

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NOS.: RULE TITLES:

2A-9.002 Grant Eligibility
2A-9.004 Funding Requirements
2A-9.008 Crime Watch Programs

PURPOSE AND EFFECT: The proposed rule amendments are intended to provide purpose, general provisions, instructions and other requirements for funding under the Crime Stoppers Trust Fund including changes in response to recent statutory changes.

SUBJECT AREA TO BE ADDRESSED: Crime Stopper Grants.

RULEMAKING AUTHORITY: 16.555(6) FS.

LAW IMPLEMENTED: 16.556, 938.06 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, FL 32399-1050

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-210.201 ADA Provisions for Inmates

PURPOSE AND EFFECT: To update terminology and Departmental processes related to ADA provisions for inmates.
SUBJECT AREA TO BE ADDRESSED: Americans with Disabilities Act (ADA) provisions for inmates.

RULEMAKING AUTHORITY: 944.09, FS.

LAW IMPLEMENTED: 944.09, 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: Gregory Hill, 501 S. Calhoun Street, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.201 ADA Provisions for Inmates.

(1) Policy. In accordance with the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et. seq., the Department of Corrections does not discriminate, on the basis of a disability, against any inmate with regard to its programs, services, or activities for which the inmate is otherwise qualified. Inmates shall be provided the opportunity to identify the nature of any disability and to request an accommodation or auxiliary aids. Additional information on the ADA is available from the ADA Coordinator or the Intake Officer of any department facility.

(2) Definitions.

(a) ADA Coordinator – the central office employee assigned to coordinate the department’s efforts to comply with and carry out its responsibilities under the provisions of Title I and Title II of the ADA and Section 504 of the 1973 Rehabilitation Act.

(b) Auxiliary aids and services include are:

1. Qualified interpreters; ~~notetakers; written materials; exchange of written notes; telephone handset amplifiers; telephones compatible with hearing aids; closed captioning; voice and text telecommunications products and systems, including text telephones (TTYs) or equally effective telecommunications devices;~~ or other effective methods of making aurally delivered materials information available to individuals with hearing impairments ~~who are deaf or hard of hearing;~~ and,

2. Qualified readers; taped texts; ~~audio recordings; Brailled materials; large print materials;~~ or other effective methods of making visually delivered materials available to individuals with visual impairments ~~who are blind or have low vision.~~

3. acquisition or modification of equipment or device(s); and

4. other similar services and actions.

(c) Direct threat – refers to a health or safety risk that cannot be eliminated by a modification of policies, practices or procedures or by the provision of auxiliary aids or services in which an inmate poses a significant likelihood of substantial harm to department staff, the public, other inmates or herself or himself.

(d) Disability – refers to a physical or mental impairment that substantially limits one or more major life activities.

(e) Equally effective communication – communication with inmates with various disabilities that is equal to communication with inmates without any documented disabilities.

(f) Health care appliance – refers to devices or medical support equipment including, but not limited to, wheelchairs, canes, walkers, or hearing aids prescribed for ~~an a disabled~~ inmate and approved by the Office of Health Services or its designee.

(g) Institutional ADA Coordinator Intake officer – refers to the staff member at an institution who is designated to respond to requests for accommodation.

(h) Major life activities – ~~refers to activities that an average person can perform with little or no difficulty,~~ such as caring for one’s self, walking, speaking, performing manual tasks, hearing, learning, seeing, breathing and/or working.

(i) Mental impairment – any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

(j) Physical Impairment – refers to any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, cardiovascular, respiratory, special sense organs, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine.

(k) Qualified inmate with a disability – an inmate with a disability who, with or without reasonable accommodations or the provision of auxiliary aids and services, meets the essential eligibility requirements of the department for the department program(s), service(s), or activity/activities at issue.

(l) Reasonable accommodation – refers to any modification or adjustment that will allow a qualified inmate with a disability to participate in or make use of the programs, services or activities of a department institution or facility.

(m) Undue hardship – refers to an action that is excessively costly, extensive, substantial, or disruptive to the business being conducted at a facility or that would fundamentally alter the nature or operation of the facility.

(3) Accommodation Request Procedure.

(a) The determination of whether an inmate has a disability shall be made by department medical staff, either at reception or at the institution where the inmate is assigned, based upon the inmate’s record of an existing physical or mental impairment or clinical qualified evaluation of the inmate.

~~1. The nature and extent of the disability will be assessed during the evaluation process.~~

~~2.~~ In determining if a person’s physical or mental impairment substantially limits a major life activity, the following factors shall be considered:

~~1a.~~ The nature and severity of the impairment;
~~2b.~~ The length of time the impairment is expected to last;
 and,

~~3e.~~ The expected, permanent, or long-term impact of the impairment.

(b) All department and privately operated facilities shall furnish to any inmate, upon request, a Reasonable Modification or Accommodation Request, Form DC2-530A. Form DC2-530A, Reasonable Modification or Accommodation Request, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of this form is _____ 44-16.

(c) Inmates, who ~~have a documented disability and~~ are requesting an accommodation or modification shall submit a request in writing on the Reasonable Modification or Accommodation Request, Form DC2-530A, specifying the type of accommodation requested and the purpose for the accommodation or modification why it is necessary.

1. The Reasonable Modification or Accommodation Request, Form DC2-530A, shall be submitted to the Institutional ADA Coordinator ~~warden or the designated intake officer~~. The designated Institutional ADA Coordinator intake officer shall be:

a. The assistant warden for programs (AWP) or the assistant warden (AW) at major department institutions, in the event the institution does not have an AWP;

b. The correctional officer major at department-operated community release centers, or

c. The designated facility representative at private community release centers.

2. Inmates who cannot put their requests in writing shall make their verbal requests to classification, security, ~~medical the warden~~, or to the Institutional ADA Coordinator intake officer who shall document the request in writing on Form DC2-530A. The staff member will sign the acknowledgement section to document the inmate’s verbal request for the accommodation. and have the inmate sign or otherwise acknowledge it, with the writer indicating by signature she or he witnessed the inmate’s verbal acknowledgement on Form DC2-530A.

(d) Upon receipt of Form DC2-530A, the Institutional ADA Coordinator ~~warden or intake officer~~ shall review the inmate’s accommodation request. The Institutional ADA Coordinator ~~warden or intake officer~~ shall, as necessary, utilize Form DC2-530B to request additional information from the appropriate program head in order to verify the inmate’s disability or to otherwise assist with the review of the request. Form DC2-530B, Reasonable Accommodation or

Accommodation Request Institutional Evaluation/Disposition, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07537>. The effective date of this form is 11-16.

(e) The Institutional ADA Coordinator ~~warden or intake officer~~ shall return the completed Form DC2-530A to the inmate within 10 business days of receipt. If, due to the complexity of the issue or need for further evaluation an extension of the time period is required, the inmate shall be notified in writing of such action and the reason for the extension documented on Form DC2-530A. The completed DC2-530A shall reflect the Institutional ADA Coordinator's recommendation to whether the accommodation request is either approve approved, deny denied, modify modified/ or partially approve approved the accommodation request, or returned without action, as well as the reason(s) for such disposition. If the request is deemed not to be an ADA issue, DC2-530A will be returned to the inmate without action and shall include the reason(s) for the recommendation. The completed DC2-530A shall also reflect the anticipated completion date, if necessary, of the accommodation.

(f) The Institutional ADA Coordinator ~~warden or intake officer~~ shall forward both the completed Form DC2-530A and the completed Form DC2-530B, and any supporting documents, to the Central Office ADA coordinator within 10 business days of completion of Forms DC2-530A and DC2-530B.

(g) The Central Office ADA Ceoordinator shall review the request received and notify the Institutional ADA Coordinator ~~intake officer~~ in writing of whether s/he concurs or disagrees with the Institutional ADA Coordinator's ~~warden or intake officer's~~ recommendation.

1. If The Central Office ADA Ceoordinator may consult with program areas within the Department for input, when appropriate, before making a final decision ~~disagrees with the warden or intake officer's recommendation, s/he will consult with the central office program area in which the accommodation is requested to obtain input.~~

2. If, the Central Office ADA Coordinator's decision after consulting with the appropriate central office program area in which the accommodation is requested, the recommendation of the ADA coordinator is a reversal of the Institutional ADA Coordinator's ~~warden's or intake officer's~~ decision, Forms DC2-530A and DC2-530B shall be returned to the Institutional ADA Coordinator ~~warden or intake officer~~ with written notification stating the reason(s) for this action.

(h) Upon receipt, the Institutional ADA Coordinator ~~Once the institution receives this information,~~ it will take steps to

comply with the decision of the Central Office ADA Ceoordinator and provide written notification to the inmate of the actions to be taken. The Institutional ADA Coordinator will provide and the Central Office ADA Ceoordinator written notification when the action has been completed.

(i) Copies of the requests and all other documentation shall be placed in the inmate's medical record file ~~and in the department's confidential ADA file located in central office.~~

(4) Justification for Denial of Requests for Accommodation. A request for a particular accommodation shall be denied for any of the following reasons:

(a) A legitimate penological interest:

1. A request for a particular accommodation shall be denied when it would pose a risk to the safety or security of the institution, staff, or the public, or when the request would adversely impact other penological interests, including deterring crime and maintaining inmate discipline.

2. ~~In all determinations of reasonable accommodation,~~ Public safety and the health, safety, and security of all inmates and staff shall remain the overriding considerations in determining what constitutes a reasonable accommodation.

(b) The department need not take an action to provide accessibility to a service, program or activity if the action would impose or require:

1. An undue financial burden on the agency where, in a cost benefit analysis, its costs would be an unjustifiable use of public funds.

2. An undue administrative burden on the agency, or

3. A fundamental alteration of the nature of the service, program, or activity.

(c) An institution cannot deny a request for accommodation using the undue burden defense without contacting the Central Office ADA Coordinator. The Central Office ADA Ceoordinator shall consult with the appropriate central office program area in which a particular accommodation is requested and any necessary department staff before making a determination that a requested accommodation would constitute an undue financial or administrative burden on the agency or a fundamental alteration to the nature of a service, program, or activity. The final decision that compliance with the requested accommodation would result in an undue financial or administrative burden or a fundamental alteration of the nature of a service, program, or activity shall be made by the Secretary or his or her designee after consideration of all resources available for use in the funding and operation of the service, program or activity. The final decision must be accompanied by a written statement of the reasons for reaching the conclusion. The decision and the statement will be retained by the Central Office ADA Coordinator ~~in the confidential ADA file.~~

(d) Direct Threat. The ADA coordinator will consult with the warden, the appropriate central office program area in which the particular accommodation is requested, and any other necessary departmental staff prior to determining a requested accommodation poses a direct threat.

