

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:

61G6-8.001 Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to lower the fees for initial examination for electrical alarm systems contractor and re-examination for the certification examination.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 455.219, 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.514 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: Ruthanne Christie, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the revised form.

SUBJECT AREA TO BE ADDRESSED: General Requirements of Clinical Laboratory Personnel Training Programs.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.807, 483.809, 483.811 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: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:

68B-31.0156 Florida East Coast Shrimp Bed: Repeal of Section 370.156, Florida Statutes; Seasonal Food Shrimp Production Closure; Exception; Definition

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule amendments for the food shrimp fishery that operates off the coast of northeast Florida. The rule amendment being considered would modify the Commission's Florida East Coast Shrimp Bed regulations, 68B-31.0156, Florida Administrative Code, to expand the area where the food shrimp fishery off northeast Florida is allowed to operate during April and May when the remaining portion of the East Coast Shrimp Bed is closed to harvest.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice include closed seasons, allowable fishing areas, and other subjects encompassed by the above-cited rules.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms.

Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Suite 201, Tallahassee, Florida 32301, (850)487-0554

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: RULE TITLE:

1B-32.003 Maintenance of Agency Final Orders

PURPOSE AND EFFECT: This new rule will provide standards and guidelines on how to transmit agency final order to the Division of Administrative Hearings and implements other changes to section 119.021, 120.53, and 120.533, Florida Statutes, made by Ch. 2015-155, Laws of Florida.

SUMMARY: This new rule will provide guidelines and standards on transmitting final orders to the Division of Administrative Hearings.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon completion of a SERC checklists, it was determined that the proposed rule will not have a direct or indirect financial impact on small businesses.

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: 120.533 FS.

LAW IMPLEMENTED: 119.021, 120.53, 120.533 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: Carlos A. Rey, Florida Department of

State, 500 S. Bronough St., Tallahassee, FL 32399, (850)245-6536, Carlos.Rey@dos.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-32.003 Maintenance of Agency Final Orders

(1) Pursuant to section 120.53, Florida Statutes, agencies are required to transmit final orders rendered on or after July 1, 2015 to a centralized electronic database. The Division of Administrative Hearings (DOAH) has been designated as the centralized electronic database of agency final orders. It is the responsibility of each agency to create an account and submit their final orders to the centralized database.

(2) The final orders that must be filed with DOAH are set forth in section 120.53(2), Florida Statutes.

(3) To be filed in DOAH's centralized electronic database, a final order must meet the following criteria:

(a) It shall be electronically transmitted to DOAH pursuant to subsection (4) below no later than 90 days after being rendered.

(b) It shall be submitted in an ADA-compliant and text searchable PDF format, with a maximum file size of 25 MB.

(c) It must be secured with a digital signature, as defined by Section 668.003, Florida Statutes, and retain metadata sufficient to establish that the electronic order filed is a true copy of the original final order and has not been modified.

(d) Keywords shall be included in the PDF's properties, and each filing agency shall be responsible for adding keywords to facilitate text searches.

(4) Agency final orders must be electronically transmitted to the DOAH through its eALJ portal (<https://www.doah.state.fl.us/eALJ/Login.aspx?ReturnUrl=%2feALJ%2f>).

(5) Each filing agency must follow the instructions provided on the DOAH eALJ website to register for electronic filing and to file final orders. Each agency must designate at least one person who has authority to file through the eALJ portal on behalf of the agency, prior to or upon submitting the Electronic Filing Registration form provided at <https://www.doah.state.fl.us/eALJ/Registration.aspx>. The designated person must obtain access by contacting DOAH's Clerk's.

(6) Only those persons designated by a filing agency under this rule may file final orders with DOAH through the eALJ portal. DOAH shall provide each filing agency with a unique password for login.

(7) Each filing agency shall be responsible for ensuring proper training for each person it designates and for ensuring the security of access through its designated persons. Within 48 hours of a designated person separating from a filing

agency or otherwise ceasing to be a designated person under this rule, the filing agency shall notify DOAH and have that designated person’s access to the database cancelled.

(8) DOAH shall be responsible for continued maintenance and update of the list of designated persons for each filing agency and for the ongoing security of access to the electronic database.

Rulemaking Authority 120.53, FS. Law Implemented 119.021, 120.53, 120.533, FS. History – New xx-xx-xx

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carlos A. Rey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Detzner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 03/30/2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 11/2/2015

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.05221 Student Support and Assistance Component

PURPOSE AND EFFECT: The purpose is to repeal Rule 6A-6.05221. The effect is to remove a rule from the Florida Administrative Code that is no longer supported by statutory authority.

SUMMARY: This rule no longer has rulemaking authority and must be repealed.

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 statutes authorizing rulemaking authority, were repealed.

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: 1001.02 FS.

LAW IMPLEMENTED: 1001.02 FS.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Angelia Rivers, Bureau Chief, Bureau of Family & Community Outreach, Angelia.Rivers@fldoe.org, (850)245-0847

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.05221 Student Support and Assistance Component.
Rulemaking Authority 229.053(1), 230.2316(10) FS. Law Implemented 230.2316 FS. History–New 1-2-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hershel Lyons, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2016

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.0571 Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks

PURPOSE AND EFFECT: This amendment adopts the secondary and postsecondary career education programs prescribed in Sections 1004.92 and 1011.80, Florida Statutes, and listed as follows: “Agriculture, Food & Natural Resources,” “Architecture & Construction,” “Arts, A/V Technology & Communication,” “Business, Management & Administration,” “Education & Training,” “Energy,” “Finance,” “Government & Public Administration,” “Health Science,” “Hospitality & Tourism,” “Human Services,” “Information Technology,” “Law, Public Safety & Security,” “Manufacturing,” “Marketing, Sales & Service,” “Engineering and Technology Education,” “Transportation, Distribution & Logistics,” and “Additional CTE Programs/Courses,” that fall under the umbrella of the “Career and Technical Education Programs, Academic Year 2016-2017.” In addition, to adopt the “Adult General Education Standards and Curriculum Frameworks 2016-2017.”

SUMMARY: The Department is responsible for developing program standards and industry-driven benchmarks for career and technical education and adult general education programs. The criteria for qualification of individual courses for

inclusion in secondary and postsecondary career education programs and adult general education programs prescribed in Workforce Education programs are annually adopted by the State Board and are published by the Commissioner on the Department's website. These criteria are hereby incorporated by this rule and made a part of the rules of the State Board.

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 Agency has determined that the proposed rule does not require legislative ratification and is not expected to have any impact on the factors found in 120.541(2)(a), F.S. The Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks provide secondary and postsecondary district institutions and the state college institutions a framework for providing these educational programs. These frameworks contain rigorous standards and benchmarks determined to be necessary for student success in college and careers in the selected program. The adverse impact or regulatory cost, if any, does not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1004.92, FS.

LAW IMPLEMENTED: 1004.92, FS.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathleen Taylor, Division of Career and Adult Education, 325 West Gaines Street, #714, Tallahassee, FL 32399-0400, (850)245-9062, FAX: (850)245-9065

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0571 Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks.

(1) Section 1004.92, F.S., requires the Department of Education to develop program standards and industry-driven benchmarks for career and technical education and adult and community education programs. The criteria for qualification of individual courses for inclusion in the classification of secondary career education programs prescribed in Section 1011.80, F.S., or Workforce Development Education programs as prescribed in Section 1011.62, F.S., are annually adopted by the State Board and shall be published by the Commissioner in the documents titled, as follows:

“Agriculture, Food & Natural Resources,”

“Architecture & Construction,”

“Arts, A/V Technology & Communication,”

“Business, Management & Administration,”

“Education & Training,”

“Energy,”

“Finance,”

“Government & Public Administration,”

“Health Science,”

“Hospitality & Tourism,”

“Human Services,”

“Information Technology,”

“Law, Public Safety & Security,”

“Manufacturing,”

“Marketing, Sales & Service,”

“Engineering and Technology Education,”

“Transportation, Distribution & Logistics,” and “Additional CTE Programs/Courses,” all of which fall under the umbrella of the “Career and Technical Education Programs, Academic Year 2016-2017 ~~2015-2016~~ Curriculum Frameworks by Career Cluster

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-05401>),” or in the document “Adult General Education Standards and Curriculum Frameworks 2016-2017 ~~2015-2016~~

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-05402>)”. These criteria are hereby incorporated by reference in this rule. Copies of these publications may be obtained from the Division of Career and Adult Education, Department of Education, The Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399 or from the Department's website at <http://www.fldoe.org/workforce/dwdframe> and http://www.fldoe.org/workforce/dwdframe/ad_frame.asp.

(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school's waiver request submitted by a district school board to allow the school to substitute locally approved intended outcomes for

State Board approved outcomes included in the documents titled as follows: “Agriculture, Food & Natural Resources,” “Architecture & Construction,” “Arts, A/V Technology & Communication,” “Business, Management & Administration,” “Education & Training,” “Energy,” “Finance,” “Government & Public Administration,” “Health Science,” “Hospitality& Tourism,” “Human Services,” “Information Technology,” “Law, Public Safety& Security,” “Manufacturing,” “Marketing, Sales & Service,” “Engineering and Technology Education,” “Transportation, Distribution & Logistics,” and “Additional CTE Programs/Courses,” all of which fall under the umbrella of the “Career and Technical Education Programs, Academic Year ~~2016-2017~~ ~~2015-2016~~ Curriculum Frameworks by Career Cluster” and “Adult General Education Standards and Curriculum Frameworks ~~2016-2017~~ ~~2015-2016~~,” provided that:

(a) through (c) No change.

Rulemaking Authority 1004.92(2)(b)3. FS. Law Implemented 1004.92(2)(b)4. FS. History—New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, 1-23-00, 7-21-08, 4-21-09, 5-3-10, 10-25-11, 6-18-12, 5-21-13, 5-18-14, 5-19-15,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rod Duckworth, Chancellor, Career and Adult Education
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 11, 2015

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-7.0710
RULE TITLE: Instructional Materials Policies and Procedures

PURPOSE AND EFFECT: This amendment prescribes the procedures governing the adoption of instructional materials for use by Florida school districts.

SUMMARY: The rule prescribes the policies, procedures, and specifications for submission and review of instructional materials for adoption by the Commissioner of Education.

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 been prepared by the Agency.

The department has determined that as a result of this rule there are no changes in costs to the department, state or local entities, publishing companies or manufacturers. The rule codifies instructional material specifications and policies and does not place any additional regulations or barriers on the publishing industry, including small publishing companies, as they must already comply with the statutory requirements and departmental policies.

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: 1001.02(1), 1006.34(1), Florida Statutes.

LAW IMPLEMENTED: 1006.29, 1006.30, 1006.31, 1006.32, 1006.33, 1006.34, 1006.36, 1006.38, Florida Statutes.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Executive Vice Chancellor of K-12 Public Schools at Mary.Tappen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-7.0710 Instructional Materials ~~Evaluation Policies and Procedures.~~

(1) ~~Publishers and manufacturers of instructional materials may submit sealed bids or proposals for the adoption of instructional materials by the Department of Education in response to the advertisement required by s. 1006.33(1), F.S. The Policies and Procedures Specifications for the Florida Instructional Materials Adoption (DOS Link) is hereby incorporated by reference (effective June 2016) and will be available on the Florida Department of Education’s Office of Instructional Materials website at <http://www.fldoe.org/academics/standards/instructional-materials>. The policies and procedures for state adoption of instructional materials are prescribed in “Policies and Procedures for the Florida Instructional Materials Adoption 2011,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00244>) which is hereby incorporated by reference in this rule. The specifications for instructional materials for 2011 2012 adoption of Social Studies instructional materials are prescribed in “[2010 Social Studies Specifications for the](#)~~

2011-2012 Florida State Adoption of Instructional Materials," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00245>) which is hereby incorporated by reference in this rule. These documents may be found at http://www.fldoe.org/bii/instruct_mat or by contacting the Department of Education, 325 West Gaines Street, Room 424, Tallahassee, Florida 32399.

(2) Publishers and manufacturers of instructional materials. The following forms shall be submitted by instructional materials publishers or manufacturers when proposing instructional materials for adoption and are hereby incorporated by reference in this rule to become effective December 29, 2011. These forms may be found on the Publisher Registration and online Bid Process Portal at <https://app2.fldoe.org/BII/InstructMat/Publisher/Secure/MainMenu.aspx> at http://www.fldoe.org/bii/instruct_mat or by contacting the Department of Education, 325 West Gaines Street, Room 424, Tallahassee, Florida 32399.

(a) Form IM1, Manage Bids (DOS Link) (Effective June 2016)

(b) Form IM2, Bid Deposit (DOS Link) (Effective June 2016)

(c) Form IM3, Bid Signature Sheet (DOS Link) (Effective June 2016)

(d) Form IM4, Bid Details (DOS Link) (Effective June 2016)

(e) Form IM5a, Publisher Registration (DOS Link) (Effective June 2016)

(f) Form IM5b, Publisher Sales/Other Representatives (DOS Link) (Effective June 2016)

(g) Form IM6, Publisher Acknowledgement Form (DOS Link) (Effective June 2016)

(h) Form IM7, Standards Alignment Form (DOS Link) (Effective June 2016)

(i) Form IM8, Publisher Questionnaire (DOS Link) (Effective June 2016)

(j) Form IM9, Warranty Form M (DOS Link) (Effective June 2016)

(k) Form IM12, UDL Questionnaire (DOS Link) (Effective June 2016)

(l) Form IM13, Assessment Fees (DOS Link) (Effective June 2016)

(m) Form IM14, Standards Alignment Assurance (DOS Link) (Effective June 2016)

(a) Form IM1, 2011-2012 Florida Instructional Materials Adoption Publisher's Questionnaire

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00795>).

(b) Form IM2, Correlation, Florida Department of Education, Instructional Materials Correlation Course Standards

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00796>).

(c) Form IM3, State of Florida, Instructional Materials Bid, List of Intent(s) to Bid

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00797>).

(d) Form IM4, Bid Form (Detailed), Florida Department of Education, Contract Period: 201X-201X

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00798>).

(e) Form IM5, State of Florida, Instructional Materials Bid Signature Sheet

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00799>).

(f) Form IM6, Acknowledgement of Publisher for the 201X-201X, State Instructional Materials Adoption

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00614>).

(g) Form IM7, Instructional Materials Publisher Registration and Online Bid Process

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-00800>).

(3) Instructional materials submitted by publishers or manufacturers for adoption will be evaluated as follows: The Manufacturing Standards and Specifications for Textbooks ("MSST"), 2009 Revised Edition, are the official minimum standards and specifications for the physical construction of instructional materials. The MSST, developed by the National Association of State Textbook Administrators (NASTA), are hereby incorporated by reference in this rule and are available through the Advisory Commission on Textbook Specifications, Two Armand Drive, Suite 1B, Palm Coast, FL 3217-2612, www.nasta.org. Form B, State of Florida, Statement of Publisher Submitting Books for Adoption (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00616>), and Form M, State of Florida, Statement of Publisher Submitting Electronic Media for Adoption (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00617>), are hereby incorporated by reference in this rule to become effective December 29, 2011. These forms may be accessed by contacting the Department of Education, 325 West Gaines Street, Room 424, Tallahassee, Florida 32399.

(a) The student and teacher editions of the major tool of instruction, along with any ancillary materials deemed appropriate by the Department, will be evaluated for alignment to the applicable state standards, course descriptions, and other requirements outlined in the

specifications. The Department will develop rubrics for each adoption based on alignment to appropriate course descriptions, state standards, and specifications.

(b) Electronic samples of the student and teacher editions, along with any ancillary materials deemed appropriate for sampling by the Department, will be evaluated. The electronic samples must be in final form and must be made available for review on a website or server developed, hosted, or contracted by the publisher or manufacturer by the date established by the Department. Hardcopy samples will not be accepted for evaluation.

(c) Publishers may provide a virtual presentation to the state instructional materials reviewers on the merits of the materials submitted for adoption. Publishers who choose to provide a virtual presentation must prerecord the presentation for reviewers to access during the evaluation process and must limit the presentation to no more than fifteen (15) minutes in length. Publishers who choose to provide a virtual presentation must make the presentation available for review on a website developed, hosted, or contracted by the publisher or manufacturer by the date established by the Department.

(d) State and district instructional materials reviewers will evaluate materials utilizing the Department's instructional materials database and online evaluation system accessible through the main instructional materials website <http://www.fldoe.org/academics/standards/instructional-materials>. The Instructional Materials Reviewer Portal (DOS Link) is hereby incorporated by reference and effective June 2016. The state instructional materials reviewers shall be state or national experts in the academic content area being reviewed for adoption. The state instructional materials reviewers will generally hold one or more of the following credentials:

1. A baccalaureate degree or higher in the field or a related field.
2. Certification in the field or a related field.
3. Substantial experience in the field, or
4. Recognition as an expert in the field. Such recognition may include, but is not limited to, awards received or publications related to the academic content area.

(e) State instructional materials reviewers must complete Form IM15, Affidavit of State Instructional Materials Reviewers (Reviewer) (DOS Link) which is available on the instructional materials website <http://www.fldoe.org/academics/standards/instructional-materials> and is hereby incorporated by reference (effective June 2016). The original must be filed with the department before the reviewer completes the reviewer training and is assigned materials to review.

(f) The approved adopted list and the associated reviewer ratings from the standards alignment portion of the state reviewer rubric will be published on the instructional materials website

<http://www.fldoe.org/academics/standards/instructional-materials>.

(4) Technology Specification Guidelines (DOS Link) will be available to publishers and manufacturers on the instructional materials website <http://www.fldoe.org/academics/standards/instructional-materials> and are hereby incorporated by reference (Effective June 2016) State instructional materials reviewers and school district reviewers.

(a) The Affidavit of State Instructional Materials Reviewers (Reviewer), Form IM8, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00801>) shall be completed by state instructional materials reviewers. This form is hereby incorporated by reference in this rule to become effective December 29, 2011, and may be found at http://www.fldoe.org/bii/instruct_mat or by contacting the Department of Education, 325 West Gaines Street, Room 424, Tallahassee, Florida 32399.

(b) Both state instructional materials reviewers and school district reviewers shall utilize the online instructional materials evaluation instrument in evaluating instructional materials submitted for adoption. The evaluation instrument (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00619>), Form IMEI 01, Instructional Materials Review Evaluation Instrument, is hereby incorporated by reference in this rule to become effective December 29, 2011, and may be found at http://www.fldoe.org/bii/instruct_mat or by contacting the Department of Education, 325 West Gaines Street, Room 424, Tallahassee, Florida 32399.

Rulemaking Authority 1001.02(1), 1006.34(1) FS. Law Implemented 1006.29, 1006.30, 1006.31, 1006.32, 1006.33, 1006.34, 1006.36, 1006.38 FS. History—New 12-29-11,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hershel Lyons, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 6, 2015

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-10.0315 Common Placement Testing and Instruction

PURPOSE AND EFFECT: This amendment aligns the rule with changes in House Bill 7069. The effect is a rule aligned with Florida Statutes.

SUMMARY: Changes to the statutory provisions resulting from House Bill 7069 passed during the 2015 Legislative session requires this rule be revised.

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: There is no associated cost or financial impact that will occur as a result of the changes made to this rule.

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: 1001.02(6), 1008.30(3), FS.

LAW IMPLEMENTED: 1001.02, 1008.30, FS.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Karinda Barrett, Associate Vice Chancellor for Academic & Student Affairs, (850)245-9523, karinda.barrett@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0315 Common Placement Testing and Instruction.

(1) through (a) No change.

(b) With the exception of students who meet the criteria for an exemption from common placement testing and developmental education instruction identified in subsection (1) of this rule, first-time-in-college degree seeking students and students who have not met college level competency either through the completion of developmental education

requirements in the Florida College System or have not been awarded credit for college level coursework in the area of deficiency shall be tested for reading, writing, and mathematics proficiency prior to the completion of initial registration, using the common placement test ~~the Florida Postsecondary Education Readiness Test (P.E.R.T.), or other test.~~ "Developmental education requirements" are the courses required when a non-exempt student does not meet the college ready cut score. It is also referred to as remediation or preparatory instruction. Non-exempt ~~s~~Students earning scores less than those listed below shall enroll in developmental education communication and computation instruction in the area of the deficiency: Standard Score

Reading	106
Writing	103
Mathematics	114

(c) Students who meet or exceed the scores shown below, and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the Florida Postsecondary Education Readiness Test: Standard Score

Accuplacer, The College Board	
Reading Comprehension	83
Writing Skills	83
Elementary Algebra	72

SAT, The College Board (or corresponding score on the redesigned SAT, based on official concordance tables which will be available from the College Board after the administration of the first redesigned SAT.)

