.304, 468.306, 468.3065, 468.309, 468.3095 FS. History—New 10-1-84, Formerly 10D-74.40, Amended 3-21-88, 9-17-92, 11-6-94, Formerly 10D-74.040, Amended 10-28-99, 6-11-13, 7-28-15, \_\_\_\_\_.

64E-3.011 Disciplinary Guidelines.

(1) When the Department finds that an applicant, employer, certificateholder or other person has committed any of the acts set forth in Section 468.3101, F.S., or has failed to comply with Section 381.0034, F.S., it shall impose appropriate penalties as recommended within the range of the “Disciplinary Guidelines for Radiological Personnel” (revised October 2015) which is herein incorporated by reference and is available from the Department at <http://www.FloridaHealth.gov/radiation> and at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06284>, ~~considering that the following identification of offenses is descriptive only. Consult the full language contained in the statutes to assure comprehensive understanding of the violation.~~ All violations are sufficient for refusal to certify an applicant. The disciplinary guidelines shall be interpreted as inclusive of those penalties that fall between the minimum and the maximum authorized for the violation. When a disciplinary guideline includes a period of probation, the intent is to require performance under supervision, additional education, treatment, and/or monitoring, or other conditions during the probationary period.-The disciplinary guidelines are based upon a single count violation of each provision listed.

Multiple count violations of a provision, or violations of multiple provisions will be grounds for enhancement of penalties. "PRN" refers to Professional's Resource Network, the impaired practitioner program for applicants and certificateholders under this part.

~~(a) Section 468.3101(1)(a), F.S.: Attempting to procure a certificate to practice radiologic technology by bribery, by fraudulent misrepresentation, or through an error of the Department.~~

~~Bribery or fraudulent misrepresentation.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500 fine and one year suspension.	\$1,000 fine and revocation.
SECOND OFFENSE	\$1,000 fine and revocation.	\$1,000 fine and revocation.

~~Department error.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and one year probation with conditions.	\$500 fine and revocation.
SECOND OFFENSE	\$500 fine and one year suspension.	\$1,000 fine and revocation.

~~(b) Section 468.3101(1)(b), F.S.: Having a certificate to practice acted against by another organization or jurisdiction.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	Action consistent with the disciplinary guidelines for the offense had it initially come before the Department prior to the action that was taken elsewhere with strong consideration of the penalty that was actually imposed by the other organization or jurisdiction.	Suspension of the certificate until the discipline by the other organization or jurisdiction is satisfied.
SECOND OFFENSE	Suspension of the certificate until the discipline by the other organization or jurisdiction is satisfied.	\$1,000 fine and revocation.

~~(c) Section 468.3101(1)(c), F.S.: Being convicted or found guilty of a crime that directly relates to the practice or the ability to practice radiologic technology or the duties of a radiologist assistant.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$200 fine and one year of probation with conditions.	\$1,000 fine and revocation.
SECOND OFFENSE	\$350 fine and one year suspension followed by three years of probation with conditions.	\$1,000 fine and revocation.

~~(d) Section 468.3101(1)(d), F.S.: Being convicted or found guilty of a crime against a person.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$200 fine and one year of probation with conditions.	\$1,000 fine and revocation.
SECOND OFFENSE	\$350 fine and one year suspension followed by three years of probation with conditions.	\$1,000 fine and revocation.

~~(e) Section 468.3101(1)(e), F.S.: Knowingly filing a false report or record or negligently failing to file a report required by law, or willfully impeding such filing. Negligent filing or failure to file report.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine.	\$500 fine and three years of probation with conditions.
SECOND OFFENSE	\$500 fine and one year of probation with conditions.	\$1,000 fine and one year suspension followed by three years of probation with conditions.