(e) Equally Effective Means. A request for a particular accommodation shall be denied if equally effective access to a program, service, or activity can be afforded through an alternate method which is less costly or intrusive. Alternative methods that are less costly or intrusive to the existing operation or program shall be utilized to provide reasonable access in lieu of modifications requested by the inmate so long as they are equally effective.

(f) A request that does not present a violation of Title II of the ADA does not qualify as an ADA issue and will be returned without action ~~denied as not qualifying as an ADA issue.~~

(5) Complaints and Accommodation Appeals. Inmates who have a complaint alleging a violation of the Americans with Disabilities Act or who want to appeal the denial of a request for accommodation shall follow the guidelines set forth in Chapter 33-103, F.A.C.

(6) Auxiliary Aids and Services. The Department will provide inmates with auxiliary aids and services whenever necessary to ensure equal access to programs, services, or activities offered by the Department. When an auxiliary aid or service is deemed necessary to provide an inmate with an equal opportunity to participate in a program, service or activity, it shall be provided at the expense of the department.

~~(7) Health Care Appliances.~~

~~(a) Prescription and approval.~~

~~1. A physician or clinical associate shall prescribe and approve health care appliances for eligible inmates if these devices meet medical necessity, safety, and security requirements. Health care appliances include orthopedic prostheses, orthopedic braces or shoes, crutches, canes, walkers, wheelchairs, hearing aids, and other items which are necessary to accommodate the inmate's needs.~~

~~2. If security staff denies a health care appliance to an inmate for safety or security reasons, the Chief of Security, or his or her designee, shall immediately consult with the Chief Health Officer, or his or her designee, to determine necessary action to accommodate the inmate's needs.~~

~~3. Accommodations shall include modifying the appliance or substituting a different appliance, at the department's expense, as long as its function is equivalent or superior. Such modification or substitution shall instead be the responsibility of the department's Comprehensive Health Care Contractor (CHCC) if the contract between the department and its CHCC so provides.~~

~~(b) Possession of Health Care Appliances.~~

4- Health care staff shall identify health care appliances as property of the inmate and appropriately document them as such in accordance with Rule 33-602.201, F.A.C.

2- Any health care appliance the disabled inmate has properly obtained while in the department's custody shall not be removed unless there are legitimate documented safety or security reasons.

3- Health care appliances shall be removed if a physician or dentist determines that the appliance is no longer medically necessary or appropriate.

~~(e) Maintenance of Health Care Appliances. It is the joint responsibility of the department, or, if provided in contract, its CHCC, and the inmate to maintain all health care appliances in good repair and operation. When an appliance is in need of repair or replacement, the inmate shall notify staff of his or her needs by a medical call out or a request to see a doctor.~~

~~1. Department staff, or, if provided in contract, its CHCC's staff, shall schedule the inmate for an appointment and evaluate the condition of the appliance.~~

~~2. Once the need for repair or replacement is verified, the inmate shall be issued an appropriate appliance or accommodation.~~

(8) Educational and work programs. Inmates with disabilities shall have the opportunity to participate in educational and work programs.

(a) Inmates shall be evaluated to participate in an educational or work program on a case-by-case basis.

(b) Eligibility to participate in any program is dependent on the inmate's ability to perform the essential functions of the program with, or without, reasonable accommodation and on meeting the department's requirement for the program.

(9) Visiting. Inmates with disabilities will be provided reasonable accommodations for purposes of visitation.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 8-19-01, Amended 2-8-06, 11-22-06, 1-23-13, 9-30-13, 11-20-16.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:RULE TITLES:

- 59A-11.002 Definitions
- 59A-11.003 Licensure Procedures
- 59A-11.005 Requirements for Licensure
- 59A-11.009 Risk Status Criteria for the Acceptance of Clients and Continuation of Care
- 59A-11.014 Surgical Services
- 59A-11.016 Postpartum Care
- 59A-11.019 Reports
- 59A-11.030 Pharmaceuticals and Anesthetics

PURPOSE AND EFFECT: The Agency proposes to update birth center rules to align with recently revised statutory requirements per Chapters 2018-24 and 2018-98, Laws of

Florida. Revisions will remove obsolete language, clarify requirements and update statutory references.

SUBJECT AREA TO BE ADDRESSED: Birth Center Standards and Licensure

RULEMAKING AUTHORITY: 383.305, 383.309, 408.805, 408.819 FS.

LAW IMPLEMENTED: 20.42(2)(a), , 383.04, 383.14, 383.302, 383.305, 383.307, 383.308, 383.309, 383.31, 383.313, 383.315, 383.316, 383.318, 383.32, 383.327, 383.335, 408.805, 408.806, 408.809, 408.810, 465, 499 FS.

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

DATE AND TIME: Wednesday, July 11, 2018, 2:30 pm - 4:00 pm

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jessica Munn, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4359. 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: Noel Lawrence at (850)412-4365 or email at NoelC.Lawrence@ahca.myflorida.com.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: **RULE TITLE:**

59C-1.002 Definitions

PURPOSE AND EFFECT: The Agency is proposing to amend Rule 59C-1.002, F.A.C., pursuant to Chapter 2018-24, L.O.F. as well as an existing rule review by the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Rule 59C-1.002, F.A.C., outlines general definitions utilized by the Certificate of Need Program. The proposed changes will update language to align with Chapter 2018-24, L.O.F. Specifically, it will remove the definition of “mobile unit” and remove adult open

heart surgery from the list of tertiary services. Outdated citations and duplicative definitions will also be removed.

RULEMAKING AUTHORITY: 408.034(8) and 408.15 (8) FS.

LAW IMPLEMENTED: 408.033(1)(a), 408.036 (1)(2), 408.037 (1), 408.039 (1) and (2) FS.

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

DATE AND TIME: July 3, 2018, 2 p.m. to 3 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marisol Fitch, Bureau of Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4346 or by email at Marisol.fitch@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marisol Fitch, (850)412-4346, email: Marisol.fitch@ahca.myflorida.com.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: **RULE TITLE:**

59C-1.008 Certificate of Need Application Procedures

PURPOSE AND EFFECT: The Agency is proposing to amend Rule 59C-1.008, F.A.C in order to add language regarding general hospital applications. In addition, language has been added to clarify sections 59C-1.008(1)(g) and 59C-1.008 (2)(e) F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rule 59C-1.008, F.A.C., outlines certificate of need application procedure. The proposed changes clarify that an audit is not required for general hospital applications and clarify language in 59C-1.008 (1)(g), F.A.C., to meet statutory requirements in 408.039, F.S., and comparative review requirements in 59C-1.008 (2)(e).

RULEMAKING AUTHORITY: 408.034(3),(8) and 408.15 (8) FS.

LAW IMPLEMENTED: 408.033, 408.034, 408.036, 408.037, 408.038, 408.039 and 408.042 FS.

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

DATE AND TIME: July 3, 2018, 1 p.m. to 2 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marisol Fitch, Bureau of Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4346 or by email at Marisol.Fitch@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marisol Fitch, (850)412-4346, email: Marisol.fitch@ahca.myflorida.com.

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-4.001
 RULE TITLE: Registration and Laser Radiation Requirements, Definitions, Exemptions, LSO, Out-of-State Sources, MPE, Safe Operation, Signs, Labels, Posting, Surveys, Measurement, Instrumentation, Notification, Reports, Incidents, Records, Scanning Devices, Laser Light Shows

PURPOSE AND EFFECT: The “Laser Registration Requirements” reference document was adopted in March 2017 without a table of contents or section titles (Florida Administrative Code, Rule 64E-4.001). This rule making is to add the missing table of contents, section titles, to make it more user-friendly to the regulated community.

SUBJECT AREA TO BE ADDRESSED: “Laser Registration Requirements” document incorporated by reference.

RULEMAKING AUTHORITY: 501.122(2) FS.

LAW IMPLEMENTED: 501.122(2) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brenda Andrews, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)901-6568; Brenda.Andrews@flhealth.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-4.001 Registration and Laser Radiation Requirements, Definitions, Exemptions, LSO, Out-of-State Sources, MPE, Safe Operation, Signs, Labels, Posting, Surveys, Measurement, Instrumentation, Notification, Reports, Incidents, Records, Scanning Devices, Laser Light Shows.

(1) through (4) No change.

(5) Except as provided in this rule section, the contents of this rule chapter are contained in the Department of Health publication “Laser Radiation Requirements,” (~~June 2018~~ ~~December 15, 2016~~, edition), incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07888>.

(6) through (7) No change.

Rulemaking Authority 501.122(2) FS. Law Implemented 501.122(2) FS. History—New 9-6-84, Amended 5-7-96, 12-12-96, Formerly 10D-89.101, Amended 4-20-15, 3-28-17,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.: 69K-1.003, 69K-1.004, 69K-1.005
 RULE TITLES: Miscellaneous Fees; Name Changes and Duplicate Licenses
 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.
 Licensure Application Procedures

PURPOSE AND EFFECT: The proposed rule amendments are intended to modify, clarify and update the language as needed.

SUBJECT AREA TO BE ADDRESSED: Rule 69K-1.003, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding miscellaneous fees; name changes and duplicate licenses. Rule 69K-1.004, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding exemption of spouses of members of armed forces from licensure renewal provisions. Rule 69K-1.005, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding licensure application procedures.

RULEMAKING AUTHORITY: 497.103, 497.103(1), (2), (5)(b), 497.140(4), (5), 497.141(12)(g), 497.161(1)(d), 497.167(10), 497.168, 497.380(12)(a), 497.385(1)(g), (2)(g), 497.553(6)(a) FS.

LAW IMPLEMENTED: 120.60, 497.103(1), (2), 497.140(4), (5), (6), 497.141, 497.161(1)(d), 497.167(9), (10), (13), 497.168, 497.380(12)(a), 497.385(1)(g), (2)(g), 497.553(6)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@myfloridacfo.com.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.:	RULE TITLES:
69K-5.002	Application for Preneed License
69K-5.0021	Application for Preneed License Branch Office License
69K-5.003	Application for Preneed Sales Agent License and Appointment
69K-5.012	Application and Renewal Procedures for Broker of Burial Rights License

PURPOSE AND EFFECT: The proposed rule amendments are intended to modify, clarify and update the language as needed.

SUBJECT AREA TO BE ADDRESSED: Rule 69K-5.002, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding application for preneed license. Rule 69K-5.0021, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding application for preneed branch office licensure. Rule 69K-5.003, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding application for preneed sales agent license and appointment. Rule 69K-5.012, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding application and renewal procedures for broker of burial rights license.

RULEMAKING AUTHORITY: 497.103, 497.103(2)(c), (5)(b), 497.281, 497.453, 497.466(8)(a) FS.