Reading Verbal	440
Mathematics	440

~~Enhanced ACT with writing, ACT, Inc. American College Testing Program~~

Reading	19
English	17
Mathematics	19

~~(d) A score of 262 on Grade 10 Florida Comprehensive Assessment Test 2.0 (FCAT 2.0) Reading demonstrates readiness for college level coursework in reading and writing. Students who achieve such a score and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the reading and writing subtests of the Florida Postsecondary Education Readiness Test pursuant to subsection (1) above.~~

~~(2) School districts must administer the Florida Postsecondary Education Readiness Test or an approved alternative identified in paragraph (1)(c) of this rule to high school students who meet the criteria established in Section 1008.30(3), F.S., except those students who have passed an alternative assessment as described in paragraph (1)(c) of this~~

~~rule. High school students are exempt from payment for tests administered pursuant to Section 1008.30(3), F.S. Students who do not meet or exceed the scores established in subsection (1) of this rule must complete postsecondary preparatory instruction prior to high school graduation.~~

~~(2)(3) Nothing provided in subsection (1) of this rule shall be construed to prevent the enrollment of a student in developmental education instruction.~~

~~(3)(4) Students whose first language is not English may be placed in college preparatory instruction prior to taking an English proficiency test the testing required herein, if such instruction is otherwise demonstrated as being necessary. Such students shall not be exempted from the testing required herein.~~

~~(4)(5) Institutions affected by this rule shall accept the highest test scores on any of the tests or combination of tests identified in subsection (1) of this rule. Individual student scores shall be valid for two (2) years. Institutions shall accept common placement P.E.R.T. scores on the public high school transcript as an official record of scores.~~

~~(5)(6) Student P.E.R.T. records and test scores are confidential education records under Section 1002.221, F.S. Institutions are required to comply with Section 1002.221, F.S., in maintaining confidentiality of these records.~~

~~(6)(7) The Commissioner shall report to the State Board of Education each year the results of the common placement testing.~~

Rulemaking Authority 1001.02(6), 1008.30(3), (4) FS. Law Implemented 1001.02, 1008.30 FS. History--New 7-15-84, Amended 6-6-85, Formerly 6A-10.315, Amended 5-17-88, 7-25-91, 10-18-94, 8-28-95, 6-25-96, 3-28-00, 2-12-12, 8-21-12, 6-27-13, 10-22-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Madeline Pumariaga, Chancellor, Florida College System.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 27, 2016

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.0318
RULE TITLE: Postsecondary Preparatory Instruction Curriculum and Postsecondary Readiness Competencies

PURPOSE AND EFFECT: This rule is to be repealed as it no longer has rulemaking authority.

SUMMARY: This rule is to be repealed.

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: There is no associated cost or financial impact made with the repeal of this rule.

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: 1001.02(1), FS.

LAW IMPLEMENTED: 1001.02(1), FS.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Karinda Barrett, Associate Vice Chancellor for Academic & Student Affairs, (850)245-9523, karinda.barrett@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0318 Postsecondary Preparatory Instruction Curriculum and Postsecondary Readiness Competencies. Rulemaking Authority 1008.30(3) FS. Law Implemented 1008.30 FS. History--New 4-30-12, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Madeline Pumariaga, Chancellor, Florida College System

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2016

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-10.0319 Developmental Education Competencies

PURPOSE AND EFFECT: To repeal Rule 6A-10.0319, F.A.C. The effect is to remove a rule from the Florida Administrative Code that is no longer supported by statutory authority.

SUMMARY: The rulemaking authority for this rule was repealed and therefore this rule must be repealed.

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: There is no associated cost or financial impact made with the repeal of this rule.

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: 1001.02(1), Florida Statutes.

LAW IMPLEMENTED: 1001.02(1), Florida Statutes.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Karinda Barrett, Associate Vice Chancellor for Academic & Student Affairs, (850)245-9523, karinda.barrett@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0319 Developmental Education Competencies.

Rulemaking Authority 1008.30(4)(a) FS. Law Implemented 1008.30(4)(a) FS. History—New 5-27-12, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Madeline Pumariega, Chancellor, Florida College System

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2016

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-14.024 Composition of Boards of Trustees

PURPOSE AND EFFECT: This amendment implements the changes enacted by ch. 2015-19 L.O.F. The effect will be a rule consistent with governing law.

SUMMARY: The membership requirements for the Florida College System institution boards of trustees will be amended to reflect the current membership framework outlined in s. 1001.61, F.S.

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: There is no associated cost or financial impact that will occur as a result of the changes made to this rule.

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: 1001.02(1), 1001.61(1), FS.

LAW IMPLEMENTED: 1001.61(1), FS.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Christopher Mullin, Executive Vice Chancellor, Florida College System, (850)245-9903, christopher.mullin@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.024 Composition of Boards of Trustees.

(1) The number of trustees on Florida College System institution ~~community college~~ boards of trustees shall be:

(a) One (1) county district boards – five (5) or seven (7) trustees as decided by the board.

(b) Two (2) or more county district boards – no less than five (5) and no more than nine (9) members. ~~five (5) trustees from the county of location and four (4) from the cooperating county. However, if the county of location has more than five (5) times the population of the cooperating county as determined by the U.S. Census, there shall be three (3) trustees from the cooperating county.~~

(c) ~~Three (3) and four (4) county district boards — three (3) trustees from the county of location and two (2) from each cooperating county.~~

(d) ~~Five (5) county district boards — three (3) trustees from the county of location, two (2) from each of the two (2) more populous cooperating counties, and one (1) from each of the two (2) less populous cooperating counties.~~

(e) ~~Six (6) county district boards — three (3) trustees from the county of location, two (2) from the most populous cooperating county, and one (1) from each of the remaining counties.~~

~~(2) Population shall be determined by the most recent population estimates published by the Legislative Office of Economic and Demographic Research.~~

~~(3) Notwithstanding (1), the number of trustees for the boards of trustees of the following community colleges shall be:~~

~~(a) South Florida Community College — four trustees from Highlands County, two trustees from Hardee County, and two from DeSoto County.~~

~~(b) Gulf Coast Community College — five trustees from Bay County, three trustees from Gulf County, and one trustee from Franklin County.~~

~~(c) Edison Community College — three trustees from Lee County, two trustees from Charlotte County, two trustees from Collier County, one trustee from Glades County, and one trustee from Hendry County.~~

~~(2)(4) Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Trustees shall reside in the college's designated counties pursuant to s. 1000.21(3), F.S. Residential address shall determine a trustee's county of origin.~~

~~(5) In the event of a violation of this rule, adjustments shall be made immediately, except that the number of trustees from a county shall not be reduced until terms expire or resignations are tendered.~~

~~(6) When changes in board composition are required by law or by this rule the Governor shall stagger the length of terms of the board positions next in line for appointment in~~

~~such a manner as to provide for future position expiration dates as equal in number as possible in each succeeding year for each county. In such cases, where eight or more trustee positions will exist in any college, then at least two terms will expire each year. Where less than eight trustee positions will exist, then at least one but not more than two trustee positions will expire each year.~~

~~(3)(7) Florida College System institutions Community colleges shall annually report to the Chancellor the composition of their boards of trustees immediately following the board organization meeting required under s. 1001.61(4), F.S., including the name, residential address (with county), e-mail address, home and business telephone numbers, and end of term.~~

~~Rulemaking Authority 1001.02(1), ~~(9)~~, 1001.61(1) FS. Law Implemented 1001.61(1), F.S. Chapters 84-336, 44 Laws of Florida. History—New 12-19-74, Formerly 6A-8.06, Amended 12-26-77, 7-26-84, 11-5-85, Formerly 6A-14.24, Amended 12-6-90, 7-20-04.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Madeline Pumariaga, Chancellor, Florida College System

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 14, 2015

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-19.001	Scope, Coverage and Definitions
6A-19.002	Treatment of Students - General
6A-19.003	Health Services
6A-19.004	Interscholastic, Intercollegiate, Club and Intramural Athletics
6A-19.005	Student Financial Assistance
6A-19.006	Housing
6A-19.007	Student Employment
6A-19.008	Educational and Work Environment
6A-19.009	Personnel
6A-19.010	Strategies to Overcome Underrepresentation

PURPOSE AND EFFECT: Align with Section 1000.05, F.S., include office names for specific function, addition to protected class and replace outdated terms.

SUMMARY: Proposed amendments to reflect current practices and terminology.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely

increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S. These are amendments to reflect current practices and terminology.

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: 1001.02(1), 1000.05(5), Florida Statutes.

LAW IMPLEMENTED: 1000.05, Florida Statutes.

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

DATE AND TIME: May 20, 2016, 9:00 a.m.

PLACE: DoubleTree by Hilton, 5780 Major Blvd., Orlando, Florida 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lydia Southwell, Educational Policy Development Director, Lydia.southwell@fldoe.org, (850)245-9556

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-19.001 Scope, Coverage and Definitions.

Chapter 6A-19, F.A.C., implements Section 1000.05, F.S., which prohibits discrimination on the basis of race, ethnicity, sex, gender, national origin, marital status or disability handicap against a student or employee in the state ~~system of public K-12 education system and the Florida college system, as defined in Section 1000.05(1), F.S.~~ The following definitions shall apply:

(1) Activity. Any organized academic, career, technical vocational, athletic, co-curricular or extracurricular pursuit, undertaking or assignment conducted under the authority or direction of an institution within the state ~~system of public K-12 education system and the Florida college system.~~

(2) Admission. Selection for part-time, full-time, special, associate, transfer, exchange or any other enrollment, participation or matriculation, in or at, an education program

or activity conducted under the authority or direction of an institution within the ~~system of public K-12 education system and the Florida college system.~~

(3) No change.

(4) Discrimination.

(a) Discrimination shall include:

1. Limiting, segregating or classifying students, employees, applicants for admission, or applicants for employment, in such a way as to deprive individuals of educational or employment opportunities or otherwise adversely affect individuals because of their race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap;

2. Denying educational or employment opportunities to individuals because of their race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap;

3. Providing unequal educational or employment opportunities to individuals because of their race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap;

4. Providing unnecessarily separate educational programs or activities for individuals because of their race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap;

5. Entering into contractual or other arrangements which utilize criteria or administrative methods which have the effect of subjecting individuals to discrimination or which otherwise adversely affect individuals because of their race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap;

6. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a qualified ~~handicapped~~ person with a disability as a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their disability handicap;

7. through 10. No change.

11. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their sex or gender.

(b) No change.

(c) Efforts or measures developed by institutions to correct patterns of segregation, patterns of nonparticipation or underrepresentation among a race, ethnicity, sex, gender, marital status, national origin, pregnancy or disability handicap group shall not constitute discrimination. Quotas, however, shall not be used.

(5) Disproportionate Enrollment. The actual enrollment of students of a particular race, ethnicity, sex, gender, national origin or disability handicap differs from the appropriate pool of potential students, as determined by the governing board, by race, ethnicity, sex, gender, national origin or disability handicap by more than two standard deviations.

(6) Handicapped Persons with a Disability. Any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

(a) Physical or mental impairment.

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

2. Any mental or psychological disorder, such as ~~mental retardation~~, organic brain syndrome; emotional or mental illness; and specific learning disabilities; or

3. Other impairments including deaf or hard of hearing; visual; orthopedic; speech and language; autism spectrum disorder; or intellectual disability.

(b) through (d) No change.

(7) Institution. An individual school, ~~as defined in Section 1000.05(4), F.S.~~, or the school district, as the context may require; a community college; a state college; a university or any other state-supported entity primarily of an educational nature, e.g., the Florida School for the Deaf and the Blind.

(8) No change.

(9) Office of Equal Educational Opportunity Equity and Access. The Department of Education work unit, ~~otherwise known as the Office of Equity and Access~~, specifically designated to administer the Department's implementation activities as defined in Section 1000.05(6), F.S., ~~except to the extent those duties may be delegated by the Commissioner of Education to the Chancellor of the State University System pursuant to Section 1000.05, F.S.~~

(10) Division of Florida Colleges, Equity and Civil Rights Compliance. The Department of Education's work unit specifically designated to administer the Department's Florida College System implementation activities as defined in Section 1000.05(6) Florida Statutes.

(11)(10) Qualified Handicapped Person with a Disability.

(a) With respect to employment, a ~~handicapped~~ person with a disability who, with reasonable accommodation, can perform the essential functions of the job in question;

(b) With respect to public preschool, elementary, secondary or adult programs, services and activities, a ~~handicapped~~ person with a disability of an age during which

nonhandicapped persons are provided services, or of any age during which it is mandatory under federal or Florida law to provide services to ~~handicapped~~ persons with disabilities;

(c) With respect to postsecondary programs, services and activities, a ~~handicapped~~ person with a disability who meets the academic and nonacademic admissions criteria requisite to participation.

(12) ~~(11)~~ Race/Ethnic Categories. A person may be included in the race/ethnic group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. No person shall be included in more than one race/ethnic group. The race/ethnic categories to be used are:

(a) through (e) No change.

(13)~~(12)~~ Reasonable Accommodation. Changes in the work environment which allow a qualified ~~handicapped~~ employee with a disability to perform the essential tasks of the job if making those changes does not impose an undue hardship on the operation of the institution. Reasonable accommodation may include: making facilities used by employees readily accessible to and usable by ~~handicapped~~ persons with disabilities, job structuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. In determining whether an accommodation would impose an undue hardship on the operation of an institution's program, factors to be considered include: the overall size of the institution with respect to number of employees, number and type of facilities, and size of budget; the type of operation, including the composition and structure of the workforce; and the nature and cost of the accommodation needed.

(14)~~(13)~~ Selection Criteria. Any measure, combination of measures, or procedure used as a basis for any decision on eligibility for admission, for participation in programs, services or activities, or for employment and promotion. Selection criteria include the full range of assessment techniques including course grades; performance tests; paper and pencil tests; training programs; probationary periods; physical, education and work experience requirements; formal or informal interviews; evaluation by prior teachers or employers; and scored or unscored applications.

(15)~~(14)~~ Student. Any person who is enrolled in any instructional program or activity conducted under the authority or direction of an institution which is a part of the state ~~system~~ of public K-12 education system and the Florida college system.

Rulemaking Authority 1000.05(5), 1001.02 FS. Law Implemented 1000.05, ~~1001.02(4)~~ FS. History—New 4-17-85, Formerly 6A-19.01.

6A-19.002 Treatment of Students – General.

All guidance, counseling, financial assistance, academic, career and ~~technical vocational~~ programs, services and activities offered by each institution shall be offered without regard to race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. There shall be no discrimination in recreational, athletic, co-curricular or extracurricular activities.

(1) Guidance and Counseling. Each institution shall assure that, in guidance and counseling practices, there is no discrimination on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Factors of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap shall not be used to encourage or discourage a student's enrollment in a particular program or participation in a particular activity or to measure or predict a student's prospects for success in any career, occupation, program, course or activity.

(a) If particular programs or disciplines have disproportionate enrollments of male or female students, minority or nonminority students, or handicapped students with disabilities, the institution shall examine its policies, procedures and practices to determine whether the disproportion is the result of discriminatory counseling activities.

(b) Qualified handicapped students with disabilities shall not be counseled toward more restrictive career or academic objectives than nonhandicapped students without disabilities with similar abilities and interest. This requirement does not preclude the providing of factual information, at the postsecondary level, about licensing or certification requirements that may present obstacles to handicapped persons with disabilities in their pursuit of particular careers.

(c) No change.

(d) Counseling materials and other publications used by the institution shall not state or imply through text or illustration, that applicants, students or employees are treated differently on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. This does not prohibit the inclusion of information designed to meet the needs of national origin minority students with limited-English-language skills, gifted students or handicapped students with disabilities, or programs tailored to students with specialized talents or skills ~~needing special services or as may be appropriate for affirmative action purposes~~.

(e) Appraisal instruments selected by the institution shall not discriminate based on race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Counseling tests and instruments, which result in disproportionate enrollment in any course or program, shall be

examined by the institution for discrimination in the instrument or in its application. Institutions are not required to conduct additional examination of state-required instruments.

(f) Institutions which use testing or other materials for appraising or counseling students shall not use different materials for students on the basis of sex or gender, or use materials which permit or require different treatment of students on this basis unless these different materials cover the same occupations and interest areas and the use of these different materials is shown to be essential to eliminate sex and gender bias.

(g) Promotional efforts, including activities of school officials, counselors, instructional staff, institution school -related parent groups, institution school -related community or business groups, shall not be conducted in a manner that states or implies that the institution restricts access to its programs, activities or services on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Promotional efforts include, but are not limited to, career awareness activities, college recruitment activities, open houses, parent programs, shop and laboratory demonstrations, student visitations and summer camps.

(h) Promotional or counseling materials and activities shall not state or imply, through text or illustration, that access to those programs, services or activities is restricted on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap.

(i) Student recruitment activities shall be conducted so as not to exclude or limit opportunities on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap.

(2) Admission to Courses, Programs and Activities. Institutions shall not base admission decisions on race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Special selection criteria for admission within the institution for participation in programs or courses shall be related to program standards or requirements. If it has been empirically demonstrated that a selection criterion which has an adverse impact is predictive of success during the program, course or activity, and that there has been a reasonable search for equally valid criteria which do not have a disproportionate adverse impact, or if the criterion is required by law, then the criterion shall not be considered discriminatory. Selection criteria for admission, which are in use on the effective date of this rule, shall not be considered discriminatory if demonstrated to be predictive of success within one year from the effective date of this rule.

(a) Race, Ethnicity or National Origin. No person, on the basis of race, ethnicity or national origin, shall be excluded from participation in, denied benefits of, or subjected to

discrimination in any course, program, service or activity operated under the authority or direction of an institution within the state ~~system of public K-12 education system and the Florida college system.~~

1. Institutions shall not unnecessarily restrict admission to ~~technical vocational~~, career or academic programs solely because the applicant, as a member of a national origin minority with limited-English-language skills, cannot participate in and benefit from instruction to the same extent as a student whose primary language is English, except as provided in subsection 6A-19.002(2), F.A.C.

2. No change.

(b) Sex, Gender, Pregnancy or Marital Status. No person, on the basis of sex, gender, pregnancy or marital status, shall be excluded from participation in, denied benefits of, or subjected to discrimination under any course, program, service or activity operated under the authority or direction of an institution within the state ~~system of public K-12 education system and the Florida college system.~~

1. Preference shall not be given to one person over another on the basis of sex or gender by establishing numerical limitations of the number or proportion of persons of either sex or gender. Exempt from this provision are membership practices of YMCA, YWCA, YMHA, YWHA, Girl Scouts, Boy Scouts, Camp Fire Girls, social fraternities and social sororities at institutions of higher education, and the membership practices of voluntary youth service organizations whose membership has traditionally been limited to persons of one sex or gender and principally to persons of less than 19 years of age.

2. No change.

3. Participation in any separate program of instruction for pregnant students shall be voluntary on the part of the student. Any such separate program of instruction provided to pregnant students shall be comparable to the regular program of instruction and in no way limit the student's academic, career, ~~technical vocational~~ or extracurricular options.

4. through 6. No change.

(c) Disability Handicap. No qualified ~~handicapped~~ person with a disability shall be excluded from participation in, denied benefits of, or subjected to discrimination under any course, program, service or activity, operated under the authority or direction of an institution within the state ~~system of public K-12 education system and the Florida college system~~ solely on the basis of disability handicap. Each program, service and activity shall be operated so that the program, service or activity, when viewed in its entirety, is readily accessible to ~~handicapped~~ persons with disabilities.

1. Qualified ~~handicapped~~ persons with disabilities shall not be denied access to ~~technical vocational~~, career or

academic programs, courses, services or activities because of architectural or equipment barriers, or because of the need for auxiliary aids or related aids and services. Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Institutions need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

2. Access to ~~technical vocational~~ and academic programs or courses shall not be denied to qualified ~~handicapped~~ students with disabilities on the basis that employment opportunities in any occupation or profession may be more limited for ~~handicapped~~ persons with disabilities than for ~~nonhandicapped~~ persons without disabilities.

3. In administering admissions policies, each institution shall assure that admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a disability handicap that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual or speaking skills, except where those skills are the factors that the test purports to measure. Admissions tests that are designed for persons with impaired sensory, manual or speaking skills shall be offered as often, and in as timely a manner, as are other admissions tests. Admissions tests shall be administered in facilities that, on the whole, are accessible to ~~handicapped~~ persons with disabilities.

4. Institutions shall make such modifications to its academic requirements as are necessary to ensure that they do not discriminate or have the effect of discriminating, on the basis of disability handicap, against a qualified ~~handicapped~~ applicant or student with a disability. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by the student, or to any directly related licensing requirement, will not be regarded as discriminatory. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

5. Institutions shall not impose upon ~~handicapped~~ students with disabilities other rules, such as the prohibition of tape recorders in classrooms or of guide dogs guides in campus buildings, that have the effect of limiting the participation of ~~handicapped~~ students with disabilities in the institution's education program or activity.

6. In course or program examinations, or other procedures for evaluating students' academic achievement in its program, the institution shall provide methods for evaluating the achievement of students who have a disability handicap that impairs sensory, manual or speaking skills which will ensure that the results of the evaluation represents the student's achievement in the course or program, rather than reflecting the student's impaired sensory, manual or speaking skills, except where those skills are the factors that the test purports to measure.