~~Willful filing or inducing the filing of a false report or obstructing or impeding the filing.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500 fine and a reprimand.	\$1,000 fine and revocation.
SECOND OFFENSE	\$750 fine and one	\$1,000 fine and

~~OFFENSE~~      ~~year—suspension~~      ~~revocation-~~  
~~followed—by—two~~  
~~years—of—probation~~  
~~with—conditions.~~

~~(f) Section 468.3101(1)(f), F.S.: Engaging in unprofessional conduct.~~

~~Unprofessional conduct includes, but is not limited to:~~

~~1. Administering radiation or otherwise practicing radiologic technology or the duties of a radiologist assistant in a negligent manner, either by omission or commission;~~

~~2. Administering radiation without authorization from a licensed practitioner.~~

~~3. Misappropriating supplies, equipment or drugs;~~

~~4. Leaving a radiologic technology assignment before properly advising appropriate personnel;~~

~~5. Violating the confidentiality of information concerning a patient;~~

~~6. Discriminating on the basis of race, creed, religion, sex, age or national origin, in the rendering of radiologic technology or radiologist assistant services as it relates to human rights and dignity of the individuals;~~

~~7. Engaging in fraud, misrepresentation, or deceit in taking the certification examination;~~

~~8. Aiding and abetting the practice of radiologic technology or the duties of a radiologist assistant by any person not so certified;~~

~~9. Practicing without a clear and active certificate;~~

~~10. Impersonating any applicant or acting as proxy for the applicant in any examination required for the issuance of a certificate;~~

~~11. Impersonating another certificateholder or permitting another person to use his or her certificate; and~~

~~12. Any behavior defined as unprofessional or unethical by a national registry, board, or other jurisdiction which licenses, certifies or registers radiologic technologists or radiologist assistants.~~

	<del>MINIMUM</del>	<del>MAXIMUM</del>
<del>FIRST</del>	<del>\$250 fine and a</del>	<del>\$1,000 fine and</del>
<del>OFFENSE</del>	<del>reprimand.</del>	<del>revocation.</del>
<del>SECOND</del>	<del>\$500 fine and two</del>	<del>\$1,000 fine and</del>
<del>OFFENSE</del>	<del>years of probation</del>	<del>revocation.</del>
	<del>with conditions.</del>	

~~13. Engaging or attempting to engage in sexual misconduct, as defined in Section 456.063(1), F.S.~~

	<del>MINIMUM</del>	<del>MAXIMUM</del>
<del>FIRST</del>	<del>\$250 fine, three</del>	<del>\$1,000 fine and</del>
<del>OFFENSE</del>	<del>years of probation</del>	<del>revocation.</del>
	<del>with conditions,</del>	

~~evaluation, and appropriate treatment and monitoring.~~

<del>SECOND</del>	<del>\$1,000 fine and</del>	<del>\$1,000 fine and</del>
<del>OFFENSE</del>	<del>revocation.</del>	<del>revocation.</del>

~~(g) Section 468.3101(1)(g), F.S.: Being unable to practice radiologic technology or the duties of a radiologist assistant with reasonable skill and safety to patients.~~

	<del>MINIMUM</del>	<del>MAXIMUM</del>
<del>FIRST</del>	<del>\$250 fine, three years</del>	<del>\$500 fine, indefinite</del>
<del>OFFENSE</del>	<del>of probation with</del>	<del>suspension with</del>
	<del>conditions, evaluation</del>	<del>periodic review until</del>
	<del>by PRN, and</del>	<del>the subject</del>
	<del>compliance with PRN</del>	<del>demonstrates to the</del>
	<del>recommendations.</del>	<del>Department the</del>
		<del>ability to resume</del>
		<del>competent practice,</del>
		<del>followed by three</del>
		<del>years of probation</del>
		<del>with conditions and</del>
		<del>compliance with</del>
		<del>PRN</del>
		<del>recommendations.</del>
<del>SECOND</del>	<del>\$500 fine, indefinite</del>	<del>\$1,000 fine and</del>
<del>OFFENSE</del>	<del>suspension with</del>	<del>revocation.</del>
	<del>periodic review until</del>	
	<del>the subject</del>	
	<del>demonstrates to the</del>	
	<del>Department the ability</del>	
	<del>to resume competent</del>	
	<del>practice, followed by</del>	
	<del>three years of</del>	
	<del>probation with</del>	
	<del>conditions and</del>	
	<del>compliance with PRN</del>	
	<del>recommendations.</del>	

~~(h) Section 468.3101(1)(h), F.S.: Failing to report any person violating Department laws, rules, or orders.~~