LAW IMPLEMENTED: 497.103, 497.103(2)(c), 497.140, 497.141, 497.281, 497.452, 497.453, 497.466 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@myfloridacfo.com.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.:	RULE TITLES:
69K-17.002	Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors.
69K-17.003	Fees.
69K-17.0030	Direct Disposer/Establishment; Fees

PURPOSE AND EFFECT: The proposed rule amendments are intended to modify, clarify and update the language as needed.

SUBJECT AREA TO BE ADDRESSED: Rule 69K-17.002, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding application fees; licensure by endorsement for embalmers and funeral directors. Rule 69K-17.003, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding fees. Rule 69K-17.0030, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding direct disposer/establishment; fees.

RULEMAKING AUTHORITY: 497.103, 497.140, 497.369, 497.374, 497.378, 497.379, 497.602, 497.603, 497.604 FS.

LAW IMPLEMENTED: 497.140, 397.144, 497.368, 497.369, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603, 497.604 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@myfloridacfo.com.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO: RULE TITLE:
 69K-18.001 Embalmer Intern Training Program.
 69K-18.002 Funeral Director Intern Training Program.
 69K-18.003 Concurrent Internships.

PURPOSE AND EFFECT: The proposed rule amendments are intended to modify, clarify and update the language as needed.

SUBJECT AREA TO BE ADDRESSED: Rule 69K-18.001, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding embalmer intern training program. Rule 69K-18.002, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding funeral director intern training program. Rule 69K-18.003, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding concurrent internships.

RULEMAKING AUTHORITY: 497.103, 497.103(2)(c), 497.103(5), 497.103(5)(b), 497.103(2)(c), (g), 497.141(2), (4), (12)(g), 497.370, 497.370(3), 497.375(2), 497.377 FS.

LAW IMPLEMENTED: 479.140, 497.140, 497.141, 497.147, 497.368, 497.370, 497.371, 497.373, 497.375, 497.377 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@myfloridacfo.com.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.: RULE TITLES:
 69K-25.001 Licensure by Endorsement; Embalmers.
 69K-25.002 Licensure by Endorsement; Funeral Directors.
 69K-25.003 Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration.

PURPOSE AND EFFECT: The proposed rule amendments are intended to modify, clarify and update the language as needed.

SUBJECT AREA TO BE ADDRESSED: Rule 69K-25.001, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding licensure by

endorsement; embalmers. Rule 69K-25.002, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding licensure by endorsement; funeral directors. Rule 69K-25.003, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding licensure as temporary embalmer or temporary funeral director; manner of requesting and fee; practice limitations; expiration.

RULEMAKING AUTHORITY: 497.103, 497.369, 497.369(5), 497.374, 497.374(5) FS.

LAW IMPLEMENTED: 497.369, 497.374 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@myfloridacfo.com.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
 69K-27.001 Embalmer Apprentice Program.

PURPOSE AND EFFECT: The proposed rule amendment is intended to modify, clarify and update the language as needed.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment is intended to modify, clarify and update language regarding embalmer apprentice program.

RULEMAKING AUTHORITY: 497.103, 497.371 FS.

LAW IMPLEMENTED: 197.141, 497.371 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850) 413-4985, Ellen.Simon@myfloridacfo.com.

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-2.0020 Eligibility for Charter School Capital Outlay

PURPOSE AND EFFECT: To conform to changes in House Bill 7069 (2017) and House Bill 7055 (2018), and revise the charter school eligibility criteria for capital outlay funds.

SUMMARY: The proposed rule revises the eligibility requirement to be considered part of an expanded feeder chain, the accreditation associations accepted for capital outlay eligibility, and the date by which the department must receive proof of a charter school's official accreditation. This proposed rule also adds the requirement for sponsors to distribute discretionary millage authorized in Section 1011.71(2), F.S., according to the provisions in Section 1013.62, F.S. and clarifies the requirement for charter schools to include all revenues in monthly or quarterly financial statements.

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 proposed rule will have no regulatory cost and no negative economic impact and will not require legislative ratification. This amendment clarifies the eligibility requirements for charter school capital outlay.

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, 1013.62, FS.

LAW IMPLEMENTED: 1013.62, FS.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Emerson, Charter Schools

Director, Department of Education, 325 West Gaines Street, Suite 1044, Tallahassee, FL, 32399, (850)245-0502, adam.emerson@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0020 Eligibility for Charter School Capital Outlay.

The following provisions are established for the determination of eligibility of charter schools pursuant to Section 1013.62, F.S. Except as expressly provided herein, proof of eligibility requirements must be provided to the Department by July 1 of the fiscal year for which the charter school seeks funding. The continuation of funding is dependent upon maintaining eligibility requirements during the fiscal year.

(1) A charter school may be considered a part of an expanded feeder chain under Section 1013.62, F.S., if it either sends or receives a majority at least sixty (60) percent of its students directly to or from a charter school that is currently receiving capital outlay funding in the same fiscal year for which the charter school seeks funding. A charter school must submit an application by the deadline in paragraph (7)(a), of this rule. The Department shall determine eligibility by applying the feeder chain criteria in Section 1013.62(1)(a)1.c., F.S., to the fiscal year's data from the October full-time equivalent (FTE) student enrollment survey conducted pursuant to Section 1011.62(1)(a), F.S., in the same fiscal year for which the charter school seeks funding. The Department shall calculate the funding amount associated with a school for which enrollment projections are estimated to meet the feeder chain eligibility criteria and shall distribute funds generated by the formula in Section 1013.62, F.S., upon proof of an expanded feeder chain from the October FTE student enrollment survey data.

(2) Pursuant to Section 1013.62(1)(a)1.d., F.S., charter schools that have been accredited by a regional accrediting association as defined by the State Board of Education ~~the Commission on Schools of the Southern Association of Colleges and Schools~~ may be eligible for charter school capital outlay. Proof of accreditation by a regional accrediting association ~~the Southern Association of Colleges and Schools Commission on Schools~~ must be delivered to the Department by the deadline established in paragraph (7)(a), for the fiscal year for which the charter school seeks funding to meet the eligibility requirement in Section 1013.62(1)(a)1.d., F.S. The continuation of funding is dependent upon maintaining accreditation during the current fiscal year. A charter school anticipating accreditation during a fiscal year shall include documentation of application for accreditation. The Department shall estimate the funding amount associated with a charter school anticipating accreditation during the fiscal year and distribute funds generated by the formula in Section 1013.62, F.S., upon proof of final accreditation, if proof of accreditation

for the school year is received by the Department ~~by December prior to April~~ 1 of the fiscal year for which the charter school seeks funding. If the Department does not receive proof of a charter school’s official accreditation by ~~December April~~ 1, the charter school shall be determined ineligible for that fiscal year.

(3) No change.

(4) Satisfactory student achievement under Section 1013.62(1)(a)3., F.S., shall be determined by the school’s most recent grade designation or school improvement rating from the state accountability system as defined in Sections 1008.34 and 1008.341, F.S. Satisfactory student achievement for a school that does not receive a school grade or a school improvement rating, including a school that has not been in operation for at least one school year, shall be based on the student performance metrics in the charter school’s charter agreement. Allocations shall not be distributed until such time as school grade designations are known.

~~(a) For the 2016-17 school year, a charter school that receives a grade designation of “F” shall not be eligible for capital outlay funding.~~

~~(a)(b) Beginning in the 2017-18 school year, A~~ charter school that receives a grade designation of “F” or two (2) consecutive grades lower than a “C” shall not be eligible for capital outlay funding.

~~(b)(c) Beginning in the 2017-18 school year, A~~ charter school that receives a school improvement rating of “Unsatisfactory” shall not be eligible for capital outlay funding.

(5) through (6) No change.

(7) Pursuant to Section 1013.62(5), F.S., the procedures for submitting and approving an application for funding and the procedures for documenting expenditures, are as follows:

(a) Charter schools must submit an application using form IEPC-CO1, Charter School Capital Outlay Application, effective August 2018 ~~April 2017~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08085>), which is hereby incorporated by reference in the rule, which may be accessed through https://www.floridaschoolchoice.org/login/login_charter_school.asp. The application may be obtained by contacting the Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400. The Department will accept hard copy versions of the application. Hard copies should be sent to 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399. Applications are due by July 1 of the fiscal year for which funding is sought. The Department may extend the deadline for all applications by posting the extended deadline on its website. The charter school shall include the purpose for which the funds will be expended. The Department shall review the application, determine eligibility, and direct the allocation and distribution of such funds in accordance with that determination.

(b) The Sponsor shall forward state appropriated capital outlay funds such funding pursuant to the provisions of Section 1002.33(17)(e), F.S., to any charter school that is determined to be eligible by the Department under this rule. The Sponsor shall distribute discretionary millage authorized in Section 1011.71(2), F.S., according to the provisions in Section 1013.62, F.S. The charter school shall include all ~~revenues disbursements~~ and expenditures pursuant to Section 1013.62, F.S., in its monthly or quarterly financial statements pursuant to Section 1002.33(9)(g), F.S., and shall maintain all documentation of such expenditures and provide such documentation to the Sponsor upon request as necessary to monitor compliance with applicable law governing the proper use of such funds.

(c) No change.

Rulemaking Authority 1001.02, 1013.62 FS. Law Implemented 1013.62 FS. History–New 12-15-09, Amended 8-13-17.

NAME OF PERSON ORIGINATING PROPOSED RULE: Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 11, 2018.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.0951 The Hope Scholarship

PURPOSE AND EFFECT: The Hope Scholarship Program was established during the 2018 legislative session. The purpose and effect of this rule is to implement the Hope Scholarship Program, pursuant to section 1002.40, Florida Statutes.

SUMMARY: The proposed rule describes and clarifies the obligations of eligible Scholarship Funding Organizations (SFOs), eligible private schools, and school districts, and creates and incorporates The Hope Scholarship Notification Form (IEPC-HS1), and provides details regarding the scholarship application processes, the public school option and quarterly reports and data expected from SFOs.

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: No requirement for SERC was triggered pursuant to section 120.541(1), F.S. There would be no economic impact from this amendment and the adverse impact or regulatory costs, 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), 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: 1002.40, FS.

LAW IMPLEMENTED: 1002.40, FS.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400; (850)245-0502; adam.miller@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0951 The Hope Scholarship Program.

(1) Eligibility of nonprofit scholarship-funding organizations. A nonprofit scholarship-funding organization (SFO) that is approved pursuant to section 1002.395, F.S., may establish Hope Scholarships for eligible students.

(2) Eligibility of private schools. A private school is eligible to participate in the Hope Scholarship Program if it complies with all requirements for private schools participating in state school choice scholarship programs pursuant to sections 1002.40, and 1002.421, F.S., and State Board of Education rule 6A-6.03315, F.A.C.