7. A postsecondary institution shall not make preadmission inquiry as to whether an applicant is a handicapped person with a disability except when the institution is taking remedial steps to increase the participation of handicapped persons with disabilities in programs and courses in which handicapped students with disabilities have been traditionally underrepresented as specified in Section 1000.05(4), F.S., and under those conditions all written and oral inquiries must make clear that the information requested is intended for use solely in connection with remedial steps; the information is being requested on a voluntary basis; the information will be kept confidential as required by federal law; and that refusal to provide such information will not subject the applicant to any adverse treatment. However, after admission, and after a student with a disability has self-reported, an institution may make inquiries on a confidential basis as to handicaps that may require accommodation. Postsecondary institutions shall make information available about the institutions' services for students with disabilities.

8. Nonacademic, co-curricular, extracurricular and physical education services and activities shall be provided in such a manner as is necessary to afford handicapped students with disabilities an equal opportunity for participation in such services and activities.

9. An institution that offers physical education or that operates or sponsors interscholastic activities, clubs, intercollegiate or intramural athletics shall provide an equal opportunity for participation to qualified handicapped students with disabilities.

10. Physical education and athletic activities that are separate or different from those offered to nonhandicapped students without disabilities may be offered only if the institution can show that this is necessary to meet the needs of the handicapped students with disabilities. Qualified handicapped students with disabilities shall be provided the opportunity to compete for teams or to participate in physical education courses or activities that are not separate or different.

11. In choosing among available methods to ensure that programs, services and activities are accessible, priority shall

be given to those methods that offer programs, services and activities to handicapped persons with disabilities in the most integrated setting appropriate.

12. Any facilities, services or activities that are identifiable as being for handicapped persons with disabilities shall be comparable to other facilities, services and activities.

13. Access to information regarding admission to programs, courses and activities shall be provided to handicapped persons with disabilities.

14. Any activity or program which is not operated by the institution but which is considered a part of, or equivalent to, an institution's program, shall be operated in a manner which provides equal opportunities to qualified handicapped persons with disabilities.

Rulemaking Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), 1001.02(1), 1004.65 FS. History—New 3-11-85, Formerly 6A-19.02.

6A-19.003 Health Services.

When health services or other related services are provided for students, the services shall be provided in a manner which does not discriminate on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Institutions are not required to provide specialized services and aids to handicapped persons with disabilities in health programs. If, for example, an infirmary treats only simple disorders such as cuts, bruises and colds, its obligation to handicapped persons with disabilities is to treat such disorders for them.

(1) If health services are provided for students, handicapped students with disabilities shall be provided the opportunity to participate in the services at no greater cost than to other students nonhandicapped.

(2) If comprehensive health care services are provided, said services shall be available for maternity or pregnancy related reasons and for handicapped students with disabilities in the same manner and at the same cost as for other students.

(3) Handicapped Students with disabilities who receive health or other related services need not receive those general health screenings which would be duplicative or less intensive than screenings or evaluations they have already received in the development of their educational plans.

Rulemaking Authority 1000.05, 1001.02(1) FS. Law Implemented 1000.05(2), ~~1001.02(1)~~, 1004.65(6)(c) FS. History—New 3-11-85, Formerly 6A-19.03.

6A-19.004 Interscholastic, Intercollegiate, Club and Intramural Athletics.

The Commissioner shall require that governing boards include all factors identified in Section 1000.05(3), F.S., in the plans for implementation required of governing boards under

subsection 6A-19.010(1), F.A.C., and shall require that those factors be included in the periodic reviews conducted under subsection 6A-19.010(2), F.A.C.

(1) Gender equity in athletics at all levels of public education shall be defined as: Gender equity in athletics is the fair distribution of overall athletic opportunity and resources, substantially proportionate to the enrollment of males and females, so that no student athlete, coach or athletic administrator is discriminated against in an athletic program on the basis of sex or gender.

(2) through (b)

(c) Where the members of one sex or gender are not, and have not been, substantially proportionate among intercollegiate or interscholastic athletes, the institution may defend the participation rates by showing a history and continuing practice of athletic program expansion which can be demonstrated to be responsive to the developing interests and abilities of that sex. Any defense on this basis shall be included in a corrective action plan in compliance with subsection (17) of this rule.

(d) Where the members of one sex or gender are not substantially proportionate among intercollegiate or interscholastic athletes, and the institution cannot show a history and continuing practice of athletic program expansion, the institution may show its commitment to gender equity in athletics if it can demonstrate that the interests and abilities of the members of that sex or gender have been fully and effectively accommodated. Any demonstration on this basis shall be included in a corrective action plan in compliance with subsection (17) of this rule.

(3) Athletic financial assistance and scholarship. The amount of scholarship money and grants-in-aid made available in intercollegiate varsity sports shall be in substantial proportion to the number of students of each sex or gender participating in athletic programs. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(4) through (6) No change.

(7) Opportunities to receive coaching. Educational institutions shall ensure equality in the provision of and funding for the opportunities to receive coaching for intercollegiate and interscholastic sports to include: availability, training, experience, professional standing and other professional qualifications of coaches, and compensation of coaches. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(a) Athletic administrators and coaches in the same or comparable sports, subject to consideration of factors such as experience, training and success shall be compensated equally regardless of sex, gender or race, while ensuring that male and female athletes receive equal and comparable coaching.

(b) Athletic administrative and coaching opportunities shall be made available to men and women without regard to sex or gender or race. Employment of athletic personnel will exhibit the institutional obligation to equal employment opportunity.

(8) Locker rooms, practice and competitive facilities. Educational institutions shall ensure equality is maintained in the provision of and funding for locker rooms, and practice and competitive facilities for athletic programs to include: quality and availability for the practice facilities and competitive facilities; exclusivity of use of the facilities provided for practice and competitive events; availability and quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events. If there are disparities favoring teams of one sex or gender that are not balanced by disparities favoring teams of the other sex or gender, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(9) Medical and training facilities and services, including weight training. Educational institutions shall ensure equality in the provision of and funding for medical and training facilities and services, including weight training for athletic programs to include: availability of medical personnel and assistance; health, accident and injury insurance coverage; availability and quality of weight and training facilities; availability and quality of conditioning facilities; and availability and qualifications of athletic trainers. If there are disparities favoring teams of one sex or gender that are not balanced by disparities favoring teams of the other sex or gender, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(10) Publicity and promotion. Educational institutions shall ensure equality in the provision of and funding for publicity and promotion for athletic programs to include: availability and quality of sports information personnel; access to other publicity resources for male and female programs; quantity and quality of publications; and other promotional devices featuring male and female teams. If there are disparities favoring teams of one sex or gender that are not balanced by disparities favoring teams of the other sex or gender, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(11) Support services. Educational institutions shall ensure equality in the provision of and funding for support

services for athletic programs to include: the amount and quality of administrative assistance provided to male and female programs, and the amount and quality of clerical assistance provided to the male and female programs. If there are disparities favoring teams of one sex or gender that are not balanced by disparities favoring teams of the other sex or gender, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(12) Housing and dining facilities and services. Educational institutions shall ensure equality in the provision of and funding for housing and dining facilities and services for intercollegiate sports to include: housing, special services as part of housing arrangements, and meal plans. If there are disparities favoring teams of one sex or gender that are not balanced by disparities favoring teams of the other sex or gender, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(13) Recruitment of student athletes. Education institutions shall ensure equality in the provision of and funding for the recruitment of student athletes for intercollegiate sports to include: whether coaches and other professional athletic personnel in the programs serving male and female athletes are provided with substantially equal opportunities to recruit; whether the financial and other resources made available for recruitment in male and female athletic programs are equivalently adequate to meet the needs of each program; and whether the differences in benefits, opportunities, and treatment afforded prospective student athletes of each sex or gender have a limiting effect upon the recruitment of students of either sex. If there are disparities favoring teams of one sex or gender that are not balanced by disparities favoring teams of the other sex or gender, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(14) Recruitment, assignment and compensation of tutors. Educational institutions shall ensure equality in the provision of and funding for the recruitment, assignment and compensation of tutors for athletes to include: amount of time tutors are available for athletes, qualifications and experience of tutors, rates of pay for tutors, and employment conditions of tutors. If there are disparities favoring teams of one sex or gender that are not balanced by disparities favoring teams of the other sex or gender, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(15) Club and intramural sports. The participating opportunities, funding, facilities and other resources available for club and intramural sports shall be substantially proportionate to the respective enrollments of males and females in the educational institution. Where the members of

one sex or gender in club or intramural sports are not substantially proportionate to their respective enrollment in the educational institution, the institution may show its commitment to gender equity if it can demonstrate that the interests and abilities of the members of that sex or gender have been fully and effectively accommodated.

(16) Funding for athletic programs. Funding for athletic programs, including revenues from direct support organizations established pursuant to Sections 1001.453, ~~1004.28~~ and 1004.70, F.S., shall be disbursed in a manner that ensures equivalent benefits and services to male and female athletes. Appropriate consideration may be taken of the actual costs and emphasis of particular athletic programs, but no disproportionate funding based upon sex or gender shall exist between the same or similar sports in the overall funding of the entire athletic program.

(17) Institutions shall develop and implement corrective action plans for equity in athletics components described in subsections (2)-(16), of this rule, that are determined to be not in compliance. The corrective action plan shall be developed and submitted consistent with the standards prescribed in this rule. The corrective action plan may cover a period of up to three (3) years and shall be submitted in the format and on the date prescribed by the Commissioner ~~or the Chancellor of the State University System as appropriate~~. Information describing format and date of submission is available from the Office of Equal Educational Opportunity or the Division of Florida Colleges Equity and Access, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 ~~or from the Office of Equity and Access, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399~~. The corrective action plan shall be updated at least annually and compliance shall be monitored on an annual basis.

(18) through (b) No change.

(c) If the institution is found out of compliance with no acceptable plan for coming into compliance, the Commissioner, ~~or the Chancellor of the State University System as appropriate~~, shall implement the requirements of Section 1000.05(6)(g), F.S., and declare the educational agency ineligible for competitive state grants, and direct the Comptroller to withhold general revenue funds sufficient to obtain compliance.

(d) No change.

Rulemaking Authority 1000.05(5), (6)(g), 1001.02(1) FS. Law Implemented 1000.05(3), (6)(f), (g), ~~1001.02(1)~~, 1004.65(6)(c), 1006.71 FS. History—New 3-11-85, Formerly 6A-19.04, Amended 10-30-94.

6A-19.005 Student Financial Assistance.

Financial assistance administered in whole, or in part, by the institution in the form of loans, grants, scholarships,

fellowships, special funds, services, benefits, waivers of fees, subsidies, compensation for work or prizes to students shall be awarded in a manner that does not discriminate on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. This does not preclude awards made to overcome the effects of past discrimination. Institutions shall package financial assistance in such a way that minority students do not receive awards composed primarily of loans or work-study in lieu of scholarships or grants for which they are qualified.

(1) Restricted financial assistance may be administered where the assistance and restriction are established by statute, gift, will, trust, bequest or any similar legal instrument, if the overall effect of all financial assistance awarded by the institution does not discriminate on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap.

(2) Students shall not be discriminated against on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap when making available opportunities in cooperative education, work-study, job placement, apprenticeship programs, teaching assistantships, research assistantships, laboratory assistantships or other work programs for which they are qualified.

Rulemaking Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), (3), (6)(f), (g), ~~1001.02(1)~~, 1004.65 FS. History—New 3-11-85, Formerly 6A-19.05.

6A-19.006 Housing.

If housing opportunities are provided, opportunities shall be extended without discrimination based on race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. This obligation includes the provision of on-campus housing and the provision of off-campus housing when an institution makes agreements with other providers.

(1) If on-campus or off-campus housing is provided to ~~nonhandicapped~~ students without disabilities, then comparable, convenient and accessible housing shall be provided, at the same cost and under the same conditions, to ~~handicapped~~ students with disabilities. Housing opportunities shall be available to ~~handicapped~~ students with disabilities in sufficient quantity that living accommodations for ~~handicapped~~ students with disabilities are, as a whole, comparable to those for ~~nonhandicapped~~ students without disabilities.

(2) through (3) No change.

Rulemaking Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), (3), 1001.02(1), 1004.65(6)(c) FS. History—New 3-11-85, Formerly 6A-19.06.

6A-19.007 Student Employment.

All decisions concerning employment and job placement of students under any program or activity shall be made in a manner which ensures that discrimination does not occur based on race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap, except where sex, gender or national origin constitute a bona fide occupational qualification under section 703 of Title VII of the Civil Rights Act of 1964, as amended. Reasonable accommodation shall be provided for qualified ~~handicapped~~ student employees with disabilities.

(1) Each written agreement for the referral or assignment of students to an employer shall contain an assurance from the employer that students shall be accepted and assigned to jobs, and otherwise treated, without regard to race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap.

(2) Assistance in making employment available to students shall only be given to agencies, organizations or persons who do not discriminate on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Any requests by prospective employers which have the effect of excluding students of a particular race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap shall not be honored. This does not preclude prospective employers from specifying necessary job skills.

(3) No agreement for the provision or support of apprentice training for students shall be entered with sponsors that discriminate against its members, or applicants for membership, on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Each written agreement with a sponsor providing for apprentice training shall contain an assurance from the sponsor that it does not engage in such discrimination against its membership, or applicants for membership, and that apprentice training shall be offered and conducted in a manner free from such discrimination.

(4) Students seeking to participate in any student employment opportunity including, but not limited to, cooperative education, work study, teaching assistant or aide, research assistant or aide, library or laboratory assistant or aide, trainer, tutor, interpreter, service worker, and student assistant, shall not be discriminated against by employers, prospective employers, instructors or staff on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap in recruitment, hiring, placement, assignment to work duties, hours of employment, levels of responsibility or pay.

Rulemaking Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1001.02(1), 1004.65 FS. History—New 3-11-85, Formerly 6A-19.07.

6A-19.008 Educational and Work Environment.

It is the policy of the State of Florida ~~that, and~~ institutions have an affirmative duty, to create an educational and work environment free of harassment on the basis of race, ethnicity, sex, gender, national origin, pregnancy or disability handicap. An institution is responsible for all acts of harassment regardless whether the institution knew or should have known of the acts if the harassment is committed by a person in a position of authority. If, however, the harassment is between fellow employees, fellow students or by nonemployees, an institution is only responsible if it knew or should have known of the harassment and failed to take corrective action. Harassment includes:

(1) Any slurs, innuendos or other verbal or physical conduct reflecting on an individual's race, ethnicity, sex, gender, national origin, pregnancy or disability handicap ~~ethnic background, gender or handicapping condition~~ which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose or effect of unreasonably interfering with the individual's work or school performance or participation; or otherwise adversely affects an individual's employment or educational opportunities.

(2) through (3) No change.

Rulemaking Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), 1001.02(1), 1004.65(2) FS. History—New 3-11-85, Formerly 6A-19.08.

6A-19.009 Personnel.

Equal employment opportunities shall be provided to all applicants and employees without regard to race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap.

(1) (a) Policies and Practices. Policies, practices and collective bargaining agreements shall not discriminate against an employee, or applicant for employment, on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Each governing board shall provide that the cost of providing reasonable accommodation be borne by the governing board, ~~or in the case of state universities by the individual university~~, rather than by internal subsidiary budgeting units.

(b) ~~(a)~~ Salary policies, employee classification, assignments and other practices shall not discriminate on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap.

(2) Fringe Benefits. All fringe benefits provided under the authority or direction of an institution shall be provided

without discrimination on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap.

(3) No change.

(4) Reasonable Accommodation. Reasonable accommodation shall be provided for the known disabilities handicaps of a qualified ~~handicapped~~ applicant or employee with a disability unless it can be demonstrated that the accommodation would impose an undue hardship on the institution. An institution may not deny employment opportunity to a qualified ~~handicapped~~ employee or applicant with a disability if the basis for the denial is the need to make reasonable accommodation to the employee or applicant.

(5) Contractual Agreements. Institutions shall not participate in any contractual or other agreements that have the effect of subjecting an applicant or employee to discrimination on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Contractual or other agreements shall include, but are not limited to, collective bargaining agreements, insurance contracts, training contracts, research projects and studies, food services and transportation.

(6)(a) Recruitment. Recruitment and hiring of employees shall be conducted without discrimination on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. This shall not affect recruitment, employment and promotion activities conducted under a legally sufficient affirmative action plan adopted by the governing board or institution.

(b)~~(a)~~ Employment advertisements shall not indicate or imply preference or discrimination based on race, sex, national origin, marital status or handicap.

(7) Preemployment Inquiries. Preemployment inquiries shall not solicit information with respect to an applicant's marital or parental status, or the existence or severity of disabilities handicapping conditions.

(a) No preemployment medical examination shall be conducted nor shall any preemployment inquiry be made of an applicant as to whether the applicant is a ~~handicapped~~ person with a disability or as to the nature or severity of a disability handicap. Inquiry into the applicant's ability to perform job related functions is permissible. Conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty is permissible if all entering employees in the particular job classification are subjected to such an examination.

(b) Preemployment inquiries as to the race, ethnicity, ~~and~~ sex or gender of an applicant for employment may be made only if such request is voluntary and only if the results of such inquiry are not used in a discriminatory manner.

(c) No change.

(8)(a) Employment Criteria. Selection criteria for employment shall not discriminate against employees or applicants for employment on the basis of race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap. Selection criteria that relate to standards or requirements of the job may be used. If it can be demonstrated that selection criteria with adverse impact have been validated as essential to the job, and that there has been a reasonable search for equally valid criteria which do not have a disproportionate adverse impact, the criteria shall be considered nondiscriminatory.

(b)(a) Employment tests shall be selected and administered so as to ensure that the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual or speaking skills, except where those skills are the factors that the tests purport to measure.

(9) Job Classification. Jobs shall not be classified as being for persons of a particular race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap, except where sex, or gender or national origin constitute a bona fide occupational qualification under Section 703 of Title VII of the Civil Rights Act of 1964, as amended.

Rulemaking Authority 1000.05, 1001.02(1) FS. Law Implemented 1000.05(2), ~~1001.02(4)~~, 1012.95, 1004.65(2) FS. History—New 3-11-85, Formerly 6A-19.09.

6A-19.010 Strategies to Overcome Underrepresentation.

(1) Plans for Implementation. Each governing board within the state system of public K-12 education system and the Florida college system shall submit a three (3) year plan, in the format and on the date prescribed by the Commissioner of Education, to the Office of Equal Educational Opportunity for K-12 institutions and to the Division of Florida Colleges for the Florida College System institutions Equity and Access. Plans shall be designed to implement the Florida Educational Equity Act, Section 1000.05, F.S. and Rules 6A-19.001-.010, F.A.C., and shall be updated annually. The initial three year plan may include the program and employment analyses required by paragraphs 6A-19.010(1)(c), and (d), F.A.C., on a staggered schedule which shall provide for responsible and expeditious implementation. The staggered schedule and the programs, courses, services and activities to be analyzed and included for each of the first three years shall be prescribed by the Commissioner of Education. Priority shall be assigned, however, to mathematics, science, computer technology, electronics, communications technology, engineering, athletics and technical vocational education, as

specified in Sections 1000.05(3) and (4), F.S. The plans need not be separate documents but may be portions of plans prepared by the governing board for other purposes, including current actions taken to implement judicial orders, if they contain at least the following information.

(a) through (b) No change.

1. The description of the review shall include a list of topic areas examined, which shall include, but not be limited to: student services, including counseling; financial assistance; student housing; accessibility and comparability of facilities in terms of sex or gender and disability handicap; selection criteria for admission to the institution and program and course admission requirements by program area or discipline; criteria for participation in and funding of recreational, athletic, co-curricular and extracurricular activities; provision of auxiliary aids and services; transportation; employment policies and practices for staff and students including selection criteria for employment and methodology for providing reasonable accommodation.

2. No change.

(c) Program Analyses. Implementation plans shall include a summary of the results of analyses of student participation in programs or disciplines. The plans shall identify those programs or disciplines which have disproportionate enrollment of students of a particular race, ethnicity, sex, gender, disability handicap, or national origin minority having limited-English-language skills. The governing board shall specify the pool of potential students utilized in calculating disproportionate enrollment, as defined in subsection 6A-19.001(5), F.A.C., in each program or discipline. It is not expected that these analyses will be conducted at a course level unless the governing board determines that it is necessary for the development of strategies to overcome underrepresentation. The Commissioner of Education may designate selected programs, courses, services and activities for analysis.

1. through 2. No change.

(d) Employment Analyses. Implementation plans shall include a summary of the analyses of employment data by race, ethnicity, and sex or gender. Particular attention shall be given to employment patterns in mathematics, science, computer technology, electronics, communications technology, engineering, athletics and technical vocational education.

1. through 3. No change.

(i) Plans and annual updates submitted by district school boards shall include all schools; technical vocational, adult and community education centers; technical vocational skills centers; and special education schools, centers or annexes operated by the board. The program analyses and employment

analyses portions of the plan shall include school level and district level data.