	<del>MINIMUM</del>	<del>MAXIMUM</del>
<del>FIRST</del>	<del>\$200 fine and</del>	<del>\$500 fine and three</del>
<del>OFFENSE</del>	<del>reprimand.</del>	<del>years of probation</del>
		<del>with conditions.</del>
<del>SECOND</del>	<del>\$300 fine and six</del>	<del>\$1,000 fine and one</del>
<del>OFFENSE</del>	<del>months probation</del>	<del>year suspension.</del>
	<del>with conditions.</del>	

~~(i) Section 468.3101(1)(i), F.S.: Violating Chapter 468, F.S., or any law, rule, order, or subpoena of the Department. In addition to the penalty listed, the person shall comply with the law, rule, order, or subpoena.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$200 fine and a reprimand.	\$500 fine and two years of suspension followed by two years of probation with conditions.
SECOND OFFENSE	\$300 fine and one year suspension followed by two years probation with conditions.	\$1,000 fine and revocation.

~~(j) Section 468.3101(1)(j), F.S.: Employing an uncertified person to practice radiologic technology or the duties of a radiologist assistant.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$350 fine and one year of probation with conditions.	\$700 fine and one year suspension followed by two years of probation with conditions.
SECOND OFFENSE	\$700 fine and one year suspension with conditions.	\$1,000 fine and revocation.

~~(k) Section 468.3101(1)(k), F.S.: Testing positive on a preemployment or employer required drug screen.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, three years probation with conditions, evaluation by PRN, and compliance with PRN recommendations.	\$500 fine, indefinite suspension with periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.
SECOND OFFENSE	\$500 fine, indefinite suspension with	\$1,000 fine and revocation.

periodic review until the subject demonstrates to the Department the ability to resume competent practice, followed by three years of probation with conditions and compliance with PRN recommendations.

~~(l) Section 468.3101(1)(l), F.S.: Failing to report to the Department in writing within 30 days after having a certificate to practice acted against, including being denied certification, by a national registry or other jurisdiction.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$150 fine and reprimand.	\$250 fine and one year suspension.
SECOND OFFENSE	\$300 fine and one year suspension followed by one year of probation with conditions.	\$750 fine and two years of suspension.

~~(m) Section 468.3101(1)(m), F.S.: Having been found guilty or pled guilty or nolo contendere, regardless of adjudication, to any Section 435.03, F.S., offense.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and one year suspension followed by two years of probation with conditions.	\$1,000 fine and revocation.
SECOND OFFENSE	\$1,000 fine and revocation.	\$1,000 fine and revocation.

~~(n) Section 468.3101(1)(n), F.S.: Failing to comply with PRN recommendations.~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	Evaluation by PRN, compliance with PRN recommendations, and indefinite suspension of license with periodic review until the person demonstrates to the Department the ability	\$1,000 fine and revocation.

	<del>to resume competent practice followed by probation for three years with conditions.</del>	
<del>SECOND OFFENSE</del>	<del>\$500 fine, evaluation by PRN, compliance with PRN recommendations, and indefinite suspension of license with periodic review until the person demonstrates to the Department the ability to resume competent practice followed by probation for three years with conditions.</del>	<del>\$1,000 fine and revocation.</del>
<del>THIRD OFFENSE</del>	<del>\$1,000 fine and revocation.</del>	<del>\$1,000 fine and revocation.</del>

~~(e) Section 381.0034, F.S.: Failing to complete an HIV/AIDS course.~~

	<b>MINIMUM</b>	<b>MAXIMUM</b>
<del>FIRST OFFENSE</del>	<del>\$150 fine and proof of course completion not to be counted for another biennial renewal.</del>	<del>\$250 fine, proof of course completion, a course on ethics, neither course to be counted for another biennial renewal.</del>
<del>SECOND OFFENSE</del>	<del>\$300 fine and proof of course completion not to be counted for another biennial renewal.</del>	<del>\$500 fine, proof of course completion, a course on ethics, neither course to be counted for another biennial renewal, and six months probation with conditions.</del>

~~(p) Section 468.3101(6), F.S.: Having a continuing education course revoked or being otherwise acted against as a continuing education provider by a national registry or other jurisdiction.~~

	<b>MINIMUM</b>	<b>MAXIMUM</b>
<del>FIRST OFFENSE</del>	<del>\$250 fine, and the same penalty imposed by the other registry or jurisdiction.</del>	<del>\$1,000 fine, revocation of the provider, and revocation of all approved</del>