(3) Parent notification requirements. Pursuant to the requirements of section 1002.40(6), F.S., a school district must timely notify a parent of the Hope Scholarship program and provide the parent a completed Hope Scholarship Notification Form (Form IEPC-HS1), available on the Department's website, www.floridaschoolchoice.org. Form IEPC-HS1 (DOS link) is hereby incorporated by reference, effective August 2018.

(4) Hope Scholarship application procedure. To receive a Hope Scholarship a parent must apply to an eligible and participating SFO according to the SFO's application procedures and deadlines. The application submitted by a parent must include, at a minimum, the following information:

(a) Student's name, student's Florida Education Identifier (FLEID), date of birth, gender, race, current public school district, current public school attended, grade level, parent's name, telephone number, mailing address and email address.

(b) A completed Form IEPC-HS1 must be included with the application and submitted to the scholarship funding organization to which the application is made.

(5) The nonprofit scholarship-funding organization shall confirm eligibility for each student and award all scholarships consistent with the requirements of section 1002.40, F.S. The process used to confirm the eligibility of students and award scholarships is subject to the annual financial and compliance audit required by law.

(6) Public school Hope Scholarship option. Pursuant to section 1002.40(6), F.S., a student meeting the Hope Scholarship eligibility requirements may choose to attend another public school in the student's school district or in another school district. Public school options are subject to the receiving school's capacity.

(7) Quarterly and annual reports. Participating eligible SFOs shall provide quarterly reports no later than August 10, October 10, January 10, and March 10, and an annual report no later than July 15 of each fiscal year the SFO received any contributions, as defined in section 1002.40(2), F.S. The quarterly and annual reports must be submitted in a format to be specified by the Department and must include an electronic list of all participating scholarship students. The list shall include the following information:

(a) Demographic information for each student, including name, date of birth, Florida Education Identifier, grade level, gender, race, parent's name, mailing address, email address, and telephone number;

(b) The name and Master School ID of the public school and district in which the student was enrolled when the incident was reported;

(c) Information on the student's school of attendance, including tuition, fees, and transportation amounts;

(d) The amount and type of each student's scholarship;

(e) The incident type as reported on Form IEPC-HS1; and,

(f) Year-to-date information on the amount paid for each scholarship student during the school year and the school attended, including the first data of attendance and withdraw date. If a student attended more than one school, the summary shall detail the amount of the scholarship payments that the student generated by each school.

(8) Nothing in this rule shall limit the Department's authority to request any other information related to the scholarship program.
Rulemaking Authority 1001.02, 1002.40(6) FS. Law Implemented 1002.40 F.S., New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 18, 2018.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.0960 Florida Tax Credit Scholarship Program

PURPOSE AND EFFECT: To propose changes related to the Scholarship Funding Organization's (SFO) administration of the Florida Tax Credit Scholarship Program. The rule is consistent with section 1002.395, F.S.

SUMMARY: The proposed rule clarifies that the Department has 30 days from the SFO application deadlines to notify SFOs of deficiencies; updates the student data needed from the SFOs; includes reference to the Sales Tax Credit Scholarship Program; updates statutory references and removes the Commissioner's authority and complaint and inquiry provisions as they are addressed in a separate rule that applies to all scholarship programs authorized under Chapter 1002, 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: No requirement for SERC was triggered by the rule amendment pursuant to section 120.541(1), F.S. and it's not expected to require legislative ratification. There would be no economic impact from this amendment and the adverse impact or regulatory costs, 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), 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: 1002.395, F.S.

LAW IMPLEMENTED: 1002.395, F.S

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400; (850)245-0502; adam.miller@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0960 Florida Tax Credit Scholarship Program.

The Florida Tax Credit Scholarship Program will be implemented as required by section 1002.395, F.S., to allow nonprofit scholarship-funding organizations to provide scholarships from eligible contributions to qualified students attending eligible private schools or public schools outside the school district in which the student resides or in a laboratory school.

(1) Eligibility of nonprofit scholarship-funding organizations.

(a) through (c) No change.

(d) Within thirty (30) days of the receipt of an application deadline, the Department shall send to each nonprofit scholarship-funding organization applicant, at the address listed on the Nonprofit Scholarship-Funding Organization Form, a written notice of any deficiencies in the application.

(e) through (k) No change.

(2) Nonprofit scholarship-funding organization requirements. Eligible nonprofit scholarship-funding organizations shall five (5) times a year, no later than August 10, October 10, January 10, and March 10 and no later than fifteen (15) days after the last payment date of the school year, submit in a format to be specified by the Department an electronic list of all participating scholarship students. The list shall include the following information:

(a) Demographic information for each student, including name, date of birth, social security number, grade level, gender, race, parent's name, mailing and address, email address, and telephone number;

(b) Information on the student's school of attendance, including tuition, fees, and transportation amounts;

(c) The amount and type of each student's scholarship; and,

(d) Year-to-date information on the amount paid for each scholarship student during the school year and the school attended, including the first date of attendance and withdraw date. If a student attended more than one school, the summary shall detail the amount of the scholarship payments that the student generated by each school.

(3) No change.

(4) Qualified students. Applications for a Florida Tax Credit Scholarship shall be made by parents directly through an eligible nonprofit scholarship-funding organization. The nonprofit scholarship-funding organization shall identify qualified students and award all scholarships consistent with the requirements of sections 1002.395 and 212.099, F.S. The process used to identify qualified students and award scholarships is subject to the annual financial and compliance audit required by law.

(5) Private school participation. To participate in the Florida Tax Credit Scholarship Program, a school must meet the definition of an "eligible private school" as defined in Section 1002.395(2)(g), F.S., and:

(a) Register its intent to participate in the scholarship program with the Department using the Department's website;

(b) Complete the annual survey of private schools required by section 1002.42(2), F.S., using the Department's website, and submit it to the Department in both an electronic format and by mail. The survey that is mailed to the Department must include a notarized statement verifying that the private school owner has complied with the background check requirements of section 1002.42(2)(c), F.S.

(a)(e) Annually meet all scholarship compliance requirements for private schools pursuant to Rule 6A-6.03315, F.A.C.; and,

(b)(d) Continue to adhere to all statutory and rule requirements after determined eligible to participate in the program pursuant to Rule 6A-6.03315, F.A.C.

(6) No change.

(7) Commissioner's duties. The Commissioner may deny, suspend, or revoke a private school's participation in the scholarship program pursuant to section 1002.395(11), F.S.

(a) If the Commissioner issues a notice of noncompliance:

1. Private schools shall be given a reasonable period from the date of the notice, as determined by the Commissioner, to demonstrate compliance.

2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner.

~~3. The private school's participation status shall be unaffected by the above notice of noncompliance process.~~

~~4. A copy of the notice shall be provided to the appropriate nonprofit scholarship funding organization.~~

~~(b) If the Commissioner issues a notice of proposed action denying, suspending, or revoking a private school's participation:~~

~~1. The notice shall state the reasons for the action and specify the private school's right to appeal.~~

~~2. The private school's participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired.~~

~~3. A copy of the notice shall be provided to the appropriate nonprofit scholarship funding organization.~~

~~(c) If the Commissioner immediately suspends payment of scholarship funds:~~

~~1. The Commissioner shall issue a notice of proposed action suspending payment of scholarship funds to the private school;~~

~~2. The notice shall state the reasons for the suspension and the rights the private school has to appeal; and,~~

~~3. The private school's participation status will be adjusted so that it will be unable to receive payments or utilize the Department's website and its functionalities to participate in the scholarship program in any way; and,~~

~~4. A copy of the notice shall be provided to the appropriate nonprofit scholarship funding organization.~~

~~(8) Complaint process. The following process is established to allow individuals to notify the Department of any violation by parents, private schools, or school districts of laws or rules related to scholarship program participation.~~

~~(a) Persons interested in filing a complaint should contact the Department through the toll-free hotline, established pursuant to section 1002.395, F.S., or through the Department's website.~~

~~(b) An initial complaint shall include, at a minimum, the complainant's name, phone number, address, and details of the situation.~~

~~(c) After receipt of the initial complaint, the Department shall offer to provide a formal complaint form to the complainant.~~

~~(d) To register a formal complaint, the complainant must complete the formal complaint form, sign it, and mail or fax it to the Department within 30 days of making the initial complaint.~~

~~(e) Upon receipt of a formal complaint, the Department shall review the complaint for legal sufficiency. If the complaint is legally sufficient, the Department shall conduct an inquiry, as described in subsection (9) of this rule, or refer the matter to the appropriate agency for investigation. If the~~

complaint is not legally sufficient, the Department may close the complaint.

(f) The Department shall notify the complainant of the final result of all legally sufficient formal complaints.

(9) Inquiry Process. If an inquiry is made as to the conduct of an individual or entity participating in the program:

(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the department. A copy of the letter of inquiry shall be provided to the appropriate nonprofit scholarship funding organization.

(b) Failure to respond to a letter of inquiry, in a timely manner by:

1. A parent, then the Department shall notify the appropriate nonprofit scholarship funding organization of the nature of the inquiry and the parent's deemed admission of alleged violation due to a failure to respond to the letter of inquiry. The nonprofit scholarship funding organization can use that information to reconsider its determination of student eligibility.

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to section 1002.395(11), F.S., and this rule.

3. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, the student, or private school as appropriate.

(c) The Department shall review the response to the letter of inquiry; and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the parent, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, or school district or conduct a site audit/inspection as appropriate.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the appropriate nonprofit scholarship funding organization of the violation which it may use to reconsider its determination of student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's

authority established pursuant to section 1002.395(11), F.S., and this rule.

e. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, student, or private school as appropriate.

(d) The Department may at any point in the process set forth in this rule refer an inquiry to the Department's Office of Inspector General or another appropriate agency for investigation.

(e) Notwithstanding any other provisions of this rule, the Commissioner may at any point during the inquiry process exercise the authority given under section 1002.395(11), F.S., and this rule.

Rulemaking Authority 1001.02, 1002.395(9)(i), (13)(d), (16)(h)-(i) FS. Law Implemented 1002.395 FS. History—New 2-5-07, Amended 11-26-08, 6-22-10, 10-25-10, 11-4-14, 3-22-17.

NAME OF PERSON ORIGINATING PROPOSED RULE: Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 25, 2018.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0961 RULE TITLE: Gardiner Scholarship Program

PURPOSE AND EFFECT: To propose changes related to the Scholarship Funding Organization's (SFO) administration of the Gardiner Scholarship Program and removal of language no longer addressed in corresponding statute. The rule is consistent with section 1002.385, F.S.