~~(j) Plans and annual updates submitted by the Board of Regents shall include a plan for each university. Each university plan shall include all colleges, schools, campuses, annexes, centers, research centers and service centers operated under the authority or direction of the university.~~

~~(J)(k) Plans and annual updates submitted by the community college boards of trustees shall include all departments, campuses, annexes and centers operated under the authority or direction of the board of trustees.~~

~~(k)(4) The plan and annual updates submitted by the Board of Trustees of the Florida School for the Deaf and the Blind shall include all departments, units and schools operated under the jurisdiction of the Board of Trustees of the Florida School for the Deaf and the Blind.~~

~~(2) Periodic Reviews. The Office of Equity and Access of the Department of Education shall plan, coordinate and direct or conduct periodic reviews of public education institutions to determine compliance with Section 1000.05, F.S. and Rules 6A-19.001-.010, F.A.C.~~

~~(2)(a) Institutions The Division of Public Schools, the Division of Applied Technology and Adult Education, the Division of Community Colleges and the Division of Universities shall submit Annual Equity Updates to the Commissioner of Education through the Office of Equal Educational Opportunity and the Division of Florida Colleges Equity and Access on September 1, 1985, procedures for including the appropriate provisions of Section 1000.05, F.S., in each of its regularly scheduled program review activities which shall be subject to approval by the Commissioner of Education. Any revisions or updates to those procedures shall be submitted to the Commissioner of Education for review prior to September 1 each year. Following each program review, a summary of all findings pertinent to determining compliance with Section 1000.05, F.S., shall be transmitted to the Commissioner of Education through the Office of Equal Educational Opportunity Equity and Access.~~

(3) On-Site Reviews. The Office of Equal Educational Opportunity and the Division of Florida Colleges shall plan, coordinate and conduct annual on-site reviews of a sampling of the K-20 public education institutions to determine compliance with Section 1000.05, F.S. and Rules 6A-19.001-.010, F.A.C.

~~(b) State Level Review. The Office of Equity and Access shall conduct a state level review of a sampling of the public educational entities, including school districts, community colleges, universities and the Florida School for the Deaf and the Blind.~~

~~(e) On-Site Review. The Office of Equity and Access shall conduct annual on site reviews of a sampling of the public educational entities which participated in state level reviews during the previous twelve months under the provision of paragraph 6A-19.010(2)(b), F.A.C. Written notice of on-site reviews shall be provided to presidents and superintendents at least ten (10) working days prior to the review.~~

~~(4)(3) Technical Assistance. The Department shall have responsibility for providing technical assistance for compliance with Section 1000.05, F.S. Technical assistance materials and services shall be provided to assist in the development, modification and monitoring of the plans for implementation described in Rule 6A-19.010, F.A.C.~~

(5)(4) Studies of Effectiveness. The Office of Equal Educational Opportunity and the Division of Florida Colleges Equity and Access shall analyze data and evaluation information to identify common elements of policies, practices, procedures and implementation strategies which contribute to, or present barriers to, the effectiveness of methods and strategies designed to increase participation of students in programs and courses in which students of a particular race, ethnicity, sex, gender, national origin, marital status, pregnancy or disability handicap have been traditionally underrepresented. As common elements are identified, the Office of Equal Educational Opportunity or the Division of Florida Colleges Equity and Access shall recommend studies to the Commissioner of Education for statewide evaluation and review.

Rulemaking Authority 1000.05(5), 1001.05(1) FS. Law Implemented 1000.05(3), (4), (6), ~~1001.02(1)~~; 1004.65 FS. History—New 3-11-85, Formerly 6A-19.10.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hershel Lyons, Chancellor, K-12 Public Schools.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 15, 2015

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:

20-3.008 Monthly By-Product Report

PURPOSE AND EFFECT: Amending rule to clarify the information to be provided and changing reporting requirement from monthly to annually to lessen the reporting burden for processors.

SUMMARY: Clarifying reporting requirements.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: upon review of the proposed rule, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 601.10(1), 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.10(8), 601.15(4), 601.69 FS.

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

DATE AND TIME: May 18, 2016, 9:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, Legal Assistant, P O Box 9010, Bartow, FL 33831 or AWiggins@citrus.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

20-3.008 ~~Annual~~ Monthly By-Product Report

(1) Licensed citrus fruit dealers who operate registered citrus processing facilities and who engage in the manufacture of the citrus by-products listed below, shall file an annual a monthly by-product report to the Department of Citrus with the following information for each category of by-product:

- (a) Carry Over from the previous season;
- (b) Pack (production);
- (c) Movement;
- (d) Goods on Hand.

The by-product report shall be submitted on forms provided by the Department of Citrus and incorporated by reference into Rule 20-100.004, F.A.C, and shall be delivered by electronic transfer to the location designated on the aforementioned forms. The following by-products require annual monthly reporting:

(a) Feed, both dried pulp and pellets bulk and bagged;

~~(a) Pulp and pellets, both bags and bulk;~~

~~(b) Pellets made from dried pulp, meal, fines, or combination thereof;~~

~~(b)(c)~~ Molasses; and

~~(c)(d)~~ D-Limonene.

(2) The Department of Citrus shall review and compile submitted information annually monthly and publish as a part of the Florida Processors' Statistics Report electronically.

Rulemaking Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.10(8), 601.15(4), 601.69 FS. History—New 8-31-15, Amended.

PROPOSED EFFECTIVE DATE: August 1, 2016

NAME OF PERSON ORIGINATING PROPOSED RULE:

William Roberts, In-House General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Florida Citrus Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 16, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: March 17, 2016

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:

20-9.002 Processed Form

PURPOSE AND EFFECT: Updating chart used in figuring equalization tax with conversion units of gallons and solids for orange juice and grapefruit juice equaling a 1 3/5 bu box, which is updated every three years to ensure the tax is calculated using the most up to date equivalency.

SUMMARY: Revising conversion units used in computing citrus advertising equalization assessments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: upon review of the proposed rule, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS.

LAW IMPLEMENTED: 601.15(5),(6), 601.155 FS.

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

DATE AND TIME: May 18, 2016, 9:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Legal Assistant, P O Box 9010, Bartow, FL 33831 or AWiggins@citrus.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

(1) No change.

(2) All persons or entities required to file assessment returns pursuant to s. 601.155, FS, shall file, each week, a return on forms furnished by the Department of Citrus (incorporated by reference in section 20-100.004, F.A.C.).

(a) All persons liable for the assessment imposed by this section shall file with the Department of Citrus the Equalization Advertising Assessment Return B cit/rev/04r rev. 5-15-12, 20-100.004(34) F.A.C., as furnished by the Department. The return, certified as true and correct, shall report information as to the number of units of processed orange or grapefruit products subject to this section upon which any assessable privilege was exercised during the period of time covered by the return, in addition to the status of inventoried product. Each handler shall maintain records and documentation supporting declarations made on the return filed with the Department of Citrus. Unless the actual number of boxes is known to the processor and can be substantiated by appropriate records in his possession, the following table shall be used in determining the equivalent number of boxes:

Conversion Unit

Product	Conversion Unit		Number of Equivalent 1-3/5 Bushel Boxes
	Oranges	Grapefruit	
Concentrate	6.19 6.56 solids	4.58 4.94 solids	1
Single Strength	5.94 6.22 gallons	5.17 5.64 gallons	1

(b) through (d) No change.

(3) through (4) No change.

Rulemaking Authority 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS. Law Implemented 601.15(5),(6), 601.155 FS. History--Formerly 105-1.15(2), Revised 1-1-75, § (2), Amended 11-21-77, 8-1-80, § (3), 2-1-81, 8-1-83, Formerly 20-9.02, Amended 7-21-86, 8-30-89, 8-27-91, 7-13-94,10-22-95, 8-1-97,8-3-00, 11-27-01, 7-23-03, 7-25-06, 10-21-08, 6-19-12, 11-28-12, 1-28-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shannon R. Shepp, Executive Director, Florida Department of Citrus

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 17, 2016

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-3.011	Policy and Purpose
40C-3.021	Definitions
40C-3.0321	Delegation
40C-3.036	Forms and Instructions
40C-3.037	Water Well Contractor Licensing
40C-3.041	Permits Required
40C-3.051	Exemptions
40C-3.101	Content of Application
40C-3.301	Conditions for Issuance of Permits
40C-3.411	Well Completion Report
40C-3.461	Inspection
40C-3.500	Scope of Part II
40C-3.517	Grouting and Sealing
40C-3.531	Abandoned Well Plugging

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to: (1) update and properly incorporate references to the rules and forms of the Florida Department of Environmental Protection (FDEP); (2) clarify existing rules; and (3) streamline the permitting process and reduce regulatory burdens while protecting water resources. Part of the streamlining will include an amendment to 40C-3.041 to allow a single water well construction permit for multiple wells.

SUMMARY: This amendment would update Rules 40C-3.011, 40C-3.021, 40C-3.0321, 40C-3.036, 40C-3.037, 40C-3.041, 40C-3.051, 40C-3.101, 40C-3.301, 40C-3.411, 40C-3.461, 40C-3.500, 40C-3.517, and 40C-3.531, F.A.C., to incorporate references to FDEP's rules and forms, update references to rules and titles within Chapter 40C-3, delete definitions that are unnecessary or redundant to definitions in DEP's rules, and clarify these existing rules. This amendment would also streamline the permitting process and reduce the

regulatory burden on water well construction permit applicants by amending Rule 40C-3.041, to authorize the issuance of one permit to construct, repair, or abandon certain types of multiple well systems, and amending Rule 40C-3.051, F.A.C., to exempt from permitting certain types of small wells constructed to shallow depths that are used for a short duration to obtain shallow soil or water information.

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 District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171, 373.309, 373.323(8) FS.

LAW IMPLEMENTED: 373.019, 373.083, 373.103, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, 373.342 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk, (386)329-4127. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Ferguson, Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4288 or kferguson@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-3.011 Policy and Purpose.

(1) through (2) No change.

(3) Additional District rules relating to well construction are found in Chapters ~~40C-5, F.A.C. (Artificial Recharge), and 40C-2, F.A.C. (Consumptive Use).~~

(4) Rules relating to Water Well Contractor Licensing and enforcement guidelines are found in Chapter 62-531, F.A.C., ~~(Water Well Contractors) which is incorporated by reference in subsection 40C-3.036(1), F.A.C. Rules relating to Water Well Permitting and Construction Requirements are found in Chapter 62-532, F.A.C., which is incorporated by reference in subsection 40C-3.036(2), F.A.C.~~

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History—New 10-14-84, Formerly 40C-3.011, 40C-3.0011, Amended 9-17-89, _____.

40C-3.021 Definitions.

When used in this chapter:

(1) ~~"Abandoned Water Well" means a well the use of which has been permanently discontinued. Any well that is in such a state of disrepair, as determined by a representative of the District, that its continued use for the purpose of obtaining groundwater or disposing of water or liquid wastes is impracticable, is considered to be abandoned.~~

(2) ~~"Annulus or Annular Space" means any artificially created void between a well casing and a borehole wall or the space between two casings.~~

(3) ~~"Aquifer" means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells and springs.~~

(4) renumber as (1) No change.

(2)(5) ~~"Confining Unit" means a body of distinctly less permeable material stratigraphically adjacent to one or more aquifers. "Intermediate" as used in paragraph 40C-3.517(4)(c), F.A.C., refers to the materials and specifically carbonates that lie between and collectively retard the exchange of water between the overlying surficial aquifer system and the underlying Floridan aquifer system. The system nomenclature is described in Florida Geological Survey Special Publication No. 28 (1986), which is incorporated by reference and~~

available at (insert URL) and upon request from the the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529.

(6) through (8) renumber as (3) through (5) No change.

~~(9) “Department” means the Florida Department of Environmental Protection.~~

~~(6)(10) “Driller” means a licensed contractor or a person working for a licensed contractor who actually constructs the well.~~

~~(11) “Drive Shoe” means any device specifically designed, fabricated and installed to protect the lower end of a water well casing or liner pipe from collapse or other damage while the casing or liner pipe is being driven into place.~~

(12) through (14) renumber as (7) through (9) No change.

~~(15) “Grout” means a mixture of water and either Portland cement (American Concrete Institute type I, type II, type III, or any other types of cement approved by the District), or Bentonite and acceptable additives approved by the District.~~

~~(10)(16) No change.~~

~~(11)(17) “Jetted Well” means a pipe meeting Rule 62-532.500 40C-3.507, F.A.C., standards with an attached well point or open ended screen. The well is installed in unconsolidated formations by the washing action of a water jet.~~

~~(18) “Liner” means a pipe which is installed either within the outer casing to repair or protect the outer casing or is installed below and separate from the outer casing to seal off caving material which may be encountered in the open hole of the well.~~

~~(12)(19) No change.~~

~~(20) “Nominal” means those standard sizes of pipe from one eighth inch to 12 inches, specified on the inside diameter, may be less than or greater than the number indicated.~~

~~“Nominal” when referred to the grouting annulus means either the available void thickness between telescoped casing varying less than 0.20 inches below standard where one inch of grout is required and 0.35 inches below standard where two inches of grout is required or the average available void thickness between the borehole and outside wall of the casing.~~

(21) through (22) renumber as (13) through (14) No change.

~~(23) “Potable Water” means water suitable for human consumption and approvable by the county health unit (Florida Department of Health and Rehabilitative Services).~~

~~(15)(24) “Public Water Supply Well” means a well constructed for the purpose of supplying water to a public water system, as permitted under Chapters 62-550; and 62-555, 62-560 and 64E-8, F.A.C.~~

~~(25) “Public Water System” means a community or non-community system for the provision to the public of piped water for human consumption, provided that such a system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year, as set forth in Chapters 62-550, 62-555 and 62-560, F.A.C.~~

~~(26) “Telescoped Casing” means an interior casing extending below and sealed within an exterior casing.~~

(27) through (28) renumber as (16) through (17) No change.

~~(29) “Water Well” means a well as defined in Section 373.303(7), F.S., which includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of ground water. This term does not include any well constructed for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying; for inserting media to dispose of oil brine or to repressure oil bearing or natural gas bearing formations; or for storing petroleum, natural gas or other products; or for temporary dewatering of subsurface formations for mining, quarrying or construction purposes.~~

(30) through (31) renumber as (18) through (19) No change.

~~(20)(32) “Well Completion Report” means the form that is incorporated by reference in paragraph 40C-3.036(9)(b), F.A.C., which is completed and signed by a licensed water well contractor supplied by or approved by the District.~~

~~(21) All definitions contained in Chapters 62-531 and 62-532, F.A.C., are adopted and incorporated by reference in subsections 40C-3.036(1) and 40C-3.036(2), respectively.~~

~~Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306, 373.308, 373.309 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.021, 40C-3.0021, Amended 9-17-89, _____.~~

40C-3.0321 Delegation.

The authority for general administration of Chapter 40C-3, F.A.C., is delegated to the Executive Director of the District. It is the policy of the Board that in making this delegation the Executive Director is authorized to designate specific staff members to carry out various tasks but that overall supervision and responsibility shall rest with the Executive Director. The Executive Director, Assistant Executive Director, Director of the Division of Regulatory Services, Assistant Director of the Division of Regulatory Services, or Chief Director of the Bureau of Water Use Regulation, and the Well Construction Permitting Program Manager are expressly authorized to issue permits and licenses under this Chapter as provided in Sections 373.342(1), 373.323(5), and 373.324(2), F.S.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083(5), 373.308, 373.309(2), 373.323(5), 373.324(2), 373.333, 373.342 FS. History—New 10-14-84, Formerly 40C-3.032, 40C-3.0032, Amended 9-17-89, Formerly 40C-3.032, Amended 12-30-03,_____.

40C-3.036 Forms and Instructions Publications Incorporated by Reference.

The following Department rules, publications, standards and forms ~~and instructions~~ regarding construction, repair, and abandonment of wells and water well contractor licensing, shall apply to the water well program administered by the District, and are incorporated by reference herein. Copies may be obtained in accordance with subsection (10) below ~~have been approved by the governing Board and are available upon request from: District Headquarters, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177 2529. Water Well Construction Permit Application, form number 62-532.900(1) and Water Well Completion Reports, form number 62-532.900(2), adopted October 7, 2010.~~

(1) Chapter 62-531, F.A.C., Water Well Contractor Licensing Requirements (June 22, 2014) (Insert URL). The following publication referenced in Chapter 62-531, F.A.C., is also incorporated by reference herein: The Department's Water Well Contractor Disiplinary Guidelines and Citations Dictionary (June 22, 2014) (Insert URL), incorporated by reference in subsection 62-531.450(1), F.A.C.

(2) Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements (October 7, 2010) (Insert URL). The following publications referenced in Chapter 62-532, F.A.C. are also incorporated by reference herein:

(a) American Society for Testing and Materials (ASTM) A53/A53M-99b (1999); A135-01 (2001), A252-98 (1998), and A589-96 (1996), incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of these copyrighted standards may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959;

(b) American Petroleum Institute (API) 5L-2000 (2000), incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of this copyrighted standard may be obtained from the American Petroleum Institute, 1220 L Street N.W., Washington, DC 20005-4070;

(c) 2000 American National Standard Institute for Welded and Seamless Wrought Steel Pipe (ANSI/ASME B36.10M-2000), incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of this copyrighted standard may be obtained from the American National Standards Institute, 1819 L Street N.W., Washington, DC 20036;

(d) Schedule 10S of the ANSI/ASME B36.19M-1985, incorporated by reference in paragraph 62-532.500(1)(d), F.A.C. Copies of this copyrighted standard may be obtained from the American National Standards Institute, 1819 L Street N.W., Washington, DC 20036;

(e) Schedule 40 of the ASTM F480-14, incorporated by reference in paragraph 62-532.500(1)(e), F.A.C. Copies of this copyrighted standard may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959;

(f) 2008 NSF International Standard/American National Standard NSF/ANSI 14-2008e, Plastics Piping System Components and Related Materials; NSF International Standard/American National Standard NSF/ANSI 61-2008, Drinking Water System Components – Health Effects, incorporated by reference in paragraph 62-532.500(1)(g), F.A.C. Copies of these copyrighted standards may be obtained from NSF International, P. O. Box 130140, Ann Arbor, MI 48113-0140;

(g) Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, Revised Edition 2008, published by the International Ground Source Heat Pump Association, Oklahoma State University; Closed-Loop/Ground-Source Heat Pump Systems Installation Guide, 1988, Oklahoma State University, incorporated by reference in subsection 62-532.500(2), F.A.C. Copies of these copyrighted materials may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018;

(h) Appendix C of American Water Works Association (AWWA) Standard A100-97 (1997), AWWA Standard for Water Wells, incorporated by reference in subparagraph 62-532.500(3)(i)6., F.A.C. Copies of these copyrighted, recommended practices and methods may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235;

(i) Vertical Geothermal Heat Pump Systems Engineering Design and Field Procedures Manual, published by the International Ground Source Heat Pump Association, First Edition 2000, Oklahoma State University, incorporated by reference in subparagraph 62-532.500(3)(i)6., F.A.C. Copies of these copyrighted, recommended practices and methods may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018.

(3) Rule 62-555.310, F.A.C., Source and Siting Requirements for Public Water Systems (August 28, 2003) (Insert URL), incorporated by reference in Rule 62-532.500, F.A.C.

(4) Rule 62-555.312, F.A.C., Location of Public Water System Wells (August 28, 2003) (Insert URL), incorporated by reference in Rule 62-532.500, F.A.C.

(5) Rule 62-761.640, F.A.C. (June 21, 2004) (Insert URL), incorporated by reference in subsection 62-555.312(3), F.A.C.

(6) Rule 64E-8.002, F.A.C., Limited Use Public Water System Construction (May 4, 2008) (Insert URL), incorporated by reference in Rule 62-532.500, F.A.C.

(7) Rule 64E-8.003, F.A.C., New Private and Multi-family Water System Construction (May 4, 2008) (Insert URL), incorporated by reference in Rule 62-532.500, F.A.C.

(8) Chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas (June 27, 2000) (Insert URL), and the maps containing Delineated Areas for the following Counties: Alachua, Brevard, Duval, Indian River, Lake, Marion, Orange, Putnam, Seminole, St. Johns, and Volusia (Insert URL), incorporated by reference in Rule 62-524.430, F.A.C.

(9) The following Department forms are incorporated by reference into this chapter and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District:

(a) State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, DEP Form 62-532.900(1) (October 7, 2010) (Insert URL), incorporated by reference in subsection 62-532.400(1), F.A.C.

(b) State of Florida Well Completion Report, DEP Form 62-532.900(2) (October 7, 2010) (Insert URL), incorporated by reference in section 62-532.410, F.A.C.

(10) All rules and publications incorporated by reference herein, other than the copyrighted materials identified in paragraphs (2)(a) through (i) herein, may be obtained without charge at the District's website floridaswater.com or by writing or calling the Department, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8648, or the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177, telephone (800)451-7106.