<del>SECOND OFFENSE</del>	<del>\$500 fine, and the same penalty imposed by the other registry or jurisdiction which at a minimum must include a term of suspension of the provider and his/her approved continuing education courses.</del>	<del>continuing education courses. \$1,000 fine, revocation of the provider, and revocation of all approved continuing education courses.</del>
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(2) The range of disciplinary action which the Department may impose includes any and all set forth in Section 468.3101, F.S. The Department shall take various mitigating or aggravating factors into consideration in determining the appropriate disciplinary action to be imposed and shall state in the Final Order any factors used to deviate from the specified guidelines. The factors that may be considered are:

- (a) The danger to the public;
- (b) The number of repetitions of offenses;
- (c) The length of time since the date of the violation;
- (d) The length of time the certificateholder has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the certificateholder's livelihood;
- (h) Previous disciplinary action against the applicant or certificateholder by the Department, by a national organization or registry, or by the certification authority of another jurisdiction;
- (i) Rehabilitation efforts or efforts to correct or stop violations, or the failure to correct or stop violations; and
- (j) Any other mitigating or aggravating circumstances.

(3) A certificateholder whose certificate has been suspended, or placed on probation, may file a petition or an application for reinstatement, whichever is appropriate, after the time of suspension, or probation has passed, which petition or application shall include documentation that all terms and conditions established at the time of suspension, or probation have been met.

Rulemaking Specific Authority 381.0034, 468.303, 468.3101(4), 468.3101(6) FS. Law Implemented 381.0034, 468.303, 468.3101 FS. History—New 4-10-85, Formerly 10D-74.58, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D-74.058, Amended 5-14-07,\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Cynthia Becker, Bureau Chief, Bureau of Radiation Control

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, M.D, FACS, Surgeon General and Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 23, 2015

## DEPARTMENT OF HEALTH

### Division of Environmental Health

RULE NOS.: RULE TITLES:  
 64E-3.003 Qualifications for Examination  
 64E-3.0034 Specialty Technologists  
 64E-3.007 Bone Densitometry

PURPOSE AND EFFECT: To repeal provisions for magnetic resonance imaging technologist certification as unnecessary and to amend the radiologic technology application accordingly.

SUMMARY: The rule is being amended to update the radiological technologist application form and delete references and requirements for magnetic resonance imaging technologist license as unnecessary as MRI does not utilize ionizing radiation and this certification is not required.

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: Based on the SERC checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.004, 458.309(3), 459.005(2) FS.

LAW IMPLEMENTED: 456.0635, 458.309(3), 459.005(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: Brenda Andrews, Bureau of Radiation

Control, 4052 Bald Cypress Way, Bin C-21, Tallahassee, FL 32399-1741, (850)245-4266 or Brenda.Andrews@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-3.003 Qualifications for Examination.

(1) An applicant for certification as a Basic X-ray Machine Operator or Basic X-ray Machine Operator – Podiatric Medicine shall submit an application to the department on Form DH 1006, 10/09, “Application for Basic X-ray Machine Operator or Basic X-ray Machine Operator – Podiatric Medicine,” incorporated herein by reference and ~~available which can be obtained from the internet~~ at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02748> or <http://www.doh.state.fl.us/mqa/rad-tech>. Applicants for all other types of certification under this Chapter shall submit an application to the department on Form DH 1005, ~~10/15 5/43~~, “Application for Radiologic Technology Certification,” which is incorporated herein by reference and ~~available which can be obtained from the internet~~ at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####> or <http://www.doh.state.fl.us/mqa/rad-tech>. All applicants must meet the qualifications prescribed by Section 468.304, F.S.

(1)(a) through (5)(b) No change.

Rulemaking Authority 381.0034, 468.303 FS. Law Implemented 381.0034, 468.304 FS. History–New 4-10-85, Formerly 10D-74.43, Amended 3-21-88, 9-17-92, Formerly 10D-74.043, Amended 3-4-08, 2-18-10, 6-11-13, 4-20-14,\_\_\_\_\_.

64E-3.007 Bone Densitometry.