SUMMARY: Clarify that if a SFO returns funds for a student, the SFO must include the administrative fee if no reimbursements were made for expenditures that occurred in the fiscal year in which the scholarship was awarded. Clarify that a SFO is no longer required to provide a student's grade level in the quarterly reports that SFOs must submit to the department. Remove the complaint and inquiry provisions as it will be addressed in a separate rule that applies to all scholarship programs authorized under Chapter 1002, 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: No requirement for SERC was triggered pursuant to section 120.541(1), F.S., and is not expected to require legislative ratification. There would be no economic impact from this amendment and the adverse impact or regulatory costs, 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), 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: 1002.385, F.S.

LAW IMPLEMENTED: 1002.385, F.S.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400; (850)245-0502; adam.miller@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0961 Gardiner Scholarship Program.

The Gardiner Scholarship Program will be implemented as required by section 1002.385, F.S., to allow nonprofit scholarship-funding organizations to provide the option for a parent to better meet the individual educational needs of his or her eligible child by establishing an account for the funding of eligible expenditures.

(1) through (3) No change.

(4) Scholarship payments. The following provisions relate to the distribution of funds from the Department of Education to an eligible nonprofit scholarship-funding organization.

(a) through (e) No change.

(f) Eligible nonprofit scholarship-funding organizations are responsible for the return of all scholarship funds to the Department that were received in error or associated with a

scholarship account that has been closed pursuant to section 1002.385(6)(b), F.S. Funds returned must include the administrative fee if no reimbursements were made for expenditures that occurred in the fiscal year in which the scholarship was awarded. If the Department identifies scholarship funds that must be returned, it shall send a letter via both regular and certified mail requesting the return of the funds. The letter shall state the reason the funds are being requested, the student or students involved, instructions on returning the funds, and the procedure to be followed if the eligible nonprofit scholarship-funding organization believes that return of the funds is being requested in error or wishes to provide additional information related to the requested funds. The Department's letter may also require the eligible nonprofit scholarship-funding organization to provide an explanation for how the funds were erroneously obtained.

1. through 3. No Change.

(5) Quarterly Reports: Four (4) times a year, no later than October 30, January 30, April 30, and July 30 of each year, an eligible nonprofit scholarship-funding organization shall submit in a format to be specified by the Department an electronic list of all participating scholarship students, providers of services, and participating private schools. For purposes of the quarterly report, a participating scholarship student is one whose scholarship account has been funded in the current fiscal year.

(a) The list shall include the following information:

1. Demographic information for each student, including name, date of birth, ~~grade level~~, gender, race, and county of residence;

2. through 5. No change.

(b) through (c) No change.

~~(6) Complaint process. The following process is established to allow individuals to notify the Department of any violation by parents, providers, private schools, eligible nonprofit scholarship-funding organizations, or school districts of laws or rules related to scholarship program participation.~~

~~(a) Persons interested in filing a complaint should contact the Department through the toll free hotline (800)447-1636, established pursuant to section 1002.395, F.S., or through the Department's website at www.floridaschoolchoice.org.~~

~~(b) An initial complaint shall include the complainant's name, phone number, address, and details of the situation.~~

~~(c) After receipt of the initial complaint, the Department shall offer to provide a formal complaint form to the complainant.~~

~~(d) To register a formal complaint, the complainant may complete the formal complaint form, or submit a written complaint that includes the information in paragraph (6)(b), sign it, and mail or fax it to the Department within thirty (30) days of making the initial complaint.~~

~~(e) Upon receipt of a formal complaint, the Department shall review the complaint. If the complaint alleges a violation of applicable law or rule, the Department shall conduct an inquiry, as described in subsection (7) of this rule, or refer the matter to the appropriate agency for investigation. If the complaint does not allege a violation of applicable law or rule, the Department may close the complaint.~~

~~(f) The Department shall notify the complainant of the final result of all formal complaints.~~

~~(7) Inquiry Process. If an inquiry is made as to the conduct of an individual or entity participating in the program:~~

~~(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the department. A copy of the letter of inquiry shall be provided to the appropriate nonprofit scholarship funding organization.~~

~~(b) If there is a failure to respond to a letter of inquiry within fifteen (15) days by:~~

~~1. A parent, then the Department shall notify the appropriate nonprofit scholarship funding organization of the nature of the inquiry and the parent's failure to respond to the letter of inquiry. The nonprofit scholarship funding organization may use that information to reconsider its determination of student eligibility. The Commissioner may take action as prescribed under subsection (8) of this rule.~~

~~2. A private school, then the Commissioner shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to section 1002.385(10), F.S., and this rule.~~

~~3. A nonprofit scholarship funding organization, then the Commissioner shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to section 1002.385(10), F.S., and this rule.~~

~~4. A school district, then the Commissioner shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation as appropriate.~~

~~(c) The Department shall review the response to the letter of inquiry; and:~~

~~1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the eligible student, approved provider, nonprofit scholarship funding organization, private school, or school district and complainant that the inquiry will be closed.~~

~~2. If more information is needed, request additional information related to the inquiry from the complainant, eligible student, approved provider, nonprofit scholarship funding organization, private school, or school district.~~

~~3. If a violation of laws or rules related to scholarship program participation has been committed by:~~

~~a. A parent, then the Department shall notify the appropriate nonprofit scholarship funding organization of the findings and shall initiate the process prescribed under subsection (8) of this rule.~~

~~b. A private school, then the Commissioner shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to section 1002.385(10), F.S., and this rule.~~

~~c. A nonprofit scholarship funding organization, then the Commissioner shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to section 1002.385(10), F.S., and this rule.~~

~~d. A school district, then the Commissioner shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation as appropriate.~~

~~(d) The Department may at any point in the process set forth in this rule refer an inquiry to the Department's Office of Inspector General or another appropriate agency for investigation.~~

~~(e) Notwithstanding any other provisions of this rule, the Commissioner may at any point during the inquiry process exercise the authority given under section 1002.385(10), F.S., and this rule.~~

~~(8) Commissioner's duties. The Commissioner may suspend or revoke participation in the scholarship program.~~

~~(a) If the Commissioner issues a notice of noncompliance:~~

~~1. Eligible students, nonprofit scholarship funding organizations, and private schools shall be given no fewer than five (5) days from the date of the notice, as determined by the Commissioner, to demonstrate compliance;~~

~~2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner;~~

~~3. The eligible student, nonprofit scholarship funding organization, or private school's participation status shall be unaffected by the above notice of noncompliance process; and,~~

~~4. A copy of the notice shall be provided to the appropriate nonprofit scholarship funding organization.~~

~~(b) Upon issuance of a notice of noncompliance the Commissioner may suspend payments to the non profit scholarship funding organization until the non profit scholarship funding organization has demonstrated compliance.~~

~~(c) If the Commissioner issues a notice of proposed action suspending or revoking an eligible student, nonprofit scholarship funding organization, or private school's participation:~~

~~1. The notice shall state the reasons for the action and specify the eligible student, approved provider, nonprofit scholarship funding organization, or private school's right to appeal;~~

~~2. The eligible student, approved provider, nonprofit scholarship funding organization, or private school's participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired; and,~~

~~3. A copy of the notice shall be provided to the appropriate nonprofit scholarship funding organization.~~

~~(d) If the Commissioner suspends or revokes an authorized use of program funds:~~

~~1. The Commissioner shall issue a notice of agency action to the eligible student, nonprofit scholarship funding organization, or private school;~~

~~2. The notice shall state the reasons for the action and the rights the eligible student, nonprofit scholarship funding organization, or private school has to appeal;~~

~~3. The eligible student, nonprofit scholarship funding organization, or private school participation status will be adjusted so that it will be unable to participate in the program; and,~~

~~4. A copy of the notice shall be provided to the appropriate nonprofit scholarship funding organization.~~

Rulemaking Authority 1001.02, 1002.385(18) FS. Law Implemented 1002.385 FS. History—New 11-4-14, Amended 7-26-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 18, 2018.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.0962 Reading Scholarship Accounts

PURPOSE AND EFFECT: To implement the Reading Scholarship Account program pursuant to section 1002.411, Florida Statutes.

SUMMARY: The proposed rule addresses eligible Scholarship Funding Organizations (SFOs) and their process for determining eligibility and awarding funding, the Commissioner's authority to revoke a student's participation, SFOs obligation to return funds received in error or associated

with a closed account and quarterly reports and data expected from SFOs.

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: No requirement for SERC was triggered pursuant to section 120.541(1), Florida Statutes and this new rule is not expected to require legislative ratification. There would be no economic impact from this amendment and the adverse impact or regulatory costs, 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: 1002.411, FS.

LAW IMPLEMENTED: 1002.411, FS.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400; 850-245-0502; adam.miller@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0962 Reading Scholarship Accounts.

(1) Eligibility of nonprofit scholarship-funding organizations. An eligible nonprofit scholarship-funding organization that is approved pursuant to section 1002.395, F.S., may establish Reading Scholarship accounts for eligible students.

(2) Nonprofit scholarship-funding organization requirements. Eligible nonprofit scholarship-funding organizations shall:

(a) Receive applications and determine eligibility of students in accordance with the requirements of section 1002.411(2), F.S.:

(b) Verify eligible expenditures before the distribution of funds for any expenditures made pursuant to section 1002.411(3)(a)2., F.S.

(3) Eligible students. Applications for a Reading Scholarship Account shall be made by parents directly through an eligible nonprofit scholarship-funding organization. The nonprofit scholarship-funding organization shall verify the eligibility of students pursuant to the criteria established in section 1002.411, F.S., and award scholarships consistent with the requirements of section 1002.411, F.S.

(4) Scholarship payments. The following provisions relate to the distribution of funds from the Department of Education to an eligible nonprofit scholarship-funding organization.

(a) An eligible scholarship funding organization may request a payment from the Department of Education for an eligible student after it has confirmed that the student has met the eligibility criteria in section 1002.411(2), F.S. Using the Department's web-based system (https://www.floridaschoolchoice.org/login/login_sfo.asp), the nonprofit scholarship-funding organization must:

1. Confirm the eligibility of each scholarship student and include:

a. Student name, date of birth, Florida Education Identification number (FLEID), English Language Learner status, gender, race, grade level, and address including public school district attended; and,

b. Date and time the nonprofit scholarship-funding organization confirmed eligibility.

2. Submit a signed invoice requesting payment which must include the amount requested for each individual student as well as the total amount requested.

(b) Eligible nonprofit scholarship-funding organizations must set an annual deadline for scholarship participation.

(c) The Department shall distribute funds on a first-come first-served basis, in the following order of priority for each invoice period:

1. Students confirmed by the SFO as English Language Learners who are enrolled in a program or receiving services that are specifically designed to meet the instructional needs of English Language Learner students;

2. Date and time the scholarship-funding organization confirmed eligibility.

(d) Requests for payments by a nonprofit scholarship-funding organization must be submitted no later than May 1 for the fiscal year in which the student is eligible to receive a scholarship.