Rulemaking Authority ~~420.53(1)~~, 373.044, 373.113, 373.118, 373.171 FS. Law Implemented ~~420.52(16)~~, ~~420.53(1)~~, 373.085, 373.116, 373.118, 373.103, 373.308, 373.309, 373.316, 373.319, 373.323, 373.224, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, 373.106, 373.229, 373.413 FS. History—New 5-30-90, Amended 1-8-96, _____.

40C 3.037 Water Well Contractor Licensing.

(1) Chapter 62 531, F.A.C., effective May 25, 1989, which requires the licensing of water well contractors and includes the water well contractor disciplinary guidelines and procedures manual, is hereby adopted by reference and made part of this rule. The water well contractor licensing program

shall be administered and enforced by the District under the authority delegated to it by the Department of Environmental Protection.

(2) Each well contractor meeting the licensing requirements set forth in Rule 62 531, F.A.C., which is incorporated by reference in subsection 40C 3.036(1), F.A.C., will be assigned a permanent license number and shall be issued a certificate with that number.

(3) Violations of the contractor licensing requirements and well construction requirements are provided in Chapter 373, F.S., and Chapters 40C 3, 62 531, and 62 532, F.A.C. Chapter 62 532, F.A.C., is incorporated by reference in subsection 40C 3.036(2), F.A.C.

Rulemaking Authority 373.323(8) FS. Law Implemented 373.323(8) FS. History—New 10-14-84, Formerly 40C-3.037, 40C-3.0037, Amended 6-4-89, _____.

40C-3.041 Permits Required.

(1) through (4) No change.

(5) A well construction permit is required prior to the construction of any public supply well. Rules 62-555.310 and 62-555.312, F.A.C., which are incorporated by reference in subsections 40C-3.036(3)-(4), F.A.C., respectively, Chapters 62 550, 62 555 and 62 560, F.A.C., which set forth public supply well construction standards and permitting standards are hereby adopted by reference and made part of this rule. This permitting program shall be administered and enforced by the District under the authority delegated to it by the Department, pursuant to general delegation of authority to water management districts in the Delegation of Authority and Responsibility to the: Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and the Central and Southern Florida Flood Control District, Pursuant to Chapter 373, Florida Statutes dated on August 20, 1974, which is hereby incorporated by reference and available at (Insert URL) and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529. This authority with respect to public supply wells is more specifically set forth in the Memorandum of Understanding between the St. Johns River Water Management District and the Department, dated February 15, 1978, which is hereby incorporated by reference and available at (Insert URL) and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529.

(6) A single permit may be obtained for the construction, repair, or abandonment of the following multiple well systems provided the wells have similar construction into the same formation material, are completed in the same hydrogeologic unit, are located on a contiguous tract of land owned by the

same person or entity, and the criteria in Rule 40C-3.301, F.A.C., are met:

- (a) Up to ten monitoring wells;
- (b) Ganged wells;
- (c) Remediation wells;
- (d) Non-exempt site investigation wells; or
- (e) Closed-loop (earth-coupled) geothermal wells.

(7) A separate State of Florida Well Completion Report, DEP Form 62-532.900(2) (October 7, 2010), which is incorporated by reference in paragraph 40C-3.036(9)(b), shall be filed with the District or the entity to which the authority to issue a permit has been delegated, as identified in Rule 40C-3.035, F.A.C., for each well identified in paragraphs 40C-3.041(6)(a) through (d), F.A.C. A single State of Florida Well Completion Report shall be filed for closed-loop (earth-coupled) geothermal well systems.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.309, 373.313, 373.316 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.041, 40C-3.0041, Amended 9-17-89, 1-8-96, _____.

40C-3.051 Exemptions.

The following wells are exempt from the requirements of Rule 40C-3.041, F.A.C.

- (1) No change.
- (2) The wells exempted under Section 373.303(7), F.S. This exemption does not relieve the applicant from obtaining any permits which may be required under Chapters 40C-2 (Consumptive Use), 40C-4 (Surface Water Management), Chapter 40C-5 (Artificial Recharge), or 40C-40, F.A.C. (General Surface Water Management Permits), 40C-44 (Agricultural Surface Water Management Systems), or 62-330, F.A.C. (Environmental Resource Permitting).

- (3) No change.
- (4) A well constructed solely as a test hole or exploratory well as defined in subsection 40C-3.021(16) (22), F.A.C.
- (5) The construction, repair or abandonment of a water well with a nominal casing size of less than six inches by a licensed contractor, provided that a well completion report is submitted in accordance with subsection 40C-3.411(1), F.A.C., and that the well is constructed, repaired or abandoned in accordance with the standards of this chapter. This exemption from permitting requirements in Rule 40C-3.041, F.A.C., does not apply to:

- (a) through (c) No change.
- (d) Any water wells within jurisdictions to which the District has delegated authority pursuant to Rule 40C-3.035, F.A.C., for water well construction for wells less than nominal well casing size of six inches 6".
- (6) No change.

(7) The construction, repair, and abandonment of a well with a nominal casing size of two inches or less in diameter, provided the well is less than 20 feet in depth and is used for no more than ten days for the purpose of obtaining shallow soil or water information. The well must be constructed, repaired or abandoned in accordance with the standards of this chapter and the well completion report is submitted in accordance with Rule 40C-3.411, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309 FS. Law Implemented 373.303, 373.308, 373.313, 373.316, 373.326 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.051, 40C-3.0051, Amended 9-17-89, 3-10-97, _____.

40C-3.101 Content of Application.

- (1) No change.
- (2) Applications for permits required by this Chapter shall be submitted on State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, DEP Form 62-532.900(1), (October 7, 2010), which is incorporated by reference in paragraph 40C-3.036(9)(a), and shall be submitted electronically at the District’s website floridaswater.com, delivered to the entity to which the authority to issue a permit has been delegated as identified in Rule 40C-3.035, F.A.C., or delivered to one of the following District offices:

District Headquarters
4049 Reid Street
Palatka, FL 32177

Jacksonville Service Center
7775 Baymeadows Way, Suite 102
Jacksonville, FL 32256

Maitland Service Center
601 South Lake Destiny Road, Suite 200
Maitland, FL 32751

Palm Bay Service Center
525 Community College Parkway, S.E.
Palm Bay, FL 32909.

~~file with the District.~~ The application shall contain:

- (a) through (1) No change.
- (3) No change.
- (4) The application shall be submitted with the ~~The~~ required non-refundable fee pursuant to Rule 40C-1.603, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, as identified in Rule 40C-3.035, F.A.C. shall be submitted with the permit application.

(5) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.308, 373.309, 373.342 FS. History—New 10-14-84, Formerly 40C-3.101, 40C-3.0101, Amended 9-17-89, 12-23-90, _____.

40C-3.301 Conditions for Issuance of Permits.

(1) No change.

(2) The non-refundable permit application fee established in Rule 40C-1.603, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, as identified in Rule 40C-3.035, F.A.C., shall accompany the original application according to the fee schedule provided in Rule 40C-1.603, F.A.C.

(3) The applicant must certify that the proposed well will be constructed, repaired or abandoned in compliance with the criteria set forth in Part II of this chapter, which includes Chapter 62-532, F.A.C., which is incorporated adopted by reference in subsection 40C-3.036(2), F.A.C. therein.

(4) through (6) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313 FS. History—New 10-14-84, Formerly 40C-3.301, 40C-3.0301, Amended 9-17-89, _____.

40C-3.411 Well Completion Report.

(1) A State of Florida Well Completion Report, DEP Form 62-532.900(2), (October 7, 2010), which is incorporated by reference in paragraph 40C-3.036(9)(b), is Well completion reports—are required for the construction, repair or abandonment of all wells regardless of whether a permit is required under Rule 40C-3.041, F.A.C. Well completion reports shall be completed and filed at a with the District office identified in Rule 40C-3.101, F.A.C., at the District's website floridaswater.com, or with the entity to which the authority to issue a permit has been delegated, as identified in Rule 40C-3.035, F.A.C., by the contractor within 30 days of the completion of the work.

(a) through (b) No change.

(2) through (4) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 10-14-84, Formerly 40C-3.411, 40C-3.0411, Amended 9-17-89, _____.

40C-3.461 Inspection.

(1) No change.

(2) If, based upon such inspection, the District finds that the standards of Part II have not been met, the District shall proceed with enforcement actions as prescribed by Chapter 62-531, F.A.C., which is incorporated by reference in subsection 40C-3.036(1), F.A.C.

(3) through (7) No change.

Rulemaking Authority 373.044, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.319 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.461, 40C-3.0461, Amended 9-17-89, _____.

40C-3.500 Scope of Part II.

This Part sets forth the standards and criteria for the construction, repair and abandonment of wells, including all provisions contained in Chapter 62-532, F.A.C., which is incorporated adopted by reference in subsection 40C-3.036(2), F.A.C. and made a part of this rule. All wells within the District boundaries must comply with these standards regardless of whether a permit is required under Part I.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—New 10-14-84, Formerly 40C-3.500, 40C-3.0500, Amended 9-17-89, _____.

40C-3.517 Grouting and Sealing.

Wells shall be grouted and sealed to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of pressure in artesian aquifers. All wells shall be constructed and sealed using a method which insures that an open or unnaturally permeable annular space does not remain when a well is completed.

(1) through (6) No change.

(7) Cuttings shall not be reintroduced into the annular space. Wells which breach confining units and special monitor well installations will be grouted as outlined below.

(a) No change.

(b) Monitor wells required to comply with Rule 62-761.640 Chapter 62-761, F.A.C., which is incorporated by reference in subsection 40C-3.036(5), F.A.C., shall be grouted in the following manner:

1. through 2. No change.

(8) Unless a variance has been granted by the District, grouting and sealing of water wells shall be accomplished in the following manner:

(a) The grout mixture shall consist of either Portland Cement or a natural Bentonite ~~Entonite~~ slurry for wells and boreholes meeting the requirements in subsection 40C-3.512(8), F.A.C.

1. through 2. No change.

(b) The minimum set time for grouting of casing using either Portland Cement or Bentonite before drilling operations may continue is 12 hours.

The minimum set time for grouting of casing using Portland Cement and 2% calcium chloride by weight as an accelerator will vary with depth. Set times are listed in Table 3 below. The addition of Bentonite as specified in paragraph

40C-3.517(8)(7)(a), F.A.C., does not change the set times listed in Table 3.

TABLE 3 No change.

(c) through (f) No change.

(9) through (10) No change.

(11) Wells constructed by methods which require driven well casing are exempt from grouting and sealing guidelines set forth in previous sections, provided that the following conditions are met:

(a) through (b) No change.

(c) All annular space created while the casing is being driven shall be sealed by adding dry Bentonite with an average mesh size between 4 and 20 standard sieve size to the casing string at land surface and allowing that material to be carried down the borehole as the casing is driven. In all circumstances, dry Bentonite shall be added at the full rate required to maintain an envelope of grout around the casing; and

(d) Wells required to comply with Rules 62-555.310, 62-555.312, 64E-8.002, or 64E-8.003, permitted under Chapters 62-555 and 64E-8, F.A.C., which are incorporated by reference in subsections 40C-3.036(3)-(4) and (6)-(7), respectively, shall have the bottom five feet underreamed using either a commercially manufactured underreamer bit or an underreamer bit constructed by a contractor and approved by the District in the following manner: An underreamed borehole will be tested using a downhole caliper tool to determine if the required two inch annular space has been achieved; and

(e) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.306, 373.308, 373.309, ~~373.113~~ FS. History—New 10-14-84, Amended 4-23-85, 12-5-85, Formerly 40C-3.517, 40C-3.0517, Amended 9-17-89,_____.

40C-3.531 Abandoned Well Plugging.

(1) through (2) No change.

(3) Request to abandon a well shall be submitted on State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, DEP Form 62-532.900(1), which is incorporated by reference in paragraph 40C-3.036(9)(a), F.A.C., the application form 41.10 410(1), provided by the District unless the well is exempt from permitting under Rule 40C-3.051, F.A.C.

Rulemaking Authority 373.044, 373.309, 373.113 FS. Law Implemented 373.306, 373.308, 373.309, 373.313, 373.316 ~~373.113~~ FS. History—New 10-14-84, Formerly 40C-3.531, 40C-3.0531, Amended 9-17-89, 11-11-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Ferguson, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4288

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 24, 2015

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE NOS.:	RULE TITLES:
59H-1.0035	Definitions
59H-1.0045	County Financial Responsibility
59H-1.0055	Hospital Participation
59H-1.0065	Covered Services
59H-1.008	Determination of a Qualified Indigent Patient
59H-1.010	Reimbursement Procedures
59H-1.015	Administrative Hearings, Applicant's Rights and Responsibilities

PURPOSE AND EFFECT: The Agency is amending the rules relating to HCRA to clarify definitions, remove outdated information, update the reimbursement rate notification reference, clarify timeliness of report submission requirements, implement standards for overpayment to hospitals and parties with rights to the appeal process.

SUMMARY: Rule 59H-1.0035 is amended to change “individual” to “applicant” for clarification, remove outdated language, revise forms to be available on website, and update the name of the responsible Agency business unit. Rule 59H-1.0045 is amended to change the term “per diem” to “reimbursement” to comply with the payment methodology for inpatient claims that are being revised to conform to legislative changes that became effective on July 1, 2013, to clarify submission timeliness, and update the name of the responsible Agency business unit. Rule 59H-1.0055 is amended to update the name of the responsible Agency business unit, and add clarification that county is not responsible for payment until hospital has met its obligation. Rule 59H-1.0065 is amended to remove outdated language. Rule 59H-1.008 is amended to add that hospitals are responsible for assisting applicants in completing applications, to clarify submission timeliness, change notification requirements for certifying agencies, and make technical changes. Rule 59H-1.010 is amended to clarify submission timeliness, and update name of form. Rule 59H-1.015 is amended to clarify which parties have appeal rights and

responsibility to repay any amount paid because of an inappropriate eligibility determination.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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: 154.3105 FS.

LAW IMPLEMENTED: 154.304, 154.306, 154.308, 154.309, 154.31, 154.312, 154.314 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 21, 2016, 1:30 p.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration Ft. Knox Bldg. 3, Conference Room D, 2727 Mahan Drive, Tallahassee, FL 32308

Interested parties that would like to join the hearing by phone can do so by using a call-in number and passcode:

Call-in Number: 1(888)670-3525, Participant Passcode: 6396795315#

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Kirsten Jacobson, (850)412-4333 or Kirsten.Jacobson@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kirsten Jacobson, (850)412-4333 or Kirsten.Jacobson@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59H-1.0035 Definitions.

The following words and phrases shall have the following meanings for the purpose of this rule.

(1) Act: The Florida Health Care Responsibility Act (HCRA or Program).

(2) Adequate Third Party Insurance: Coverage of the hospitalization by a third party insurer that would be equal to or greater than either: 80 percent of the amount the hospital would receive if reimbursed at the hospital's ~~Medicaid~~ outpatient per diem rate or inpatient payment method utilizing Diagnosis-Related Groups (DRG) for Florida Medicaid, or the reimbursement rate negotiated by the county with the affected hospitals, if that negotiated rate is greater than 80 percent of the ~~Medicaid~~ hospital's outpatient per diem rate or inpatient payment method utilizing DRG for Florida Medicaid.

(3) Agency: ~~Agency for Health Care Administration. As defined in Section 154.304(1), F.S., (AHCA).~~

(4) Applicant: Any person who applies, through written application, for medical assistance coverage for hospital services under the ~~Health Care Responsibility Act~~.

(5) Application: The Health Care Assistance Application, AHCA Form 5220-0001, February 2016 ~~December 1998~~, as ~~revised in consultation with the hospitals and the counties and incorporated by reference~~, used to apply for coverage for hospital services under the Act. The application must include at least the individual's name, date of birth, living address, mailing address, citizenship and signature to initiate the process. Only one hospital visit per applicant shall be submitted on a single application. Interested parties may obtain copies of the application from the HCRA Handbook ~~Agency for Health Care Administration, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, Florida 32308.~~

(6) Assets: Those items defined as assets in 20 CFR 416 for determining eligibility for Supplemental Security Income (SSI), except as otherwise provided in Rule 59H-1.008, F.A.C., shall be used in determining eligibility under the Act.

(7) Asset Limits: The overall amount of countable assets ~~a~~ an applicant person may retain and still remain eligible. This amount shall be the same as used in the Medicaid medically needy program as defined in Rule 65A-1.716, F.A.C.

(8) Certified Resident: A United States citizen or lawfully admitted alien who ~~is~~ has been certified by a Florida county or

the ~~a~~Agency as being a resident of that county at the time the ~~need for~~ hospital care ~~was rendered~~ arose.

(9) Certifying Agency: The ~~person or office designated by the county of residence unit or agency unit~~ responsible for determining ~~patient~~ eligibility and certifying ~~the county of residency under the Act. The Agency will make this determination on behalf of the county of residence only if it is unable to do so for circumstances beyond their control. Such determinations made by the Agency may not be disputed by the county of residence.~~

(10) Charity Care Obligation: ~~As defined in Section 154.304(4), F.S. The ratio of uncompensated charity care days compared to total acute care inpatient days provided by a given hospital which is equal to or greater than 2 percent, based on the hospital's most recent audited actual experience, as reported to the Agency for Health Care Administration, Division of Need/Financial Analysis.~~

(11) Claim: The universal hospital billing form, UB 04/CMS-1450 UB 92/HCFR 1450, incorporated by reference. ~~Interested parties may obtain a A copy of this form may be obtained the UB 92/HCFR 1450 from the district Medicaid office.~~

(12) County fiscal year: October 1 of a given year through September 30 of the subsequent calendar year.

(13) County of Residence:

(a) A specific county within the State of Florida where an individual establishes or maintains a living arrangement, outside of a medical facility, and which the individual, or someone responsible for the individual, considers to be the individual home with the intent to remain a resident of that county. A visit to another county for any purpose does not make a person a resident of that county, nor does a temporary living arrangement prior to admission in a medical facility. The length of time a person physically resides in a county is not a factor in determining residency. If the applicant or a member of the applicant's family unit maintains a primary residence in another county with the intent to return to that county, then the county of residence is the county in which the primary residence is located.

(b) A student attending school away from home is considered a resident of the county in which the student's parents reside if the student is claimed as a dependent for Federal Income Tax purposes. In those situations where one parent resides in-state and one parent resides out-of-state, the county where a parent resides in-state is the county of residence, even if the in-state parent is not claiming the student as a dependent for tax purposes.

(14) Designated Representative: An individual who has knowledge of the applicant's circumstances and is authorized to act ~~assumes responsibility for acting responsibly~~ on behalf

of an applicant ~~or recipient~~ by providing information, verification and documentation required by the certifying agency to determine eligibility. A designated representative may not have any monetary gain due to an applicant's status as an eligible individual or due to the counties reimbursement of the applicant's claim.

(15) Eligible Individual: An ~~applicant individual~~ who is a certified resident of ~~a Florida the county,~~ has met the Act's criteria in regards to income, assets, and other eligibility requirements, who has received covered hospital services from a participating ~~out of county hospital, a regional referral hospital or an in county eligible hospital~~ and who is either a qualified indigent patient or a spend-down provision eligible patient. ~~An in county eligible hospital is a hospital located in a county that has elected to use up to one half of its HCRA designated funds to reimburse its in county hospitals for in county indigent care.~~

(16) Emergency Medical Condition: As defined in Section 409.901(10), F.S. A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, or other acute symptoms such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

- ~~(a) Serious jeopardy to the health of a patient;~~
- ~~(b) Serious impairment of any bodily functions;~~
- ~~(c) Serious dysfunction of any bodily organ or part.~~
- ~~(d) With respect to a pregnant woman:~~

~~1. That there is inadequate time to effect safe transfer to another hospital prior to delivery.~~

~~2. That a transfer may pose a threat to the health and safety of the patient or fetus.~~

~~3. That there is evidence of the onset and persistence of uterine contractions or rupture of the membranes.~~

(17) Emergency Services and Care: As defined in Section 409.901(11), F.S. Medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable law, by other appropriate personnel under the supervision of a physician, to determine whether an emergency medical condition exists and, if it does, the care, treatment, or surgery by a physician which is necessary to relieve or eliminate the emergency medical condition, within the service capability of the hospital.

(18) Family Unit: One or more persons residing together in the same household whose needs, income and assets are included in the household budget, excluding roomers and boarders. Members may include the applicant, legal spouse, partner, dependent children, stepchildren, adopted children and blood relatives under 21 years of age, unrelated minor children for whom the applicant, the applicant's spouse, or partner has legal guardianship or custody, legal guardian or

parents of minor children, minor siblings, and partner's children under the age of 21.

(a) A boarder is a person for whom payment is made for room and meals and who is not the spouse or partner of the landlord.

(b) A roomer is a person for whom a payment is made for a room and who is not the spouse or partner of the landlord.

(c) An applicant who is a roomer or boarder must verify the applicant's status as a roomer or boarder by providing a written statement from the landlord stating that the applicant is a roomer or boarder, the amount of the cash payment, that the cash payment is for a room or a room and meals, and that the applicant is not the spouse or partner of the landlord.