All active certificateholders except basic x-ray machine operators-podiatry, nuclear medicine technologists, ~~magnetic resonance imaging technologists~~, and radiation therapy technologists may perform bone densitometry procedures with dedicated bone densitometers which use machine-produced radiation after completing a device-specific training program. All active radiation therapy technologists and nuclear medicine technologists may perform bone densitometry procedures with dedicated bone densitometers which use radioactive material after completing a device-specific training program.

Rulemaking Authority 468.303 FS. Law Implemented 468.302(3)(d), (g) FS. History–New 9-17-92, Formerly 10D-74.0471, Amended 3-4-08, 6-11-13,\_\_\_\_\_.

64E-3.0034 Specialty Technologists.

(1) No change.

(2) The following are approved as national organizations for certain advanced, post-primary or specialty areas of radiologic technologist certification, and for the technologists’ duties (also known as practice standards). In all cases, proof of

current certification by a national organization shall be an unexpired wallet card bearing the organization’s name, the applicant’s name and the applicant’s area of certification:

(a) National Organizations for Computed Tomography and; Mammography, and Magnetic Resonance Imaging.

1. The American Registry of Radiologic Technologists (ARRT) for the Computed Tomography (CT) and; Mammography (M), and Magnetic Resonance Imaging (MR) areas of certification.

(2)(b) through (3)(b)2. No change.

(c) Magnetic Resonance Imaging.

1. For a person who holds current registration from the ARRT in Magnetic Resonance Imaging, the title is Certified Radiologic Technologist — Magnetic Resonance Imaging (MR) and the initials are CRT MR.

2. The duties of the CRT MR are those contained in the June 19, 2011, ASRT “Magnetic Resonance Imaging Practice Standards,” which is incorporated herein by reference and which can be obtained from the internet at <http://www.flrules.org/Gateway/reference.asp?No=Ref 02747> or [http://www.doh.state.fl.us/mqa/rad\\_tech](http://www.doh.state.fl.us/mqa/rad_tech).

(d) Renumbered (c). No change.

Rulemaking Authority 468.302, 468.303 FS. Law Implemented 468.302(2)(h), (3)(i) FS. History—New 6-11-13, Amended 4-20-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cindy Becker, Bureau Chief – Bureau of Radiation Control  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 19, 2015

Section III

Notice of Changes, Corrections and Withdrawals

NONE

Section IV

Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on December 14, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurant, received a petition for an Emergency Variance for Paragraph 61C-4.010(7) F.A.C., and Paragraph 61C-4.010(6), F.A.C., from Seminole Snack Shack located in Seminole. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under different ownership for use by customers only.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

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

On October 6, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., and Paragraph 5-202.11(A), 2009 FDA Food Code from Magiccream located in Kissimmee. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three compartment sinks in the mall kiosk.

The Petition for this variance was published in Vol. 41, No. 200, F.A.R., on October 14, 2015. The Order for this Petition was signed and approved on October 22, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring that the wastewater holding tank for the handwash and three compartment sinks is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the sinks are provided with hot and cold running water under pressure. The handwash sink must also have soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained \_\_\_\_\_ by \_\_\_\_\_ contacting Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On October 6, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(6) and 61C-4.010(7), F.A.C., from Empire Dogs & Spicy Treats located in Ft. Lauderdale. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under different ownership for use by customers only.

The Petition for this variance was published in Vol. 41, No. 200, F.A.R., on October 14, 2015. The Order for this Petition was signed and approved on October 22, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within AARGO Insurance are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap,

approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of AARGO (Matthew DeLillo) changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

A copy of the Order or additional information may be obtained \_\_\_\_\_ by \_\_\_\_\_ contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

**DEPARTMENT OF HEALTH**

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on December 8, 2015, the Board of Massage Therapy received a petition for Rebecca Sue Downs. The Petitioner seeks the board’s approval for a waiver to use her nursing education, nursing practice of nine years and 25 years of work experience as a massage therapist to receive a license to practice in Florida instead of being required to take the National exam or the MBLEX exam to receive her license. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Claudia Kemp, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4588, Claudia.Kemp2@flhealth.gov.