(e) The Commissioner may revoke a student's participation in the program and withhold or request the return of a

scholarship payment if it is determined that the parent is in violation of section 1002.411(3), F.S.

(f) Eligible nonprofit scholarship-funding organizations are responsible for the return of all scholarship funds to the Department that were received in error or associated with a scholarship account that has been closed pursuant to section 1002.411(7)(i), F.S. Funds returned must include the administrative fee if no reimbursements were made for expenditures that occurred in the fiscal year in which the scholarship was awarded.

(5) Quarterly Reports: Four (4) times a year, no later than October 30, January 30, April 30, and July 30 of each year, an eligible nonprofit scholarship-funding organization shall submit in a format to be specified by the Department an electronic list of all participating scholarship students and eligible expenditures. For purposes of the quarterly report, a participating scholarship student is one whose scholarship account has been funded in the current fiscal year.

(a) The list shall include the following information:

1. Demographic information for each student, including name, date of birth, FLEID, English Language Learner status, grade level, gender, race, and public school district attended;

2. Program award amount for each student;

3. Information on providers of services; and,

4. Total year-to-date expenditures on behalf of participating students by purpose type.

(b) No later than October 30 of each year, an eligible nonprofit scholarship-funding organization shall provide the department a report that indicates the status of participants who did not renew participation for the current fiscal year.

(c) Nothing in this rule shall limit the Department's authority to request any other information related to the scholarship program.

Rulemaking Authority 1001.02, 1002.395(13)(d), 1002.39(18), 1002.411 FS. Law Implemented 1002.411 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: : Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 18, 2018.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program

PURPOSE AND EFFECT: To remove language no longer addressed in corresponding statute. The rule is consistent with section 1002.39, Florida Statutes.

SUMMARY: Removes provisions related to the complaint and inquiry process. The complaint and inquiry provisions will be addressed in a separate rule that applies to all scholarship programs authorized under Chapter 1002, Florida Statutes.

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: No requirement for SERC was triggered pursuant to section 120.541(1), Florida Statutes and this new rule is not expected to require legislative ratification. There would be no economic impact from this amendment and the adverse impact or regulatory costs, 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: 1002.39, FS.

LAW IMPLEMENTED: 1002.39, FS.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400; (850)245-0502; adam.miller@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program.

The John M. McKay Scholarship for Students with Disabilities Program will be implemented as required by Section 1002.39, F.S., in an effective and equitable manner that will maintain the integrity of the program.

(1) through (5) No change.

(6) Private school participation. To participate in the John M. McKay Scholarship for Students with Disabilities Program, a school must:

(a) Register its intent to participate in the scholarship program with the Department using the Department’s website;

(b) Complete the annual survey of private schools required by Section 1002.42(2), F.S., using the Department’s website, and submit it to the Department in both an electronic format and by mail. The survey that is mailed to the Department must include a notarized statement verifying that the private school owner has complied with the background check requirements of Section 1002.42(2)(c), F.S.

(c) Annually meet all scholarship compliance requirements for private schools pursuant to Rule 6A-6.03315, F.A.C.

(d) Continue to adhere to all statutory and rule requirements after determined eligible to participate in the program, pursuant to Rule 6A-6.03315, F.A.C.

~~(7) Commissioner’s duties. The Commissioner may deny, suspend, or revoke a private school’s participation in the scholarship program pursuant to Section 1002.39(7), F.S.~~

~~(a) If the Commissioner issues a notice of noncompliance:~~

~~1. Private schools shall be given a reasonable period from the date of the notice, as determined by the Commissioner, to demonstrate compliance.~~

~~2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner.~~

~~3. The private school’s participation status shall be unaffected by the above notice of noncompliance process.~~

~~(b) If the Commissioner issues a notice of proposed action denying, suspending, or revoking a private school’s participation:~~

~~1. The notice shall state the reasons for the action and specify the private school’s right to appeal.~~

~~2. The private school’s participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired.~~

~~(c) If the Commissioner immediately suspends payment of scholarship funds:~~

~~1. The Commissioner shall issue a notice of proposed action suspending payment of scholarship funds to the private school;~~

~~2. The notice shall state the reasons for the suspension and the rights the private school has to appeal; and,~~

~~3. The private school's participation status will be adjusted so that it will be unable to receive payments or utilize the Department's website and its functionalities to participate in the scholarship program in any way.~~

~~(8) Complaint process. The following process is established to allow individuals to notify the Department of any violation by parents, private schools, or school districts of laws or rules related to scholarship program participation.~~

~~(a) Persons interested in filing a complaint should contact the Department through the toll free hotline, established pursuant to Section 1002.39, F.S., or through the Department's website.~~

~~(b) An initial complaint shall include, at a minimum, the complainant's name, phone number, and address, and details of the situation.~~

~~(c) After receipt of the initial complaint, the Department shall offer to provide a formal complaint form to the complainant.~~

~~(d) To register a formal complaint, the complainant must complete the formal complaint form, sign it, and mail or fax it to the Department within thirty (30) days of making the initial complaint.~~

~~(e) Upon receipt of a formal complaint, the Department shall review the complaint for legal sufficiency. If the complaint is legally sufficient, the Department shall conduct an inquiry, as described in subsection (9) of this rule, or refer the matter to the appropriate agency for investigation. If the complaint is not legally sufficient, the Department may close the complaint.~~

~~(f) The Department shall notify the complainant of the final result of all legally sufficient formal complaints.~~

~~(9) Inquiry process. If an inquiry is made as to the conduct of an individual or entity participating in the program:~~

~~(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the Department.~~

~~(b) Failure to respond to a letter of inquiry in a timely manner by:~~

~~1. A parent, then the Department shall determine the effect on student eligibility.~~

~~2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), F.S., and this rule.~~

~~3. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, the student, or private school as appropriate.~~

~~(c) The Department shall review the response to the letter of inquiry; and:~~

~~1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the parent, private school, or school district and complainant that the inquiry will be closed.~~

~~2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, school district, or conduct a site audit/inspection as appropriate.~~

~~3. If a violation of laws or rules related to scholarship program participation has been committed by:~~

~~a. A parent, then the Department shall notify the parent of any violation of laws or rules committed and any effect it will have on student eligibility.~~

~~b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.39(7), F.S., and this rule.~~

~~c. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, student, or private school as appropriate.~~

~~(d) The Department may at any point in the process set forth in this rule, refer an inquiry to the Department's Office of Inspector General or another appropriate agency for full investigation.~~

~~(e) Notwithstanding any other provision of this rule, the Commissioner may at any point before or during the inquiry process exercise the authority given under Section 1002.39(7), F.S., and this rule.~~

~~Rulemaking Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History—New 1-18-07, Amended 4-21-09, 11-12-09, 2-28-12, 7-28-15, ____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 18, 2018.

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: RULE TITLE:
6A-6.0981 Provider Approval and Renewal for Virtual Instruction Program

PURPOSE AND EFFECT: To update Forms VSP-02 Virtual Instruction Program Application for Provider Approval, and VSP-02R Virtual Instruction Program Application for Provider Renewal. Having received stakeholder input, the applications will be revised by rephrasing and deleting questions and prompts for clarity.

SUMMARY: The rule outlines the process by which organizations become approved virtual instruction program providers.

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 amendment of this rule will not have any impact on transactional costs, regulatory costs or the other factors set forth in Section 120.541(2), F.S., which are used to determine whether a SERC is needed and whether legislative ratification will be required.

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

RULEMAKING AUTHORITY: 1002.45(11), FS.

LAW IMPLEMENTED: 1002.45, FS.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandy Eggers, Virtual Education Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, Fl. 32399, Sandra.egg@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0981 Provider Approval and Renewal for Virtual Instruction Program.

(1) Purpose. Section 1002.45, F.S., requires each school district to provide ~~eligible~~ students ~~within its boundaries~~ the option to participate in a virtual instruction program. The Department of Education will provide school districts and virtual charter schools annually with a list of providers approved to offer full and part-time virtual instruction programs under this section of law.

(2)(a) Application Form. Form VSP-02, Virtual Instruction Program Application for Provider Approval (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07471>), for becoming an approved provider for the Virtual Instruction Program, will be used for those virtual education providers applying for approved status from the Department of Education. Form VSP-02 is hereby incorporated by reference and made a part of this rule to become effective ~~August 2018~~ ~~October 2016~~.

(b) Application Form. Form VSP-02R, Virtual Instruction Program Application for Provider Renewal (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07472>), for renewing an approved provider for the Virtual Instruction Program, will be used for those virtual education providers applying for renewal status from the Department of Education. Form VSP-02R is hereby incorporated by reference and made a part of this rule to become effective ~~August 2018~~ ~~October 2016~~. Copies of forms VSP-02 and VSP-02R may be obtained by contacting the Office of Independent Education and Parental Choice, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) Applications. The applications to become an approved provider or for renewal will be available at <http://www.fldoe.org/schools/school-choice/virtual-edu/approved-provider-resources/program-providers.shtml> beginning September 1 of each year for the following school year and must be accessed and submitted electronically. The deadline for filing the application is September 30.

(a) No change.

1. Initial Approval. For applicants seeking initial approval, prior successful experience shall be demonstrated as follows: Learning gains shall show the degree of student learning growth occurring from one school year to the next as required by state board rule for purpose of calculating school grades, in accordance with Section 1008.34, F.S. ~~be sufficient if they demonstrate a level of gains comparable to the level of gains that would be anticipated in a Florida public school earning a school grade of "C" or better, in accordance with Section 1008.34, F.S., or demonstrate that the applicant will likely meet the learning gains component necessary to maintain a school grade of "C" or better pursuant to Section 1002.45(8), F.S.~~ Upon an applicant's request the Department of Education shall

conditionally approve a provider who is otherwise qualified but without sufficient prior, successful experience offering online courses, to offer courses measured by statewide assessments under Section 1008.22, F.S., with a learning gains component, end-of-course assessments, or Advanced Placement (AP) examinations. Conditional approval shall be valid for one (1) school year only and, based on the provider’s subsequent experience in offering the courses under this paragraph, the Department shall determine whether to grant final approval to offer a virtual instruction program under the criteria for successful experience as outlined in this paragraph.

2. No change.

(b) In accordance with Section 1002.45(2)(a)6., F.S., the applicant must be accredited by at least one of the following K-12 regional accrediting agencies, their successors or assigns: AdvancED, Middle States Association of Colleges and Schools Commission on Elementary Schools and ~~Commission on Secondary Schools~~, New England Association of Schools and Colleges, Northwest Accreditation Commission, or Western Association of Schools and Colleges.

(c) Pursuant to Section 1002.45(2)(a)7., F.S., ~~the applicant must ensure instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide.~~ The curriculum plan must include evidence:

1. through 3. No change.