(d) An applicant who wishes to exclude a person from the applicant's family unit based on the fact that the person is a roomer or boarder must verify that person's status as a roomer or boarder by providing a written statement from the person stating that the applicant is a roomer or boarder, the amount of the cash payment, that the cash payment is for a room or a room and meals, and that the person is not the spouse or partner of the landlord.

(19) Gross Family Income: The sum of gross income a family unit receives or is entitled to receive at the time of eligibility determination, as defined under Section 154.308(4), F.S. Income shall include the following:

- (a) Wages and salary;
- (b) Child support;
- (c) Alimony;
- (d) Unemployment compensation;
- (e) Worker's compensation;
- (f) Veteran's pension;
- (g) Social security;
- (h) Pensions or annuities;
- (i) Dividends;
- (j) Interest on savings or bonds;
- (k) Income from estates or trusts;
- (l) Net rental income or royalties;
- (m) Net income from self-employment; and
- (n) Contributions from any source, including any amount contributed toward the support of any individuals and not otherwise excluded under the HCRA guidelines.

(20) HCRA Handbook: The Florida Health Care Responsibility Act (Act, HCRA, or Program) Handbook, February 2016, AHCA Form, 3160-0016, Revised March 17, 1999, created by and revised by the agency in consultation with the hospitals and the counties, and herein incorporated by reference, for the purpose of providing detailed and uniform policies and procedures to the hospitals, counties and others in complying with the applicable statutes and administrative rules. Copies of the HCRA Handbook may be obtained at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> and from the Agency's HCRA website at http://www.ahca.myflorida.com/MCHQ/Central_Services/Financial_Ana_Unit/HCRA/index.shtml for Health Care Administration, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, Florida 32308. The following forms are included in the HCRA Handbook and are incorporated by reference: Health Care Assistance Application, AHCA Form 5220-0001, February 2016; Monthly Caseload and Appeals Report, AHCA Form 3160-0017, February 2016; Notification of Eligibility, AHCA Form 5220-0002, February 2016; and Quarterly Financial Report, AHCA Form 3160-0018, February 2016.

(21) Homestead: House, trailer, boat or motor vehicle in which the family unit resides and which is owned by the applicant patient or a member of the applicant's family unit. Only one homestead shall be excluded as an asset. The composition and value of real property shall be determined by the county property appraiser. If the family unit leaves the homestead and establishes residence elsewhere, the homestead becomes an asset regardless of how it is considered for tax purposes. If a member of the family unit continues to reside in the homestead, it will not be considered an asset. If, in the case of a single person family unit, the individual is absent because of a physical or mental illness, and the individual intends to return, the homestead will not be considered as an asset.

(22) Hospital: As defined in Section 154.304(7), F.S. An establishment defined in Section 395.002, F.S., and qualified by the agency as either a participating hospital or a regional referral hospital. Hospitals operated by the State of Florida shall not be considered participating hospitals.

(23) Inpatient: A patient of a hospital who (1) receives professional services in the hospital for a 24-hour period or longer, or (2) is expected by the hospital to receive professional services in the hospital for a 24 hour period or longer even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the hospital for 24 hours.

(24)(23) Maximum County Financial Responsibility: That amount obtained by multiplying total county population, as defined in Section 154.306(3), F.S., by \$4 per capita using the most recent official state population estimate for the total county population published by the Florida Legislature's Executive Office of the Governor and the Bureau of Economic and Demographic Business Research.

(25)(24) Medicaid Program: As defined in Section 409.901(16), F.S. The medical assistance program under Title XIX of the Social Security Act and Chapter 409, F.S.

(26)(25) Monthly Caseload and Appeals Report: The form, Monthly Caseload and Appeals Report, AHCA Form

3160-0017, ~~Revised December 1998, February 2016, incorporated by reference, used by the counties on a monthly basis and submitted by the 15th of the month following the end of the reported month to the Agency to document and report caseload activity on applications and appeals to the agency on a monthly basis.~~ Copies of the report form may be obtained from the HCRA Handbook for Health Care Administration, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, Florida 32308.

~~(27)(26) Notification of Eligibility: The form, Notification of Eligibility, AHCA Form 5220-0002, December 1998, as revised by the agency, in consultation with the hospitals and counties, February 2016 and incorporated by reference, used by the Certifying Agency to notify applicants and hospitals of the eligibility determination disposition of an application. Interested parties may obtain Ceopies of the notification form may be obtained from the HCRA Handbook for Health Care Administration, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, Florida 32308.~~

(28) Outpatient: A patient of a hospital who receives professional services for less than a 24-hour period regardless of the hour of admission, whether or not a bed is used, or whether or not the patient remains in the hospital past midnight. Only one day's services are billable on one outpatient claim.

~~(29)(27) Participating Hospital: As defined in Section 154.304(8), F.S. A hospital, that has met its charity care obligation, as defined in subsection 59H-1.0035(10), F.A.C., and has either:~~

~~(a) A formal signed agreement with a county or counties to treat such county's indigent patients; or~~

~~(b) Demonstrated that at least 2.5 percent of its uncompensated charity care, based on the hospital's most recent audited actual experience as reported to the Bureau of Certificate of Need/Financial Analysis, is generated by out-of-county residents.~~

(30)(28) Poverty Guidelines: The family federal poverty measure income levels published annually in the Federal Register by the U.S. Department of Health & Human Services Federal Office of Management and Budget (OMB) and as posted by the Federal Register (formally known as the Federal Poverty Level, or FPL).

(31)(29) Public Institution: Institution over which a governmental unit exercises administrative control, such as a correctional institution or holding facility for individuals who are prisoners, have been arrested or detained pending dispositions of charges, or are held under court order as material witnesses or juveniles. Public institution is further defined under the medical assistance program under Title XIX

of the Social Security Act, as amended, in 42 CFR, Chapter IV, Section 435.1009, F.S.

~~(32)(30) Qualified Indigent Patient: As defined in Section 154.304(9), F.S. An applicant whose gross family unit income, for the 12 months preceding the determination, has been equal to or below 100 percent of federal poverty level; who is not eligible to participate in any other state or federal program which provides hospital care; has assets that do not exceed standards specified in subsection 59H-1.0035(6), F.A.C.; who has no private insurance or inadequate private insurance; and who does not reside in a public institution as defined under the medical assistance program under Title XIX of the Social Security Act, as amended.~~

~~(33)(31) Quarterly Financial Report: The form, Quarterly Financial Report, AHCA Form 3160-0018, Revised Dec-1998, February 2016, and incorporated by reference, used by the counties on a quarterly basis and submitted within 30 calendar days following the end of the reported quarter to the Agency to document and report expenditures and claim activity to the agency on a quarterly basis. Copies of the report form may be obtained from the HCRA Handbook Agency for Health Care Administration, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, Florida 32308.~~

~~(34)(32) Regional Referral Hospital: As defined in Section 154.304(10), F.S. Any hospital which has met its charity care obligation as defined in subsection 59H-1.0035(10), F.A.C. and meets the definition of teaching hospital as defined in Section 408.07(49), F.S.~~

~~(35)(33) Share of Cost: The share of cost is the difference between the spend-down provision applicant's monthly gross family income and the amount of income equal to 100 percent of the federal poverty guidelines level specified for the size of the applicant's family unit.~~

~~(36)(34) Spend-down Provision: The provision through which an applicant who meets the following criteria becomes eligible by meeting a share of cost requirement. Such an applicant must:~~

~~(a) Be a resident of a spend-down provision eligible county as defined in subsection 59H-1.0035(37), F.A.C.;~~

~~(b) Meet the definition of a qualified indigent patient as defined in subsection 59H-1.0035(303), F.A.C., excluding the income requirement;~~

~~(c) Have a gross family unit income, for the 12 months preceding the determination, between 100 percent and 150 percent of the federal poverty guidelines level; and~~

~~(d) For out-of-county hospital reimbursement: Have incurred out-of-county hospital bills which would have otherwise qualified for payment under this section and which exceed the applicant's share of cost.~~

~~(e) For in-county hospital reimbursement: Have incurred in-county hospital bills which would have otherwise qualified for payment under this section and which exceed the applicant's share of cost.~~

~~(37)(35) Spend-down Provision Eligible County: A Florida county which was is not at its 10 mill cap on ad valorem taxes as of October 1, 1991, as determined by the Florida Department of Revenue.~~

~~(38)(36) State Fiscal Year: July 1 of a given year through June 30 of the subsequent calendar year.~~

~~(39) Teaching Hospital: As defined in Section 408.07(45), F.S.~~

~~(40)(37) Uncompensated Charity Care: Defined in the Florida Hospital Uniform Reporting System (FHURS) as charity/ uncompensated care – other and charity/uncompensated care – Hill-Burton as reported on work sheet C-3a of the hospitals' prior year report.~~

~~(41)(38) Verification: Confirmation of the accuracy of the information on an application used by the Certifying Agency to determine the applicant's eligibility through sources other than the self-declaratory statement of the individual originally supplying the information. Verification can be secured by telephone, in written form, or by face-to-face contact. Verification does not require a written document to confirm an applicant's statement. In the event an employer will not verify the wages paid, the self-declaratory statement provided by the applicant must be accepted as accurate, except in those circumstances where there is substantial evidence to indicate that actual wages are in excess of those stated in the application.~~

~~Specific Authority 154.3105 FS. Law Implemented 154.304, 154.306, 154.308, 154.309 FS. History—New 3-29-89, Amended 12-24-90, 2-24-92, Formerly 10C-26.0035, Amended 6-7-00, 12-17-01,~~

59H-1.0045 County Financial Responsibility.

(1) The maximum amount of HCRA funds that a county can allocate for in-county reimbursement is up to ½ of its total HCRA funds. No county shall have the authority to use out-of-county designated funds to supplement its in-county reimbursement amount above the aforementioned one half. Should a county exceed its designated in-county reimbursement limit, the additional funds must be provided through other funding sources from the county's budget and the amount exceeded shall not reduce the out-of-county obligation.

~~(2)(1) A county's financial responsibility for each of its qualified indigent patients or spend-down provision eligible patients who received treatment in a participating hospital or a regional referral hospital shall not exceed 45 days of inpatient services per county fiscal year, per recipient. If a qualified~~

indigent patient has at least one day of coverage remaining within his/her 45-day benefit limit at the time of admission, then the eligible days shall be equal to the full length of stay.

~~(3)(2) Reimbursement for treatment in a hospital emergency room for emergency medical conditions shall be at the Medicaid outpatient per diem rate and shall be limited to the annual Medicaid reimbursement limits as defined in Rule 59G-4.160, F.A.C.~~

~~(4)(3) No county shall be required to pay more than the equivalent of \$4 per capita as the maximum county financial responsibility in that county's fiscal year. As detailed in Section 154.306(1), F.S., the Agency shall calculate and certify to each county and hospital by March 1 of each year the maximum county financial responsibility the county shall may be required to pay during the subsequent county fiscal year.~~

~~(5)(4) For counties that are spend-down provision eligible counties, the rate of reimbursement to out-of-county participating hospitals shall not be less than 100 % percent of the per diem reimbursement rate in effect for the out-of-county hospital under the Medicaid Program, unless the county and the hospital sign a formal agreement to treat such county's indigent patients at a lower or higher negotiated rate. The county shall provide written notification to the Agency of the rate negotiated for each hospital and the effective date within 30 calendar days of the date the agreement is signed. If the due date falls on a weekend or holiday, the deadline is the next business day.~~

~~(6)(5) For counties that are not spend-down provision eligible counties, the rate of reimbursement to eligible participating hospitals shall not be less than 80 percent of the per diem reimbursement rate in effect for the out-of-county hospital under the Medicaid Program unless the county and the hospital sign a formal agreement to treat such county's indigent patients at a lower or higher negotiated rate. The county shall provide written notification to the Agency of the rate negotiated for each hospital and the effective date within 30 calendar days of the date the agreement is signed. If the due date falls on a weekend or holiday, the deadline is the next business day.~~

~~(7)(6) The Agency will provide semi-annually a list of Medicaid hospital per diem outpatient and inpatient reimbursement rates which would be effective January 1 and July 1, or beginning of the state fiscal year. If a hospital does not have a Medicaid reimbursement rate provided, the Agency shall take an average of other hospitals within the same county to determine the reimbursement rate. However, the Hospitals are is responsible for notifying the county of any interim adjustments to its per diem rate. The per diem reimbursement rate utilized at the time of claim adjudication is considered the~~

final rate for that claim. No retroactive per diem rate adjustment is allowed.

~~(8)(7)~~ Each county shall certify to the agency, within 60 days of the end of the county's fiscal year, the amount of reimbursement it paid to all out-of-county hospitals. Additionally, should a county reach its maximum county financial responsibility before the end of the fiscal year, the county has 60 days from the date the responsibility has been met to provide the certification to the agency that the responsibility has been met. If the due date falls on a weekend or holiday, the deadline is the next business day.

(9) If there is adequate third party insurance or coverage, the county shall make payment only if such third party insurance or coverage is less than 80 percent of the reimbursement amount allowed through HCRA. Joint payment may be made on a claim by both HCRA and such third party insurance or coverage provided the combined total payment does not exceed 100 percent of the reimbursement amount allowed through HCRA.

~~(10)(8)~~ At the end of each month, each county must complete a Monthly Caseload and Appeals Report, AHCA Form 3160-0017 Feb. 00, Revised December 1998, documenting caseload activity for the specified month and . Each county must submit this report to the Agency by the 15th of the month following the end of the reported month, to the address provided on the form. If a county has no caseload activity for any month, the county must file the Caseload and Appeals Report indicating no activity. Timely filing of the report is required. Copies of form may be located in subsection 59H-1.0035(26), F.A.C.

~~(11)(9)~~ At the end of each quarter, each county must submit complete a Quarterly Financial Report, AHCA Form 3160-0018 Feb. 00, Dec. December 1998, for expenditures and claim activity during a specified quarter and to the agency at the address specified on the report form. Each county must submit this report to the Agency within 30 calendar days from following the end of the reported quarter being reported, to the address provided on the report form. If the due date falls on a weekend or holiday, the deadline is the next business day. Quarters are based on the county's fiscal year. If a county has no expenditures or activity for any quarter, the county must file the Quarterly Financial Report indicating no activity. Timely filing is required to insure accurate financial information is available to determine if and when the maximum financial responsibility has been met. Copies of form may be located in subsection 59H-1.0035(33), F.A.C.

~~(12)(10)~~ When the maximum county financial responsibility has been met, the county shall notify the agency, those hospitals with which they have agreements and those

hospitals which serve county residents that the maximum county financial responsibility has been met.

~~(13)(11)~~ In order to be reimbursed, a participating hospital ~~or regional referral hospital~~ must provide documentation to the county that it has met its charity care obligation based on the most recent audited actual experience as reported and certified by the Agency's Financial Analysis Unit Bureau of Certificate of Need/Financial Analysis. As defined in Section 154.306, F.S. and subsection 59H-1.0055(5), F.A.C., ~~The Agency will provide, to the hospitals and the counties, annually and more frequently when revised, a list of hospitals meeting their charity care obligation.~~

~~(14)(12)~~ Expenditures made under the Shared County and State Health Care Program, Chapter 59H-2, F.A.C., shall not be applied to this program in determining the county's maximum financial responsibility.

~~(15)(13)~~ Payment made to a hospital by the county under this chapter for covered services provided to an eligible individual shall be considered as payment in full and the eligible individual shall not be billed, except for the applicant's share of cost and the cost of any non-covered services.

Specific Authority 154.3105 FS. Law Implemented 154.304(8), 154.306 FS. History—New 3-29-89, Amended 12-24-90, 2-24-92, Formerly 10C-26.0045, Amended 6-7-00, _____.

59H-1.0055 Hospital Participation.

~~(1) The Agency's Financial Analysis Unit Bureau of Certificate of Need/Financial Analysis shall determine and certify to the agency, by August 31 July 4 of each year, those hospitals that meet the charity care obligation as defined in subsection 59H-1.0035(10), F.A.C., based on audited actual experience for the hospital's fiscal year ending within the preceding calendar year. Hospital eligibility is determined annually for the coming county fiscal year.~~

~~(2) Those hospitals that meet the charity care obligation may elect to shall become participating hospitals as defined in subsection 59H-1.0035(27)(29), F.A.C., if the hospitals:~~

~~(a) Have a signed formal agreement with a county or counties to treat indigent patients, or~~

~~(b) Have at least 2.5 percent of its uncompensated charity care generated by out-of-county patients, as attested by the hospital. For purposes of this section, out-of-county patients shall include non-Florida residents.~~

~~(3) Those hospitals that meet the charity care obligation but are not eligible under paragraph 59H-1.0055(2)(a), F.A.C., must provide annually to the Agency's Financial Analysis Unit Bureau of Certificate of Need/Financial Analysis by July 31 May 4 the following information in the format prescribed by the Agency Bureau of Certificate of Need/Financial~~

Analysis in order for the ~~Agency Bureau of Certificate of Need/Financial Analysis~~ to determine the amount of out-of-county uncompensated charity care:

- (a) Patients by identification number;
- (b) City and county of residence for each patient;
- (c) Amount of the bill for each patient;
- (d) Amount written off as charity care;
- (e) Date written off as charity care; and
- (f) Criteria accepted by the hospital for verification of residency as provided by a statement signed by the patient or the patient's legal guardian or designated representative attesting to the patient's county of residence.

This information shall be for the same period as the period of the hospital's last fiscal year ending within the preceding calendar year. The ~~Agency's Financial Analysis Unit Bureau of Certificate of Need/Financial Analysis~~ shall certify to the ~~Bureau of Managed Health Care~~, by ~~August 31 July 1~~ of each year, those hospitals that meet out-of-county requirements as specified in paragraph 59H-1.0055(2)(b), F.A.C.

(4) Teaching hospitals that meet the charity care obligation are eligible for participation as regional referral hospitals.

(5) Subsequent to the initial determination of hospital participation, the ~~Agency's Financial Analysis Unit Bureau of Certificate of Need/Financial Analysis~~ shall determine the hospital's eligibility annually following submission of the hospital's audited actual experience. The ~~Agency Bureau of Managed Health Care~~ shall annually distribute by September 15, update and annotate a list of participating hospitals and regional referral (or teaching) hospitals to all counties. If, after a hospital has been determined eligible pursuant to subsection 59H-1.0055(3), F.A.C., the ~~Agency's Financial Analysis Unit Bureau of Certificate of Need/Financial Analysis~~ finds that the hospital incorrectly reported information used to verify having met its charity care obligations and that based on accurate data the hospital was not eligible to participate, then the hospital's eligibility shall be rescinded pursuant to the Administrative Procedures Act, Chapter 120, F.S. The hospital shall also repay to the county any amounts paid to the hospital based upon the erroneous certification of eligibility.

(6) The county shall not be liable for payment of treatment of a certified resident who is a qualified indigent patient or spend-down provision eligible patient, until ~~such time as that hospital has documented to the Bureau of Certificate of Need/ Financial Analysis and the Agency's Financial Analysis Unit Bureau of Certificate of Need/Financial Analysis~~ has determined that the hospital has met its charity care obligations.

(7) The county shall not be liable for payment of treatment of a certified resident who is a qualified indigent patient or spend-down provision eligible patient, until such time as that hospital has documented to the Agency that the hospital has met its obligation to be able to provide the necessary information to the counties required to calculate the rate of reimbursement.

(8) Timely reimbursement to the counties is required, as applicable, pursuant to subsection 59H-1.010(4).

~~(9)~~(7) The county shall notify the Agency of any hospital which has met the charity care obligation and with which the county has a formal signed agreement, within 30 calendar days of the effective date of the agreement. If the due date falls on a weekend or holiday, the deadline is the next business day.

(10) The name, title, address, and phone number of the person(s) which shall determine eligibility and process claims on behalf of the hospital shall be provided to the Agency on an annual basis each fiscal year, and when modified. The hospital is responsible for informing the Agency of any changes in this information within 30 calendar days of such change. The Agency shall provide such information to the counties on an annual and modified basis. In the event the hospitals that meet the charity care obligation do not so designate, the agency shall assume that it is their election to not participate in the HCRA program.

(11) Each hospital must include a utilization review in its quality improvement plan, as defined in Rule 59A-3.271, F.A.C.

Specific Authority 154.3105 FS. Law Implemented 154.304(4), (8), (10), 154.31 FS. History—New 3-29-89, Amended 12-24-90, 2-24-92, Formerly 10C-26.005, Amended 6-7-00, _____.

59H-1.0065 Covered Services.

(1) Covered services are limited to hospital services as defined in Rules 59G-4.160 and 59G-4.150, F.A.C., and the Medicaid Provider Handbook – Hospital Services, ~~Revised May 2000, incorporated by reference~~, unless otherwise specified in this rule. The handbook is available from the Medicaid fiscal agent.

(2) The county of residence shall be liable for the cost of emergency services and care or treatment for emergency medical conditions in a hospital emergency room, as defined in Rule 59G-4.160, F.A.C., and the Medicaid Provider Handbook – Hospital Services, ~~Revised May 2000~~, unless otherwise specified in this rule.