**DEPARTMENT OF CHILDREN AND FAMILIES**

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-2.008 Staffing Requirements

The Agency for Persons with Disabilities hereby gives notice that on October 28, 2015, the Agency for Persons with Disabilities, received a petition for a waiver from paragraph 65G-2.008(1)(e), F.A.C., from ARC of Washington-Holmes Counties, Inc., (Petitioner). The Notice of the Petition for Waiver was published on November 5, 2015, in Vol. 41, No. 216 of the Florida Administrative Register. The rule states in part, “(e) Direct service providers must have at least a high school diploma or equivalent. When determining the equivalency of high school diplomas, providers may accept official transcripts, affidavits from educational institutions, and other formal or legal documents that can be reasonably used to determine educational background. Direct service providers who have been hired using the best judgment of the licensee prior to the date of this rule revision, are exempt from this education-related documentation screening requirement. .

. ” Petitioner sought a waiver from the requirement of paragraph 65G-2.008(1)(e), F.A.C., that direct service providers have a high school diploma or equivalent. As reflected in paragraph 65G-2.008(1)(a), F.A.C., it is critical that facilities maintain adequate staff in a manner that promotes health, safety, and welfare of residents. Considering the rural area where Petitioners are located, and the significant showing made by Petitioner documenting lengthy efforts to hire qualified staff with a high school diploma or equivalent, Petitioner has demonstrated that the Rule’s requirement that direct service providers have a high school diploma or GED is impeding their ability to comply with the more critical requirement of paragraph 65G-2.008(1)(a), F.A.C. to maintain adequate staffing. Petitioner also demonstrated that the costs of paying existing staff overtime compensation to cover for work schedules for these vacant positions constitutes significant hardship on Petitioner. In view of the significant hardship imposed upon Petitioners by application of this rule requirement, the Agency determined that the waiver should be granted.

The order granting the petition was issued on December 15, 2015.

A copy of the Order or additional information may be obtained by contacting: David De La Paz, Esq., Agency Clerk, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, david.delapaz@apdcares.org.

## Section VI

### Notice of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Florida Forest Service

The Florida Forest Service announces a public meeting to which all persons are invited.

DATE AND TIME: January 19, 2016, 11:30 a.m.

PLACE: Suwannee River Regional Library, 1848 South Ohio Avenue, Live Oak, Florida 32064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Twin Rivers State Forest Management Plan.

A copy of the agenda may be obtained by contacting: Steven Carpenter, Forestry Supervisor at (386)208-1460, 7620 133rd Road, Live Oak, Florida 32060.

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: Steven Carpenter, Forestry Supervisor at (386)208-1460, 7620 133rd Road, Live Oak, Florida 32060. 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: Steven Carpenter, Forestry Supervisor at (386)208-1460, 7620 133rd Road, Live Oak, Florida 32060 or Jennifer Reed, (850)681-5828, Jennifer.Reed@FreshFromFlorida.com.

#### DEPARTMENT OF EDUCATION

The Miami Dade College announces a public meeting to which all persons are invited.

DATE AND TIME: January 5, 2016, 9:30 a.m. – 1:00 p.m.

PLACE: MDC Kendall Campus, 11011 SW 104 Street, Building R, Room R404, Miami, FL 33176

GENERAL SUBJECT MATTER TO BE CONSIDERED: Miami Dade College announces the rescheduling of the public Evaluation Committee Meeting originally scheduled for December 17, 2015 for RFP-2016-21-21. The rescheduled new meeting date, time and location are outlined in this announcement. This meeting is open to the public.

A copy of the agenda may be obtained by contacting: Miami Dade College, Office of the Purchasing Director, 11011 SW 104 Street, Room 9254, Miami, FL 33176 or by calling (305)237-2402.

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: Roman Martinez, MPA, CPPO, CPPB, Group Director - Purchasing, phone: (305)237-0012, fax: (305)237-0737, email: Rmartin9@mdc.edu.

DEPARTMENT OF EDUCATION

State Board of Education

The Blind Services Foundation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, February 24, 2016, 3:00 p.m.

PLACE: Telephone Number: 1(888)670-3525, Participant Passcode: 1242528392 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

A copy of the agenda may be obtained by contacting: Sharon Scurry, Telephone: (850)245-0392. Email: Sharon.Scurry@dbs.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: The Division of Blind Services, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, Telephone: (850)245-0392, Email: Sharon.Scurry@dbs.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Division of Blind Services, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, Email: Sharon.Scurry@dbs.fldoe.org.