(d) The applicant will disclose on a prominent place on its website the disclosure information required under Section 1002.45(2)(a)8., F.S. Average student-teacher ratios are to be calculated ~~for full-time and part-time teachers and~~ for core and elective courses for the following grade-level bands: grades K-3, grades 4-8, and grades 9-12. The total number of students assigned to full-time teachers must be provided. Student completion rate calculations are to include all students who are enrolled for more than fourteen (14) calendar days. Student performance accountability outcomes are to include student assessment results for all students and by the following subgroups: major racial and ethnic groups, economically disadvantaged students, students with disabilities and students with limited English proficiency. “Major racial and ethnic groups” shall include those groups reported for accountability purposes under the Every Student Succeeds Act (ESSA) ~~Elementary and Secondary Education Act (ESEA)~~ in any state or, if no such prior reporting is available, shall include, at a minimum: American Indian, Asian, Black/African American, Hispanic, and White.

(4) through (6) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1002.45(11) FS. Law Implemented 1002.45 FS. History—New 11-26-08, Amended 10-21-09, 3-20-11, 12-20-11, 1-23-13, 1-1-14, 7-28-15, 10-30-16, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 25, 2018.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.0982 Florida Approved Online Course Providers

PURPOSE AND EFFECT: To update Forms VSP-03, Course Provider Approval Application; VSP-04, Application for Currently Approved Online Course Provider; and VSP-05, Course Renewal Provider Application. Having received stakeholder input, the applications will be revised by rephrasing and deleting questions and prompts for clarity.

SUMMARY: The proposed rule outlines the process by which organizations and individuals become approved to offer Florida approved virtual courses.

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: This rule will not have any impact on transactional costs, regulatory costs or the other factors set forth in Section 120.541(2), Florida Statutes, which are used to determine whether a SERC is needed and whether legislative ratification will be required.

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

RULEMAKING AUTHORITY: 1003.499(3), 1008.31, F.S.

LAW IMPLEMENTED: 1003.499, 1008.31, F.S.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandy Eggers, Virtual Education Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, FL. 32399, Sandra.Eggers@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0982 Florida Approved Online Course Providers.

(1) Purpose. Section 1003.499(2), Florida Statutes (F.S.) requires the Commissioner of Education to annually publish online a list of providers approved to offer Florida approved courses.

(2)(a) Application Form. Form VSP-03, Online Course Provider Approval Application (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08704>), for becoming an approved online course provider, will be used for those online course providers applying for approved status from the Department of Education. Form VSP-03 is hereby incorporated by reference and made a part of this rule to become effective August 2018 ~~October 2017~~.

(b) Application Form. Form VSP-04, Application for Currently Approved Online Course Provider (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08705>), for a currently approved online course provider to add new courses to their approval, will be used for online course providers applying for additional online course approval status from the Department of Education. Form VSP-04 is hereby incorporated by reference and made a part of this rule to become effective August 2018 ~~October 2017~~.

(c) Application Form. Form VSP-05, Online Course Provider Renewal Approval Application (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08706>), for renewing an approved provider, will be used for those online course providers applying for renewal approval status from the Department of Education. Form VSP-05 is hereby incorporated by reference and made a part of this rule to become effective August 2018 ~~October 2017~~. Copies of Form VSP-03, VSP-04, and VSP-05 may be obtained by contacting the Office of Independent Education and Parental Choice, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) Application. The applications to become an approved online course provider, renewal, or for new course approval will be available at <https://floridacourseprovider.fluidreview.com> beginning September 1 of each year for the following school year and must be accessed and submitted electronically. The deadline for filing the applications is September 30.

(a) Pursuant to Section 1003.499(3)(a)5., F.S., the applicant must possess prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains or student growth in each subject area and grade level provided for consideration as an instructional program option. Learning gains data for at least two (2) ~~one (1)~~ complete school years from one (1) of the following sources must be submitted for each course submitted for approval in this application:

1. At least two (2) years of cohort data from a state-administered summative assessment Florida Standards Assessments (FSA), approved to meet federal (e.g., ESSA) accountability requirements, Next Generation Sunshine State Standards, including state-administered End-of-Course (EOC) assessments (Algebra 1, Geometry, Biology 1, U.S. History, and Civics). The data will be sufficient if the proficiency rate meets or exceeds the state mean (students must attain a statewide standardized assessment score of Achievement Level 3 or higher) as stated in, Rule 6A 1.09981, F.A.C., which is incorporated by reference herein. A copy of Rule 6A 1.09981, F.A.C., may be obtained by contacting the Office of Independent Education and Parental Choice, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Equivalent subgroup credit recovery or remediation course data may be considered in determining the equivalency with the state mean, if provided.

For course subjects not addressed by state assessments:

2. At least two (2) years of cohort data from nationally standardized summative achievement tests or nationally standardized interim assessments with multiple assessments to measure learning gains (nationally norm-referenced tests approved by the Department pursuant Rule 6A 6.0960, F.A.C.). The demonstrated gains will be sufficient if either proficiency rate or gains rate meet or exceed the national mean for the specific test. Equivalent subgroup or credit recovery or remediation course data may be considered in determining the equivalency with the national mean, if provided. At a minimum, Provider must provide data from category 1 or 2 in language arts and mathematics. The following evidence of learning gains must be submitted for all other subject areas and grade levels:

3. At least two (2) years of cohort data from teacher developed End-of-Course assessments or semester examinations; or Proctored EOC assessments or semester examinations. Electronic proctoring with appropriately identified students is acceptable. Demonstrated gains will be sufficient if the pass rate on the proctored EOC examination meets or exceeds seventy (70%) percent.

4. At least two (2) years of cohort data from pre- and post-assessments delivered for a course, which assessment is not covered under another category.

(b) through (c) No change.

(4) through (7) No change.

Rulemaking Authority 1003.499, 1008.31 FS. Law Implemented 1003.499, 1008.31 FS. History—New 12-23-14, Amended 7-28-15, 10-30-16, 10-17-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 25, 2018.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.03315 Private School Scholarship Compliance

PURPOSE AND EFFECT: To implement new accountability provisions for private schools participating in a state scholarship program, pursuant to section 1002.421, F.S. The rule is consistent with section 1002.421, F.S.

SUMMARY: Update the Scholarship Compliance Form (IEPC SCF-1), update and revise the requirements and process for initial eligibility to participate in the program, update and revise the renewal requirements and process, implement deadlines for schools to apply to participate in the scholarship program, specify a formal complaint and inquiry process and incorporate the complainant Statement form (IEPC-CS1).

SUMMARY: Update the Scholarship Compliance Form (IEPC SCF-1), update and revise the requirements and process for initial eligibility to participate in the program, update and revise the renewal requirements and process, implement deadlines for schools to apply to participate in the scholarship program, specify a formal complaint and inquiry process and incorporate the complainant Statement form (IEPC-CS1).

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: No requirement for SERC was triggered pursuant to section 120.541(1), F.S. There would be no economic impact

from this amendment and the adverse impact or regulatory costs, 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), F.S., and is not expected to 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: 1002.421, F.S.

LAW IMPLEMENTED: 1002.421, F.S.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Executive Director, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400; (850)245-0502; adam.miller@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03315 Private School Scholarship Compliance. ~~Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Program Compliance Form for Private School Participants in State Scholarship Programs (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06293>), hereinafter Scholarship Compliance Form, which is hereby incorporated by reference to become a part of this rule effective ~~August 2018~~ February 2016.~~

(1) Definitions related to this rule and the Scholarship Compliance Form:

(a) Scholarship Programs: State school choice scholarship programs authorized in Chapter 1002, F.S.

~~(b)(a)~~ Renewing school – A school ~~Schools~~ that had scholarship students during the current or previous school year.

~~(c)(b)~~ New school – A school ~~Schools~~ that did not have scholarship students during the current or previous school year. A school removed from the program pursuant to a Notice of Proposed Action from the Commissioner may not reapply during the same school year it was removed from the program. In addition, a school that had scholarship students during the current or previous school year but is opening an additional location may apply as a new school for that location only.

(d)(e) Regular and direct contact – A program of instruction that provides for a minimum of one hundred seventy (170) actual school instruction days with the required instructional hours (determined by grade level per state board Rule 6A-1.09512, F.A.C.) under the direct instruction of the private school teacher at the school's approved physical location. This may include with occasional off-site activities including the McKay Scholarship Program transition-to-work plan under the supervision of the private school teacher.

(e)(d) School's physical location – The location where regular and direct contact with the private school teacher occurs which has met and must meet applicable state and local health, safety, and welfare laws, codes, and rules.

(2) Renewing schools- must comply with the following process to renew eligibility for the upcoming school year.

(a) Complete and submit a signed and notarized annual survey, pursuant to section 1002.42, F.S., by May 1.

(b) Annually complete and submit a signed and notarized Scholarship Compliance Form. The signed, notarized Scholarship Compliance Form must be postmarked by March 1 of each year for participation in the subsequent school year. Following the timely submission of the Scholarship Compliance Form, any outstanding compliance issues, ~~including submission of the annual survey required by section 1002.42, F.S.,~~ must be resolved by the private school on or before May 1 of each year or within forty-five (45) days of ~~intial receipt~~ of notification from the Department of any noncompliance issue, whichever is later, for the school to remain eligible to participate in the scholarship programs. ~~Renewing schools as a part of the renewal process are required to have a review of compliance documentation every third year. The Department shall mail notice to renewing schools subject to the compliance documentation review by December 1 of each year. This does not limit the Department's ability to request compliance related documentation at other times.~~

(c) Ensure physical location has a current satisfactory health inspection and current satisfactory fire inspection and submit the inspections to the Department.

(d) Every third consecutive year of participation, a renewing private school must also submit the following:

1. Documentation from the Florida Division of Corporations establishing ownership of the private school.

2. Documentation demonstrating the school has a satisfactory Radon inspection, if applicable.

3. School policies establishing standards of ethical conduct from instructional personnel and school administrators.

4. Surety bond or letter of credit, if required by section 1002.421, F.S.

5. Copy of the results of state and national criminal history check for each owner or operator of the school, as defined by section 1002.421, F.S.

(3) New schools.

(a) New schools, as defined in this rule, must submit the following documentation to the Department to establish eligibility for participation in the scholarship programs.

1. Current notarized annual survey, pursuant to section 1002.42, F.S.

2. Signed and notarized Scholarship Compliance Form. ~~When the signed, notarized Scholarship Compliance Form is submitted by a new school, the school shall have sixty (60) days to resolve any outstanding compliance issues, including submission of the annual survey required by section 1002.42, F.S., to become eligible to participate in the scholarship programs. If the outstanding issues have not been resolved after sixty (60) days, the application shall be administratively closed. The application can be reopened, at any time during the same school year, by request of the private school. At no time can a new private school that has not met and adequately demonstrated compliance with all requirements, register or enroll scholarship students.~~

3. Copy of the results of state and national criminal history check for each owner or operator of the school, as defined by section 1002.421, F.S.