(3) Elective or non-emergency services or admissions require written pre-authorization and pre-approval if the county of residence has established written procedures to authorize and approve admissions to an out-of-county hospital for such services and admissions. The procedures shall include

requirements for hospitals to request and obtain written authorization and approval for elective and non-emergency admissions or services.

(4) Elective or non-emergency admissions or services are not covered when a county provides funding for such services and the services are available at a local hospital within the county where the individual resides.

Specific Authority 154.3105 FS. Law Implemented 154.306, 154.31 FS. History—New 3-29-89, Amended 12-24-90, Formerly 10C-26.0065, Amended 6-7-00, 12-9-03,_____.

59H-1.008 Determination of a Qualified Indigent Patient.

(1) The county has the primary responsibility for determining eligibility for individuals applying for coverage, using the eligibility determination procedures described in this section. The Agency shall conduct eligibility determinations only when the county demonstrates to the Agency that staff are not available. The county shall notify the Agency of its intent to determine eligibility. The participating hospital ~~or regional referral hospital~~ may elect to provide some of the eligibility documentation to the certifying agency.

(2) The governing board of the county shall designate a person or county agency to be responsible for the administration of the act. The name, title, address, and phone number of the person or county agency, which shall determine eligibility and certify county of residence under the act shall be provided to the Agency on an annual basis, and when modified. The county is responsible for informing the Agency of any changes in this information within 30 calendar days of such change. The Agency shall provide such information to the participating hospitals and regional referral hospitals on an annual and modified basis. ~~In the event the county does not so designate, the agency shall determine eligibility and certify residency.~~

(3) Hospitals shall screen applicants to determine the availability and adequacy of third party insurance and potential eligibility for Medicaid or other State or Federal governmental programs. Participating hospitals ~~and regional referral hospitals~~ are responsible for initiating the eligibility determination procedures and assisting the applicant in completing the application. The hospital has 30 calendar days from the date of admission or emergency treatment to notify the certifying agency by certified mail of an individual who may qualify or the hospital forfeits its right to reimbursement. The postage date shall be used to determine such deadline.

(4) Notification shall consist of an application, ~~AHCA form 5220-001~~ signed by the applicant or the applicant's designated representative.

(5) In those situations where the applicant is comatose or is physically incapacitated to the extent that an application

cannot be completed, and there is no designated representative to complete the application, the hospital may serve as designated representative.

(6) The hospital shall include with the application any documentation available that would assist the certifying agency in determining eligibility or residency, and shall include hospital bills applicable to the applicant's meeting the applicant's share of cost. Lack of documentation will not preclude submission of the application nor constitute a reason to delay the submission of the application within proscribed time limits.

(7) The certifying agency has 60 days following receipt of an application from the hospital to determine eligibility. When the applicant provides all required information or verification, the certifying agency determines eligibility for the HCRA program. If for any reason eligibility cannot be determined within 60 days, the hospital shall be notified, in writing, of the reason for the delay. If the due date falls on a weekend or holiday, the deadline is the next business day.

(8) If the certifying agency determines at any time during the application process, including interviews, that the applicant must provide additional information or verification, the certifying agency must give the applicant written notice to provide the requested information, allowing 10 calendar days from request or the interview, whichever is later. If the due date falls on a weekend or holiday, the deadline is the next business day.

(9)(8) The certifying agency shall use gross family income to determine if the family unit's income is less than or equal to 100 percent of the ~~federal~~ poverty guidelines level or less than or equal to 150 percent of the ~~federal~~ poverty guidelines level for residents of spend-down provision eligible counties. Verification of earnings shall be requested for the 4-week period prior to the date of determination pursuant to Section 154.308(4), F.S. The certifying agency shall require additional income verification for the preceding 12-month period if the income received for the 4-weeks prior to determination is not representative of the family unit's gross income.

(10)(9) If the family unit's monthly gross income is more than 100 percent of the ~~federal~~ poverty guidelines level and the applicant is a resident of a spend-down provision eligible county, the certifying agency shall use monthly gross family income to determine if the family unit's income is between 100 percent and 150 percent of the ~~federal~~ poverty guidelines level. Verification of earnings shall be for the one month period prior to the applicant's date of determination. The certifying agency shall require additional income verification for the preceding 12-month period if the income received for

the month prior to the date of determination is not representative of the family unit's annual gross income.

~~(11)(10)~~ Verification of income, except as provided in subsection 59H-1.0035(38), F.A.C., may be a written or oral statement that certifies the applicant's income includes:

(a) A statement from a state or federal agency which attests to the patient's financial status;

(b) A statement from the employer;

(c) Pay stubs for 4 weeks if available or if needed, information for the preceding 12 month period; or

(d) A statement from the source providing unearned income to the applicant or family unit.

~~(12)(11)~~ The certifying agency shall determine if the applicant's assets exceed the standards of the asset limits specified in subsection 59H-1.0035(7), F.A.C. The certifying agency shall verify assets but such verification must be completed within 30 days of receipt of the application. If verification is not requested and received within 30 days of receipt of the application, the assets will be accepted as stated in the application unless the certifying agency documents by independent means that assets exceed the limit.

~~(13)(12)~~ The following shall not be included as assets in the eligibility determination:

(a) One homestead;

(b) Household furnishings;

(c) One automobile in operating condition;

(d) Clothing;

(e) Tools used in employment;

(f) Cemetery plots, crypts, vaults, mausoleums, and urns;

(g) Produce and animals raised for home consumption; and

(h) The income and assets of roomers and boarders. The applicant must verify the person's status as a roomer or boarder by providing a written statement from the person stating that the applicant is a roomer or boarder, the amount of payment and that the payment is for a room or a room and meals and that the person is not the spouse or partner of the landlord.

~~(14)(13)~~ The certifying agency may conduct phone or face-to-face interviews with applicants to complete the eligibility review process. The certifying agency may determine eligibility based on documentation submitted by the hospital or applicant without a phone or face-to-face interview, if adequate information is provided to verify income, assets and spend-down provision eligibility.

~~(15)(14)~~ If the applicant is a resident of a spend-down provision eligible county and the applicant's gross family income is between 100 percent and 150 percent of the ~~federal~~ poverty guidelines level, the certifying agency shall determine the applicant's share of cost for the spend-down provision as

defined in subsection 59H-1.0035(35), F.A.C. The applicant's share of cost is the difference between the applicant's monthly gross family income and 100 percent of the ~~federal~~ poverty guidelines level.

~~(16)(15)~~ For out-of-county hospital reimbursement, the applicant must have out-of-county hospital bills that exceed the applicant's share of cost, as defined in subsection 59H-1.0035(35), F.A.C., to be eligible. Allowable out-of-county hospital bills are the out-of-county hospital bill for the date(s) of service indicated on the application, ~~AHCA Form 5220-0001~~, and all other hospital bills for related services, which would have otherwise qualified for payment under this part, that had been provided during the four weeks prior to the date(s) of service indicated on the application. Follow-up care which occurs within 4-weeks from the date of discharge of a related reimbursed incident shall not require an additional share of cost.

~~(17)(16)~~ For in-county hospital reimbursement, the applicant must live in a county that uses up to 1/2 of its designated HCRA funds for in-county hospital reimbursement and have in-county hospital bills that exceed the applicant's share of cost, as defined in subsection 59H-1.0035(34), F.A.C., to be eligible. Allowable in-county hospital bills are the in-county hospital bill for the date(s) of service indicated on the application, ~~AHCA Form 5220-0001~~, and all other hospital bills for related services, which would have otherwise qualified for payment under this part, that had been provided during the four weeks prior to the date(s) of service indicated on the application. Follow-up care which occurs within 4 weeks from the date of discharge of a related reimbursed incident shall not require an additional share of cost.

~~(18)(17)~~ To determine if the applicant has met the applicant's share of cost, the certifying agency shall first determine the amount of reimbursement for which the hospital would have been eligible if no share of cost was involved. To determine the amount of reimbursement for inpatient hospital care, the certifying agency shall multiply the number of approved days by 100 percent of the Medicaid per diem rate or other negotiated rate. The certifying agency shall determine the amount of reimbursement for any outpatient services provided, for which the hospital would have been eligible if no share of cost was involved, based on the Medicaid rate, or other negotiated rate, for each covered service. If the applicant's share of cost is less than the determined amount of reimbursement, then the applicant has met his share of cost and is eligible for reimbursement through the spend-down provision, within the limitations specified in Rule 59H-1.0045, F.A.C.

~~(19)(18)~~ The certifying agency shall notify the applicant and the hospital of the disposition of the application using the

Notification of Eligibility ~~Form, AHCA Form 5220-0002~~ within 10 calendar days of the disposition. If the eligibility criteria are met, the applicant is approved for benefits through the HCRA program. A copy of the ~~N~~otification of Eligibility shall be included with the request for payment submitted by the hospital.

~~(20)~~(19) Eligibility shall be retroactive to the date of admission or treatment, as indicated on the application, AHCA Form 5220-0002.

~~(21)~~(20) The eligibility determination may be done prior to admission for applicants who expect to be hospitalized for non-emergency or elective services.

~~(22)~~(21) The certifying agency shall establish a case record for each individual applying for assistance under the act. The case record shall contain the application, any documentation or evidence used in the determination of eligibility and a copy of any notices issued to the applicant or hospital making the referral.

~~(23)~~(22) The certifying agency shall retain all case records for a period of 3 years from the date of the last action taken.

Specific Authority 154.3105 FS. Law Implemented 154.306, 154.308, 154.316 FS. History—New 3-29-89, Amended 12-24-90, 2-24-92, Formerly 10C-26.008, Amended 6-7-00, _____.

59H-1.010 Reimbursement Procedures.

(1) The hospital shall use the universal hospital claim form, UB 04/CMS-1450 UB 92/HCFA 1450, to submit claims to the county for eligible individuals who received covered hospital care.

(2) Each county shall designate an office or agency that will pay claims. The name, title, address, and phone number of the person or county agency, which shall process claims under the act shall be provided to the Agency on an annual basis, and when modified. The county is responsible for informing the Agency of any changes in this information within 30 calendar days of such change. The Agency shall provide such information to the participating hospitals and regional referral hospitals on an annual and modified basis.

(3) The hospital shall submit the completed claim and a copy of the notification of eligibility to the resident county office designated to pay claims within 6 months of the date of the notice of eligibility. Failure to receive a claim within 6 months may result in rejection of the claim at the option of the county.

(4) The county shall reimburse the hospital within 90 calendar days of receipt of a claim, unless the claim is disputed under the provisions of Chapter 120, F.S. In cases where the patient becomes eligible for third party payment, disability benefits or other state or federal benefits, the

hospital shall reimburse the county for any overpayment by the county within 60 calendar days of receipt of such payment from any other source. In cases where the hospital has received overpayment on a claim(s), the hospital shall reimburse the county for any overpayment within 60 calendar days of receipt of such notification. If the due date falls on a weekend or holiday, the reimbursement deadline is the next business day. Overpayment is an adjustment of charges, including credit balance resulting from a payment made by an insurance carrier or another responsible party, duplicate payment, reimbursement calculation error (as examined by one or more individuals with either the county, hospital or Agency and determined to have been paid in error based on the review of the documentation supporting the claim), or misapplied charges or credits.

(5) In cases where payment is made to a hospital for a spend-down provision eligible applicant and no third party payor or other government program is involved, the total payment to the hospital shall not exceed the Medicaid reimbursement rate, or other negotiated rate, minus the applicant's share of cost.

(6) The county shall provide the agency, if requested, a copy of the claim for which payment is made or denied, indicating disposition and date.

Specific Authority 154.3105 FS. Law Implemented 154.306, 154.314 FS. History—New 3-29-89, Amended 2-24-92, Formerly 10C-26.010, Amended 6-7-00, _____.

59H-1.015 Administrative Hearings, Applicant's Rights and Responsibilities.

(1) ~~An individual, his designated representative or T~~he hospital may appeal any decision made by the certifying agency concerning an applicant's ~~his~~ eligibility under the Act. A fair hearing shall be conducted in accordance with Chapter 120, F.S.

(2) Applicants, ~~recipients~~ ~~and~~ or designated representatives are responsible for keeping appointments as required by the certifying agency, assuming the responsibility to assist in the determination of eligibility and providing the certifying agency with sources of information, documentation and verification concerning the individual's affairs related to the eligibility determination. Failure to ~~keep appointments~~ do so without good cause, may result in a rejection of the application. The certifying agency makes the decision of whether or not to grant an extension.

(3) An applicant or designated representative of the applicant assumes the responsibility for providing accurate information on which to determine eligibility. If the applicant or designated representative does not provide required

verifications or information by the deadline date specified in Rule 59H-1.008, F.A.C, the application will be denied.

(4) The applicant ~~or designated representative~~ is responsible to repay any amount paid on the applicant's behalf if it is later determined that fraud was committed or intentionally incorrect information was provided by the applicant or designated representative that resulted in an inappropriate eligibility determination.

Specific Authority 154.3105 FS. Law Implemented 154.312 FS. History--New 3-29-89, Formerly 10C-26.015, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kirsten Jacobson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 9, 2014

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-14.007 Standard of Care for Office Surgery

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify language with regard Level I office surgery procedures and to require the addition of certain drugs to be maintained when performing such procedures.

SUMMARY: The proposed rule amendments clarify language with regard Level I office surgery procedures and require the addition of certain drugs to be maintained when performing such procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will 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 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 SERC concludes that approximately 3685 physicians would perform minor procedures as defined in the proposed rule, and would therefore require the inclusion of Flumazenil and Naloxone to be kept on hand when performing these procedures. The cost of these additional medications for each office which does not currently utilize these drugs would be approximately \$94.66. The total amount calculated in the

SERC is expected to be \$348,822.01. The shelf life for these drugs is at, or exceeds 5 years, so no replacement costs are included in the SERC. Hence, the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 459.005, 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026 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: Claudia Kemp, Interim Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.007 Standard of Care for Office Surgery. Nothing in this rule relieves the surgeon of the responsibility for making the medical determination that the office is an appropriate forum for the particular procedure(s) to be performed on the particular patient.

(1) through (2) No change.

(3) Level I Office Surgery.

(a) Scope. Level I office surgery includes the following:

1. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient. ~~The patient's level of sedation is that of minimal sedation and anxiolysis. Minimal sedation and anxiolysis is a drug induced state during which patients respond normally to verbal commands. Although cognitive function and physical coordination may be impaired, airway reflexes, and ventilatory and cardiovascular functions are unaffected.~~

2. Liposuction involving the removal of less than 4000cc supernatant fat is permitted.

3. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, skin biopsies, arthrocentesis, thoracentesis, paracentesis, dilation of urethra,

cysto-scopic procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).

4. Anesthesia is limited to minimal sedation. The patient's level of sedation is that of minimal sedation and anxiolysis and the chances of complications requiring hospitalization are remote. Minimal sedation and anxiolysis is a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and physical coordination may be impaired, airway reflexes, and ventilatory and cardiovascular functions are unaffected. Controlled substances, as defined in Sections 893.02 and 893.03, Florida Statutes, are limited to oral administration in doses appropriate for the unsupervised treatment of insomnia, anxiety or pain. Anesthesia is local, topical, or none, and preoperative medicines are limited to a single anxiolytic drug not in the opiate class. The cumulative dose of the anxiolytic drug shall not exceed the maximum recommended dose (as per the manufacturer's recommendation).

5. Chances of complication requiring hospitalization are remote.

(b) Standards for Level I Office Surgery.

1. No change.

2. Equipment and Supplies Required. Intravenous access, supplies, oxygen, oral airways, and a positive pressure ventilation device shall be available in the office, along with the following medications, stored per manufacturer's recommendations:

(a) Atropine 3 mg;

(b) Diphenhydramine 50 mg;

(c) Epinephrine 1 mg in 10 ml;

(d) Epinephrine 1 mg in 1 ml vial, 3 vials total; and

(e) Hydrocortisone 100 mg.

(f) If a benzodiazepine is administered, Flumazenil 0.5 mg in 5 ml vial, 2 vials total; and

(g) If an opiate is administered, Nalaxone 0.4 mg in 1 ml vial, 2 vials total.

3. through 4. No change.

(4) through (6) No change.

Rulemaking Authority 459.005, 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g), (x), (z), (aa), 459.026 FS. History—New 11-29-01, Amended 2-23-03, 11-2-05, 6-4-09, 8-30-10, 3-20-13, 10-3-13, 12-11-14, 5-24-15, 11-10-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joint Committee on Office Surgery, Board of Medicine/Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 15, 2016

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:

65A-1.204 Rights and Responsibilities

PURPOSE AND EFFECT: The proposed administrative rule amends the language in the Rights and Responsibilities Form CF-ES 2064 by revising the non-discrimination and fair hearing statements and making technical changes.

SUMMARY: This rule addresses rights and responsibilities within the context of food assistance program eligibility determinations.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 414.45 FS, 409.919 FS.
LAW IMPLEMENTED: 414.31, 409.903, 409.904, 414.095, 414.295, 414.31 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 19, 2016, 10:00 a.m. – 12:00 Noon
PLACE: Winewood Blvd., Building 3, Rm. 455, Tallahassee, Florida 32399-0700

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: Victor Walker. If you are hearing or speech

impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Victor Walker, Economic Self-Sufficiency Program, (850)717-4141, 1317 Winewood Blvd, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.204 Rights and Responsibilities.

(1) An individual has the right to apply for assistance, to have eligibility determined, and if found eligible, to receive benefits. The applicant for or recipient of public assistance must assume the responsibility of furnishing information, documentation and verification needed to establish eligibility. If the information, documentation or verification is difficult for the individual to obtain, the Department must provide assistance in obtaining it when requested or when it appears necessary.

(2) The individual has the right of confidentiality in accordance with subsection (3) below, to receive prompt action, equitable treatment, notification of any case action taken and to receive a fair hearing due to an appeal of case action. The Department provides the individual with Your Rights and Responsibilities, CF-ES 2064, ~~03/2012~~ ~~xxxx~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01204>, incorporated by reference, to explain these and other rights and responsibilities.

(3) All individuals have the right to a confidential relationship with the Department pursuant to the following federal regulations, federal statutes and Florida Statutes: for the Food Assistance Program, 7 U.S.C. § 2020(e)(8), 7 C.F.R. § 272.1(c), Sections 414.295, 414.31, F.S.; for the Medicaid Program, 42 U.S.C. § 1396a(a)(7), 42 C.F.R. §§ 431.300-431.306, Sections 409.902, 414.295, F.S.; and, for the Cash Assistance Program, 42 U.S.C. § 602(a)(1)(A)(iv), 45 C.F.R. § 205.50, and Sections 414.106 and 414.295, F.S. Information obtained by the Department is considered confidential state agency material and is not subject to the Freedom of Information Act.

(4) Fair hearings are conducted in accordance with the Department’s hearing procedures in Chapter 65-2, F.A.C. The Office of Appeal Hearings Hearing Request, CF-ES 1007, 10/2005, incorporated by reference, can be used to request fair hearings. An individual can also request a fair hearing either orally or in writing without using the form.

(5) Copies of materials incorporated by reference are available from the Economic Self-Sufficiency Headquarters Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, or on the Department’s website at

<http://www.dcf.state.fl.us/dcf/forms/Search/DCFFormSearch.aspx>.
 Rulemaking Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 414.095, 414.295, 414.31 FS. History–New 4-9-92, Amended 11-22-93, Formerly 10C-1.204, Amended 12-29-98, 5-9-02, 3-9-03, 6-4-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dianna Laffey
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 08, 2016
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 19,2016

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
 64B3-11.001 Continuing Education
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 129, July 6, 2015 issue of the Florida Administrative Register.

A Notice of Change published for the rule on December 4, 2015 in Vol. 41, No. 234, of the Florida Administrative Register. This change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and from a vote by the Board at a duly noticed public meeting held on March 4, 2016. The changes are as follows:

64B3-11.001 Continuing Education.

(1) In order to renew a clinical laboratory personnel license, a minimum of 24 hours of continuing education shall be earned during each biennium including a minimum of one hour for each of the categories in which the individual is licensed, and one hour of continuing education on HIV/AIDS. Also, as a part of the 24 continuing education hours, each licensee shall take a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, as it relates to the practice of clinical laboratory personnel. Directors and supervisors are required to obtain one hour of continuing education in administration and supervision. As part of the minimum of 24 hours of continuing

education, each licensee shall be required to take a one hour course on Florida laws and rules governing clinical laboratory personnel or attend a public meeting of the full Board at which disciplinary actions are addressed ~~obtain one hour of Florida laws and rules continuing education. This hour may be obtained by attending, for one hour, an in-person public meeting of the Board.~~ Continuing education credit is not awarded for attending a telephone conference call meeting of the Board.

(2) through (8) No change.

Rulemaking Authority 483.805(4) FS. Law Implemented 456.013, 483.821, 483.823 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 59O-11.001, Amended 3-19-98, 12-13-99, 3-20-01, 10-13-02, 3-18-03, 2-24-04, 6-17-09, 3-18-14, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-176.022
 RULE TITLE: Mediation of Bodily Injury and Property Damage Claims
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 39, February 26, 2016 issue of the Florida Administrative Register.