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STATE BOARD OF ADMINISTRATION

The State Board of Administration announces a public meeting to which all persons are invited.

DATE AND TIME: December 23, 2015, 10:00 a.m.

PLACE: Hermitage Room, First Floor, The Heritage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting to discuss members of Evaluation Team for SBA Pool of Auditors and the process for filling the vacant SBA position of Chief Audit Executive.

A copy of the agenda may be obtained by contacting Kimberly Calhoun at Kimberly.calhoun@sbafla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting James Linn, (850)413-1166, james.linn@sbafla.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: Kimberly Calhoun at Kimberly.calhoun@sbafla.com.

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STATE BOARD OF ADMINISTRATION

The State Board of Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 23, 2015, 10:00 a.m. – 11:00 a.m., ET

PLACE: Hermitage Room, First Floor, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting to discuss members of Evaluation Team for SBA Pool of Auditors.

A copy of the agenda may be obtained by contacting: Kimberly Calhoun, (850)413-1243, email:Kimberly.Calhoun@sbafla.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: James Linn, (850)413-1166, email: James.Linn@sbafla.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).

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EXECUTIVE OFFICE OF THE GOVERNOR

The Correctional Medical Authority announces a public meeting to which all persons are invited.

DATE AND TIME: December 30, 2015, 2:00 p.m.

PLACE: The Capitol, Suite 1602, 400 South Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board meeting.

A copy of the agenda may be obtained by calling (850)717-9500.

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 calling (850)717-9524. 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 HEALTH

Board of Pharmacy

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

DATE AND TIME: Thursday, January 21, 2016, 12:30, p.m.

PLACE: Conference call number: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review current legislation.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

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: The Board of Pharmacy at (850)245-4292. 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: The Board of Pharmacy at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATE AND TIME: Thursday, February 4, 2016, 12:30, p.m.

PLACE: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review current legislation.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

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: The Board of Pharmacy at (850)245-4292. 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: The Board of Pharmacy at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATE AND TIME: Thursday, February 18, 2016, 12:30 p.m.

PLACE: Conference call number: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review current legislation.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

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: The Board of Pharmacy at (850)245-4292. 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: The Board of Pharmacy at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATE AND TIME: Thursday, March 3, 2016, 12:30 p.m.

PLACE: Conference call number: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review current legislation.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

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: The Board of Pharmacy at (850)245-4292. 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: The Board of Pharmacy at (850)245-4292.

DEPARTMENT OF HEALTH

Board of Pharmacy

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

DATE AND TIME: Thursday, March 17, 2016, 12:30, p.m.

PLACE: Conference call number: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review current legislation.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

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: The Board of Pharmacy at (850)245-4292. 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: The Board of Pharmacy at (850)245-4292.

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#### DEPARTMENT OF HEALTH

##### Board of Podiatric Medicine

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

DATE AND TIME: Friday, January 22, 2016, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399; telephone conference: 1(888)670-3525, participant code: 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting Edith Rogers at [edith.rogers@flhealth.gov](mailto:edith.rogers@flhealth.gov) or by visiting the Board's website: <http://floridaspodiatricmedicine.gov/meeting-information/>.

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: Edith Rogers at [edith.rogers@flhealth.gov](mailto:edith.rogers@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: Edith Rogers at [edith.rogers@flhealth.gov](mailto:edith.rogers@flhealth.gov).

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Building Code Administrators and Inspectors Board

The Department of Business and Professional Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: February 17, 18, and 19, 2016, 9:00 a.m.

PLACE: Mission Inn Resort, 10400 County Road 48, Howey-in-the-Hills, FL 34737

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions of which may be closed to the public), general board business.

A copy of the agenda may be obtained by contacting: Board's website: [MyFloridaLicense.com](http://MyFloridaLicense.com) - Our Businesses & Professions - Building Code.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Department of Business and Professional Regulation, Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399, calling (850)717-1980. 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: Florida Department of Business and Professional Regulation, Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, FL 32399, calling (850)717-1980.

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#### DEPARTMENT OF HEALTH

##### Board of Speech-Language Pathology and Audiology

The Florida Board of Speech-Language Pathology & Audiology announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 27, 2016, 9:00 a.m.