These changes are being made to address comments expressed by the Joint Administrative Procedures Committee.

69J-176.022 Mediation of Bodily Injury and Property Damage Claims.

(1) through (3) No change.

(4) Mediators.

(a) through (b) No change.

(c) Procedure and Conduct. All mediation conferences shall be conducted in accordance with this rule and Rules 10.200 through 10.690, Part II, Standards of Professional Conduct, of the Florida Rules for Certified and Court-Appointed Mediators (Effective 10/1/14), which are hereby incorporated by reference and available at <http://www.flcourts.org/core/fileparse.php/550/urlt/RuleBookletJanuary2015.pdf> ~~, as set forth in rules 10.020-10.290, Florida Rules of Civil Procedure, and other consistent rules of conduct as promulgated by the Supreme Court of Florida.~~ Mediators shall have the same responsibilities to the Department as they have to the courts under the Florida Rules for Certified and Court-Appointed Mediators. ~~All mediators~~

~~acting under this rule shall at all times conduct themselves in a professional manner consistent with the standards of their respective professions and the standards for mediators which may be adopted from time to time by the Supreme Court of Florida.~~ The Florida Rules for Certified and Court-Appointed Mediators shall be read in a manner consistent with this rule and any conflict between this rule and the Florida Rules for Certified and Court-Appointed Mediators shall be resolved in favor of this rule. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement communicate privately with the person representing either side of the dispute during a mediation.

(d) No change.

(5) through (6) No change.

(7) Post-Mediation.

(a) Disposition. Mediators shall report to the Department on the status of property insurance mediation conferences by submitting Form DFS-I4-2169, Mediation Disposition Form (Rev. 2/16), which is hereby incorporated by reference. A copy of the form can be obtained at the following website: www.myfloridacfo.com/Division/Consumers/Mediation/CommercialResidentialMediation.htm. If the claim is settled prior to the mediation conference being held, the insurer shall report the outcome of the issue to the mediator prior to the scheduled hearing and the mediator will submit the Mediation Disposition Form confirming the settlement. A mediation conference will not be considered complete and the Administrator will not bill the insurer until this form is submitted. At the conclusion of the mediation conference, the mediator shall report to the Department the results of the mediation using the space provided on. Failure of the mediator to promptly report shall be grounds for review of the mediator's appointment.

(b) No change.

Rulemaking Authority 624.308(1), 627.745(4), ~~(5)~~ FS. Law Implemented 624.307(1), ~~626.171~~, 627.745 FS. History—New 3-14-93, Amended 8-6-98, 9-17-01, Formerly 4-176.022, 69B-176.022, Amended _____.

The remainder of the proposed rule reads as previously published.

**Section IV
 Emergency Rules**

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

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

NOTICE IS HEREBY GIVEN that on March 2, 2016, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subparagraph 11B-35.002(6)(e)4., F.A.C., from Charles McIntosh, Director, Criminal Justice Institute at the College of Central Florida (CJI/CF) on behalf of students eligible for cross-over due to active employment as a law enforcement officer; students eligible for cross-over due to having successfully completed a Commission-approved Basic Recruit Training Program and passed the State Officer Certification Exam within four years, for the discipline the officer is moving from pursuant to subparagraph 11B-35.002(6)(b)2., F.A.C. and, certain individuals that were not eligible for cross-over due to failure to meet standards set forth in subparagraph 11B-35.002(6)(b)1., F.A.C. The Petitioner wishes to permanently waive that portion of the rule that states: (6) Commission-approved Basic Recruit Cross-Over Training Programs. The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines. 4. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Effective July 1, 2014). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

COURSE TITLE	COURSE HOURS
Overview of Corrections	14
Officer Safety	16
Facility and Equipment	8
Intake and Release	18
Supervising in a Correctional Facility	40
Supervising Special Populations	20
Law Enforcement Cross-Over to Correctional Responding to Incidents and Emergencies	12
Cross-Over Program Updates	8

Cross-Over Handgun Transition Course	24
Law Enforcement Cross-over to Correctional Officer Wellness	12
TOTAL	172

Petitioner states CJI/CF services Region IV that contains four sheriff's offices and four DOC facilities which are all understaffed with corrections officers and deputies. Petitioner states that an abbreviated Florida CMS Correctional Basic Recruit Training Academy would increase employment opportunities for former law enforcement basic recruits who would now be dual certified and avail Region IV agencies with a pool of readily available candidates. Petitioner states that full cross-over training to CMS Correctional Basic Recruit Training program would take more than two years to muster enough students to make it financially feasible. Petitioner states that the abbreviated law enforcement to corrections cross-over program includes all law enforcement except for the cross-over handgun course cited in paragraph 11B-35.002(6)4., F.A.C. Petitioner states recruits will receive 220 training hours in the abbreviated law-enforcement to corrections cross-over training. Petitioner states all high liability courses were covered in the law enforcement basic recruit program. Petitioner states that strict application of the rule creates a substantial hardship and violates principles of fairness because most of the individuals affected have gained employment with corrections agencies and would have to leave their employment and return to CJI/CF to complete the revolver handgun transition course would cause CJI/CF to incur additional staffing and range fees. Petitioner states the recruits have previously trained/qualified in semi-automatic handguns through the law enforcement basic recruit training. Petitioner states none of the corrections agencies within Region IV use revolvers Petitioner states the purpose of the underlying statute would be achieved if the waiver is granted. A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone at (850)410-7676.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:

40C-2.042 General Permit by Rule

NOTICE IS HEREBY GIVEN that on March 29, 2015, the St. Johns River Water Management District received a petition for variance from the Orlando Utilities Commission, pursuant to Section 120.542, Florida Statutes, seeking a variance from

paragraph 40C-2.042(2)(a), Florida Administrative Code, with respect to the day(s) of the week restrictions for landscape irrigation. Comments on this petition should be filed with Sandra Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2016-06.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kris Davis, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177 or by telephone at (386)329-4390.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

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

On March 30, 2016, the Division issued an order. The Final Order was in response to a Petition for an Emergency Permanent Variance from Palazzo #3 located in Ft Myers, FL, filed March 17, 2016, and advertised on March 23, 2016 in Vol. 42, No.57, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4.1, ASME A17.1, 2009 edition, and Rule 3.4.5, ASME A17.1, 2009 as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that relates to the top of car clearance requirement because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2016-063).

A copy of the Order or additional information may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, chr.elevators@myfloridalicense.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Division of Cultural Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: April 13, 2016, 10:00 a.m.

PLACE: Teleconference; for participation instructions visit www.florida-arts.org.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review, and take action on funding and any other business that may appropriately come before the board.

A copy of the agenda may be obtained by contacting: Morgan Lewis, Morgan.Lewis@dos.myflorida.com or (850)245-6470.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting:

Rachelle Ashmore, Rachelle.Ashmore@dos.myflorida.com, or (850)245-6470. 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: Morgan Lewis, Morgan.Lewis@dos.myflorida.com or (850)245-6470.

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-97.003 Access Control Classification System and Access Management Standards

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

DATES AND TIMES: April 12, 2016, 2:00 p.m.; May 19, 2016, 2:00 p.m.; June 16, 2016, 2:00 p.m.; July 21, 2016, 2:00 p.m.; August 18, 2016, 2:00 p.m.; September 15, 2015, 2:00 p.m.; October 20, 2016, 2:00 p.m.; November 17, 2016, 2:00 p.m.; December 15, 2016, 2:00 p.m.

PLACE: FDOT District 5 Headquarters, 719 S. Woodland Blvd., DeLand, FL 32720

GENERAL SUBJECT MATTER TO BE CONSIDERED: Access Management Review Committee will meet to discuss any matters that may be up for review concerning Access Management in District 5. If no meetings are requested by the public, the meetings will be cancelled 7 business days prior to the meeting date.

A copy of the agenda may be obtained by contacting: Suraj Pamulapati, District Access Management Engineer, (386)943-5304, suraj.pamulapati@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Suraj Pamulapati, District Access Management Engineer, (386)943-5304, suraj.pamulapati@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Suraj Pamulapati, District Access Management Engineer, (386)943-5304, suraj.pamulapati@dot.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission announces a workshop to which all persons are invited.

DATE AND TIME: April 7, 2016, 1:00 p.m.

PLACE: Orlando Executive Airport, 365 Rickenbacker Drive, Orlando, Florida 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop to discuss future direction of FTC business.

A copy of the agenda may be obtained by contacting: Bibi Ramos at (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bibi Ramos at (850)414-4105. 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 Florida Transportation Commission, 605 Suwannee Street, MS9, Room 176, Tallahassee, Florida 32399-0450 or call (850)414-4105.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: April 11, 2016, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Room 120L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in Section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to bid (ITB-DEM-15-16-060) for FDEM Food and Beverage Service.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard

Oak Blvd, Tallahassee, FL 32399, (850)410-1391, Tara.Walters@em.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd, Tallahassee, FL 32399, (850)410-1391, Tara.Walters@em.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: April 8, 2016, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Room 120L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to bid (ITB-DEM-15-16-068) for FDEM WebEOC Platform Products.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 410-1391, Tara.Walters@em.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)410-1391, Tara.Walters@em.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

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

DATE AND TIMES: April 14, 2016, 12:00 Noon, Administration, Budget and Finance Committee Meeting; 12:10 p.m., Resource Management Committee Meeting; 1:00 p.m., Governing Board Meeting; 1:05 p.m., Public Hearing on Regulatory Matters

PLACE: District Headquarters, 81 Water Management Drive, Havana, Florida 32333

GENERAL SUBJECT MATTER TO BE CONSIDERED: District business. Commitment of fund balances for Fiscal Year Ending September 30, 2015, as required by the Governmental Accounting Standards Board (GASB) Statement No. 54.

A copy of the agenda may be obtained by contacting: Savannah White, (850)530-5999 or online at www.nfwwater.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Wendy Dugan. 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.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 19, 2016, 1:30 p.m.

PLACE: SWFWMD Tampa Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Environmental Advisory Committee meeting: discuss committee business. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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 SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Cara.martin@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4636 (Ad Order EXE0497).

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.014 Alternative Residential Care Services

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

DATE AND TIME: April 7, 2016, 2:00 p.m. – 3:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling a public meeting for the purpose of discussing alternative residential care services for recipients under the age of 21 years.

A copy of the agenda may be obtained by contacting: Shameria Davis, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, (850)412-4235, Shameria.Davis@ahca.myflorida.com or at www.ahca.myflorida.com/Medicaid/review/index.shtml.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a hearing to which all persons are invited.

DATES AND TIME: June 6, 2016, 10:00 a.m., continuing to June 7, 2016, if necessary

PLACE: Macclenny City Hall, City Council Meeting Room, 118 East Macclenny Avenue, Macclenny, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative Law Judge Bram D.E. Canter will take testimony and evidence concerning the environmental effects and any other appropriate matters regarding the site certification of the proposed Duval-Raven 230kV Transmission Line, Transmission Line Siting Application No. TA16-17, DOAH Case No. 16-0276TL, OGC Case No. 16-0012, pursuant to the Transmission Line Siting Act, ss.403.52-5365, Florida Statutes. Judge Canter will prepare a Recommended Order for submission to and final action by the Governor and Cabinet acting as the Siting Board. Pursuant to Section 403.527(2)(a), Florida Statutes, parties to the proceeding shall be the applicant, the Department of Environmental Protection, the Public Service Commission, the Department of Economic Opportunity, the Fish and Wildlife Conservation Commission, the Department of Transportation, the St. Johns River Water Management District, the Suwannee River Water Management District, the City of Jacksonville, Duval County, Nassau County, Baker County, the City of Macclenny, the Town of Glen St. Mary, and Columbia County. Any party listed in paragraph 403.527(2)(a), Florida Statutes, other than the Department or the applicant may waive its right to participate in these proceedings if such listed party fails to file a notice of its intent to be a party on or before the 30th day prior to the certification hearing, unless its participation would not prejudice the rights of any party to the proceeding. Pursuant to Section 403.527(2)(c), Florida Statutes, notwithstanding the provisions of chapter 120 to the contrary, upon the filing with the administrative law judge of a notice of intent to be a party no later than 30 days before the date set for the certification hearing, the following shall also be parties to the proceeding: Any agency not listed in Section 403.527(2)(a), Florida Statutes, as to matters within its jurisdiction; and, any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed transmission line or corridor is to be located. Pursuant to Section 403.527(2)(c), Florida Statutes, notwithstanding the provisions of chapter 120 to the contrary, upon the filing with the administrative law judge of a petition for intervention no later than 30 days before the date set for the certification hearing, the following shall also be parties to the proceeding: any person whose substantial interests are affected and being determined by the proceeding. Notices of

intent or petitions to intervene should be filed with Bram D.E. Canter, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Any agency whose properties or works may be affected shall be made a party upon the request of the agency or any party to this proceeding. The Certification hearing may be cancelled, in accordance with 403.527(6)(a), "No later than 29 days before the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of material fact or law."

A copy of the agenda may be obtained by contacting: Ms. Cindy Mulkey, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 5500, Tallahassee, Florida 32399-2400, (850)717-9000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bobby Bull, P.E., Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, (850)717-9000. 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: Mr. Bobby Bull, P.E., Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, (850)717-9000.

DEPARTMENT OF CHILDREN AND FAMILIES

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

DATE AND TIME: April 12, 2016, 9:00 a.m.

PLACE: 1002 E. Palm Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing Hillsborough County Alliance business.

A copy of the agenda may be obtained by contacting: Gabriela Reece, (813)337-5805.

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: Gabriela Reece (813)337-5805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services
 The Board of Funeral, Cemetery and Consumer Services, Probable Cause Panel B announces a public meeting to which all persons are invited.

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

PLACE: 111 West Madison Street, Claude Denson Pepper Building, Room 336J, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider the following disciplinary case with prior findings of probable cause: Sara Lynn Fredericks, case no. 167771-14-FC.

A copy of the agenda may be obtained by contacting: LaTonya Bryant at (850)413-3039 or LaTonya.Bryant@myfloridacfo.com.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC announces a public meeting to which all persons are invited.

DATE AND TIME: May 26, 2016, 3:30 p.m.

PLACE: South Florida Community Care Network, LLC, Building H, Suite 200, 1643 Harrison Parkway, Sunrise, Florida 33323

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Compensation Committee to discuss general matters.

A copy of the agenda may be obtained by contacting: Crystal Quirin at cquirin@sfccn.org or (954)622-3224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Susan Mansolillo at SMansolillo@sfccn.org or (954)622-3232. 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: F. Philip Blank, Esq., counsel for South Florida Community Care Network, LLC, at philip.blank@gray-robinson.com or (850)577-9090.

ENTERPRISE FLORIDA, INC.

The Board of Directors for the Florida Opportunity Fund announces a public meeting to which all persons are invited.

DATE AND TIME: April 1, 2016, 12:00 Noon

PLACE: Enterprise Florida, Inc., 800 North Magnolia Ave., Suite 1100, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Opportunity Fund: on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact: Louis Laubscher at (407)956-5631 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by contacting: Louis Laubscher.

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 1 day before the workshop/meeting by contacting: Louis Laubscher. 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).

SUNSHINE STATE ONE CALL OF FLORIDA

Sunshine State One Call of Florida, Inc., d/b/a Sunshine 811 announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, April 14, 2016, 10:00 a.m. – 12:00 Noon

PLACE: Telephone conference: 1(888)670-3525, participant code: 8567463178 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Purpose: to develop the agenda for the May 18 and 19, 2016 Committee, Annual Members and Board of Directors meetings.

For more information, you may contact: Lori Budiani, Executive Assistant, (386)575-2002.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 13 2016, 10:00 a.m., ET

PLACE: Contact Kathy Coyne, (941)378-7408, to participate

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include approval of minutes, an investment policy, and guidelines review, as well as a portfolio compliance review.

A copy of the agenda may be obtained by contacting: Kathy Coyne or from www.fwcjua.com.

FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

The Florida Birth-Related Neurological Injury Compensation Association announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 15, 2016, 9:00 a.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Blvd., Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: General.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

BRASFIELD & GORRIE, LLC

INVITATION TO BID

Brasfield & Gorrie, LLC will now be taking sealed bid proposals for the CONCRETE PAVING SCOPE on the UF Stephen C. O'Connell Center Expansion and Renovation project in Gainesville, FL. Sealed Bids are due by no later than March 30, 2016. Sealed bids must either be hand delivered or mailed to the following address:

Brasfield & Gorrie, LLC

c/o Adam Cowan

941 West Morse Blvd., Suite 200

Winter Park, FL 32789

For any questions, please contact:

Steven Nickels

snickels@brasfieldgorrie.com

(407)562-4661

Section XII

Miscellaneous

DEPARTMENT OF EDUCATION

State Board of Education

NOTICE OF EXTENSION

The 2015 Department of Education Regulatory Plan identified three rules as necessary to implement a law enacted or amended during the previous 12 months, for which the Department will not publish a notice of proposed rule by April 1, 2016.

RULE 6A-1.094221, Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion. The notice of rule development was published in the October 23, 2015 F.A.R. The issue causing the delay in rulemaking is: A notice of proposed rule was published on January 14, 2016, but the Joint Administrative Procedures Committee (JAPC) voiced concern that the criteria in the proposed rule for approval of an alternative standardized reading assessment was unclear. A notice of withdrawal was published on January 29, 2016, to allow the Department to conduct studies to identify alternative assessments that align with the new statewide assessment. These studies will begin in the near future, with results perhaps a year away. The rule will be revisited after the studies conclude and appropriate criteria for alternative assessments can be delineated in the rule.

NEW RULE 6A-1.094224, Uniform Assessment Calendar Requirements. The notice of rule development was published in the February 25, 2016 F.A.R. The issue causing the delay in rulemaking is: In order to best serve school districts and stakeholders who will be impacted by the requirements of Rule 6A-1.094224, the Department is soliciting feedback from districts and stakeholders, including parents/guardians, regarding the draft uniform calendar template prior to conducting rule workshops. The slight delay in rule adoption is necessary in order to actively seek stakeholder input, which will result in a calendar that both fulfills the requirements of Section 1008.22(7)(b) and (c), Florida Statutes, and is practical for district and school use.

RULE 6A-6.053, K-12 Comprehensive Research-Based Reading Plan. The notice of rule development was published in the October 23, 2015 F.A.R. The issue causing the delay in rulemaking is: the Department was awaiting final legislative language from the 2016 legislative session regarding reading requirements and the 300 lowest-performing elementary schools. Since this language is now available, the rule will be revised, and new rulemaking will be commenced with publication of a new notice of rule development.

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:RULE TITLES:

- 18-24.001 General and Definitions
- 18-24.0022 Florida Forever Goals and Numeric Performance Measures

NOTICE OF EXTENSION UNDER SECTION 120.74(5), FLORIDA STATUTES

In accordance with Section 120.74(5), F.S., the Board extends the April 1 deadline to publish a Notice of Proposed Rule for Ch. 18-24, F.A.C., because a later date has been set forth by the specific implementing statute. The Board published a Notice of Development of Rulemaking for the aforementioned rules on November 2, 2015 in Vol.41/213 of the Florida Administrative Register. Section 259.035(4)(a), F.S., provides the Acquisition and Restoration Council until December 1, 2016 to develop rules and, subsequent to that date, the Board is to review and adopt the rules before submitting to the Legislature for consideration by February 1, 2017. The Board intends to publish a Notice of Proposed Rule within the time frames set forth in that statute.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Beaches and Coastal Systems

RULE NOS.:RULE TITLES:

- 62B-41.002 Definitions
- 62B-41.003 General Prohibitions
- 62B-41.004 Exemptions from Permit Requirements

- 62B-41.005 Policy and Eligibility Criteria for Coastal Construction Permits
- 62B-41.0055 Protection of Marine Turtles
- 62B-41.007 Design, Siting and Other Requirements
- 62B-41.0075 Experimental Coastal Construction
- 62B-41.008 Permit Application Requirements and Procedures
- 62B-41.0085 Permit Processing and Administration Fees
- 62B-41.013 Revisions or Modifications of Approved Permits

NOTICE OF EXTENSION UNDER SECTION 120.74(6), FLORIDA STATUTES

In accordance with Section 120.74(5), F.S., the Department extends the April 1 deadline to publish Notice of Proposed Rule for Chapter 62B-41, Rules and Procedures for Applications for Coastal Construction Permits. Notice of Rule Development was published on August 22, 2013, in Vol. 39/164 of the Florida Administrative Register. A workshop on draft rule language was held on September 20, 2013. Both during and following the workshop, numerous comments to the draft rule language were received that necessitated a different approach to revising the rule. Revisions are anticipated to be limited to clarifying rule language, deleting redundant language, addressing comments by the Joint Administrative Procedures Committee, and updating the rule to conform to changes in statute.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-16-041

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-041 on March 28, 2016, in response to an application submitted by The Shores Property Owners Association, Inc., 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.

**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.