PLACE: 1(888)670-3525, participant pass code: 4737341539

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. Meetings may be cancelled prior to the meeting date. Please check the Board web site at <http://floridasspeechaudiology.gov/> for cancellations or changes to meeting dates or times.

A copy of the agenda may be obtained by contacting: Claudia Kemp, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Board at (850)245-4588. 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: the Board at (850)245-4588.

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**DEPARTMENT OF ECONOMIC OPPORTUNITY**

Division of Workforce Services

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

DATE AND TIME: December 23, 2015, 9:00 a.m.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DEPARTMENT OF HEALTH

Board of Nursing

**CORRECTED NOTICE OF PETITION FOR**  
**DECLARATORY STATEMENT**

This Corrected Notice of Petition for Declaratory Statement supersedes the Notice published in Vol. 41 No. 228, the November 24, 2015, issue of the Florida Administrative Register.

Notice is hereby given that the Board of Nursing has received a Petition for Declaratory Statement filed by Hannah Hughes and Shannon Harrington, on November 16, 2015. The Petitioner seeks a Declaratory Statement from the Board with regard to whether the Petitioners as faculty members of Strayer University require Florida registered nurse licensure and are subject to the regulations of Rule 64B9-2.005 and/or paragraph 64B9-2.011(6)(c), F.A.C., given they are educators in a post-licensure RN and BSN program based outside of Florida that provides online-only instruction to Florida residents. 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, info@floridasnursing.gov, (850)245-4125.

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**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**

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

**NONE**

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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

WATER MANAGEMENT DISTRICTS  
St. Johns River Water Management District  
IRL Stormwater

The District issued Request for Qualifications (RFQ) No. 28450 to gain a keener understanding of stormwater capture and treatment opportunities vital to developing the next generation of high-benefit Indian River Lagoon projects. The District’s Evaluation Committee (the “Committee”) for this RFQ will enter negotiations with the top-ranked Respondent at 9:00 am, on January 7, 2016, at District headquarters, 4049 Reid Street, Palatka, Florida 32177 (C.R. 148).

Section XII  
Miscellaneous

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
Division of Marketing and Development  
Peach Referendum Announcement

The Department of Agriculture and Consumer Services announces a referendum on the proposed Florida Peach Marketing Order in which all producers of peaches in Florida are invited to participate.

TIME PERIOD FOR REFERENDUM: Ballots and copies of the proposed order will be mailed to all peach producers affected who are in the state and whose names and addresses are known on January 5, 2016. Ballots and copies of the proposed order may be obtained from county extension offices in all counties East of the Suwannee River by producers not

receiving them by mail or by calling Chris Denmark at (850)617-7341 or Shayla Ivey at (850)617-7306.

The date by which ballots must be returned to the Department is: Friday, January 22, 2016.

GENERAL INFORMATION ABOUT THE REFERENDUM:  
The Department received an application from representatives of over 10 percent of the affected producers to conduct a referendum on activation of the order.

On September 17 and November 12, 2015, the Department held public meetings concerning the establishment of the marketing order.

The proposed marketing order establishes the assessment of 2 cents per pound of peaches marketed through first handlers.

If you have any questions, please call Chris Denmark at (850)617-7341.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this referendum is asked to advise the Department by contacting: Chris Denmark at (850)617-7341. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TTY) or 1(800) 955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION  
Certificate of Need

EXEMPTION

The Agency for Health Care Administration approved the following exemption on December 15, 2015 pursuant to Section 408.036(3), Florida Statutes:

ID # E150049 District: 7-2 (Orange County)  
Facility/Project: Palm Garden of Orlando  
Applicant: Palm Garden of Orlando, LLC  
Project Description: Add 12 community nursing home beds  
Proposed Project Cost: \$1,700,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
State Revolving Fund Program

NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTICE  
CITY OF MIRAMAR

The Florida Department of Environmental Protection (DEP) has determined that the City of Miramar’s project to upgrade the East Water Treatment Plant on SW 66th Terrace including the construction of two new nanofiltration assemblies and five new Biscayne supply wells is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$22,600,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed

project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Paul Brandl, Project Manager, SRF Program, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 3505, Tallahassee, Florida 32399, (850)245-2986, paul.brandl@dep.state.fl.us.

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DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-198

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-198 on December 14, 2015, in response to an application submitted by Carriage Hill Home Owners Association for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

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

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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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