4. Documentation from the Florida Division of Corporations establishing ownership of the private school.

5. Current satisfactory health inspection report.

6. Current satisfactory fire inspection report.

7. Documentation demonstrating the school has a satisfactory Radon inspection, if applicable.

8. Surety bond or letter of credit, if required by section 1002.421, F.S.

9. School policies establishing standards of ethical conduct for instructional personnel and school administrators.

10. School fee schedule, if applicable.

(b) Upon review and approval of the documentation identified in paragraph (3)(a) of this rule, the Department will schedule and conduct a site visit at the school's physical location. Beginning in the 2019-2020 school year, a private school is ineligible to receive scholarship payments until a satisfactory site visit has been conducted by the Department.

(c) The following deadlines are established for schools entering a scholarship program in the 2019-2020 school year and each year thereafter. To be eligible to participate in a scholarship program a school must submit a signed and notarized Scholarship Compliance Form no later than October 1 and all outstanding compliance issues pertaining to documentation identified in paragraph (3)(a) of this rule are to be resolved by December 1. A school that fails to meet either of these deadlines may not participate in the scholarship program until the subsequent school year.

(4) The Department may administratively close an application for participation in the state scholarship programs if

a school fails to submit all the required documentation within sixty (60) days of submission of the Scholarship Compliance Form. The Scholarship Compliance Form delineates private school reporting requirements specified pursuant to Section 1002.42, F.S., and statutory and regulatory requirements related to the areas of school location and contact information; school ownership; affiliation; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of the scholarship compliance form.

(5) No change.

(6) Complaint process. The following process is established to allow individuals to notify the Department of any alleged violation by a parent, a student, a private school, a public school or a school district, an organization, a provider, or another appropriate party of state laws or rules related to scholarship program participation.

(a) Persons interested in filing a complaint should contact the Department through the toll-free hotline, 800-447-1636, established pursuant to section 1002.421, F.S., or through the Department's website, www.floridaschoolchoice.org, to receive a copy of the Complainant Statement form, Form IEPC-CS1. Form IEPC-CS1 (DOE link) is hereby incorporated by reference, effective August 2018.

(b) The complainant must complete the Complainant Statement form, sign it and submit to the Department.

(c) Upon receipt of a completed and signed Complainant Statement form, the Department shall review to determine if reasonable cause exists to believe that a violation of law or rule has occurred.

(d) If the Department determines that reasonable cause exists, it shall conduct an inquiry, as described in subsection (7) of this rule, or refer the matter to the appropriate agency for investigation. If the Department determines that the information provided by the complainant does not establish reasonable cause, the Department may close the complaint.

(7) Inquiry process.

(a) A letter of inquiry will be delivered using regular and certified mail to provide notification to the individual or entity that an inquiry has been opened and provide the opportunity to respond. The letter of inquiry shall detail alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the Department.

(b) Failure to respond to a letter of inquiry in a timely manner may result in the Department initiating any of the actions as authorized by sections 1002.421(3), or 1002.385(10), F.S., as applicable.

(c) Upon review of the documentation requested pursuant to paragraph (7)(a) of this rule, the Department may take one of the following actions:

1. If the Department cannot establish that a violation of laws or rules related to scholarship program participation occurred, the Department shall notify the parent, student, private school, public school or school district, organization, provider, or other party and complainant that the inquiry will be closed.

2. If more information is needed, the Department may request additional information related to the inquiry from the complainant, parent, student, private school, public school or school district, organization, provider, or other party, or conduct a site visit as appropriate.

3. If the Department establishes that a violation of laws or rules related to scholarship program participation has occurred, the Department may initiate any of the actions permitted by sections 1002.421(3), or 1002.385(10), F.S., as applicable.

(d) The Department may at any point in the process set forth in this rule, refer an inquiry to the Department's Office of Inspector General or another appropriate agency for full investigation.

(e) Notwithstanding any other provision of this rule, the Commissioner may at any point before or during the inquiry process exercise the authority given under sections 1002.421(3), 1002.385(10), F.S., and this rule.

Rulemaking Authority 1001.02, 1002.385, 1002.39, 1002.395, 1002.40, 1002.411, 1002.42, 1002.421 FS. Law Implemented 1002.385, 1002.39, 1002.395, 1002.40, 1002.421, 1002.42, 1002.421, 1003.22, 1003.23 FS. History—New 10-13-04, Amended 9-20-05, 1-18-07, 1-5-09, 10-25-10, 2-9-16, 4-9-18, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 25, 2018.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.07861 Model Forms for Charter Technical Career Center Applicants and Sponsors

PURPOSE AND EFFECT: To implement forms for charter technical career centers, including the Model Florida Charter Technical Career Center Application and Florida Charter Technical Career Center Evaluation Instrument, pursuant to s. 1002.34, F.S. The effect will be a rule that is aligned with Florida Statutes.

SUMMARY: This rule provides the process and forms for the implementation of charter technical career centers authorized under s. 1002.34, F.S. The form adopted in this rule must be used for an initial charter application or renewal. The evaluation instrument must be used by chartering entities to evaluate the application.

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 rule is not expected to have any impact on the factors found in 120.541(2)(a), F.S., because it provides a standard process for the application for new charter technical career centers, in compliance with all application statutes that govern the programs offered by these institutions, and 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: 1002.34, FS.

LAW IMPLEMENTED: 1002.34, FS.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, FL 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, Room 744, Tallahassee, Florida 32399-0400, (850)245-9001 or via email: Tara.Goodman@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.07861- Forms for Charter Technical Career Center Applicants and Sponsors.

(1) Persons or entities submitting a charter school application must use Form CTCCAPP1, Model Florida Charter Technical Career Center Application, effective August 2018 (DOS link), pursuant to section 1002.34, F.S., Form CTCCAPP1 is hereby incorporated by reference and may be

obtained electronically on the Department's website at <http://www.fldoe.org/academics/career-adult-edu/career-adult-edu-technical-assistance-stml> or from the Division of Career and Adult Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Sponsors shall evaluate Model Florida Charter Technical Career Center Applications using Form CTCCEVAL1, Model Florida Charter Technical Career Center Evaluation Instrument, effective August 2018 (DOS link). Form CTCCEVAL1 is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.fldoe.org/academics/career-adult-edu/career-adult-edu-technical-assistance-stml> or from the Division of Career and Adult Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

Rulemaking Authority 1002.34, FS. Law Implemented 1002.34, F.S. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rod Duckworth, Chancellor, Division of 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: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 18, 2018.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: RULE TITLES:

- 59A-12.016 Definitions for the Managed Care Ombudsman Committees
- 59A-12.017 The Agency for Health Care Administration's Responsibilities
- 59A-12.018 The District Managed Care Ombudsman Committees Responsibilities
- 59A-12.019 The Statewide Managed Care Ombudsman Committee Responsibilities
- 59A-12.020 Statewide Provider and Subscriber Assistance Program Forms

PURPOSE AND EFFECT: The Agency is proposing to repeal rules within Rule Chapter 59A-12, F.A.C., pursuant to changes via SB 622 (sections 115 and 118 – 123) passed during the 2018 legislative session.

SUMMARY: The Agency is proposing to repeal four rules (59A-12.016, .017, .018, and .019, F.A.C.) governing the Managed Care Ombudsman Committees as the Managed Care Ombudsman was repealed pursuant to SB 622 (sections 118-123). In addition, the Agency will repeal another rule within Rule Chapter 59A-12 (59A-12.020, F.A.C.) governing the

Subscriber Assistance Program as it was also repealed pursuant to SB 622 (section 115). These repeals will have an effective date of July 1, 2018.

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 no SERC is required and that no legislative ratification pursuant to subsection 120.541(3), F.S. is required based upon the Agency’s review of information at the time of analysis and the preparation of a checklist for each rule to determine the need for the creation of a SERC.

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 no SERC is required and that no legislative ratification pursuant to subsection 120.541(3), F.S. is required based upon the Agency’s review of information at the time of analysis and the preparation of a checklist for each rule to determine the need for the creation of a SERC.

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

RULEMAKING AUTHORITY: 408.15, 641.70, FS.

LAW IMPLEMENTED: 408.7056, 641.70, FS.

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

DATE AND TIME: July 13, 2018, from 8:30 a.m. to 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marisol Fitch, Bureau of Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4346 and Marisol.fitch@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: Marisol Fitch, (850)412-4346, email: Marisol.fitch@ahca.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-12.016 Definitions for the Managed Care Ombudsman Committees.

Rulemaking Authority 641.70 FS. Law Implemented 641.70 FS. History–New 12-13-98. Repealed 7-1-18.

59A-12.017 The Agency for Health Care Administration’s Responsibilities.

Rulemaking Authority 641.70 FS. Law Implemented 641.70 FS. History–New 12-13-98. Repealed 7-1-18.

59A-12.018 The District Managed Care Ombudsman Committees Responsibilities.

Rulemaking Authority 641.70 FS. Law Implemented 641.70 FS. History–New 12-13-98. Repealed 7-1-18.

59A-12.019 The Statewide Managed Care Ombudsman Committee Responsibilities.

Rulemaking Authority 641.70 FS. Law Implemented 641.70 FS. History–New 12-13-98. Repealed 7-1-18.

59A-12.020 Statewide Provider and Subscriber Assistance Program Forms.

Rulemaking Authority 408.15 FS. Law Implemented 408.7056 FS. History–New 9-17-00. Repealed 7-1-18.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marisol Fitch

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin M. Senior

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 6/1/2018

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-3.001 RULE TITLE: Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise the incorporated application form to reflect an approved reduction of the application and licensure fees.

SUMMARY: The incorporated application form will be revised to reflect an approved reduction of the application and licensure fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 456.013, 456.0635, 491.005, 491.006, 491.0065 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: Jennifer Wenhold, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

Every applicant for licensure as a clinical social worker, marriage and family therapist or mental health counselor shall submit to the Board a completed application on Form DH-MQA 1174, Application for Licensure (revised ~~02/18~~ 07/16), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-07406>, or the web at <http://www.floridasmentalhealthprofessions.gov/resources>.

The application shall be accompanied with the application fee and the initial licensure fee.

(1) through (2) No change.

Rulemaking Authority 491.004(5) FS. Law Implemented 456.013, 456.0635, 491.005, 491.006, 491.0065 FS. History—New 7-6-88, Amended 1-28-91, 11-3-92, Formerly 21CC-3.001, 61F4-3.001,

Amended 11-13-96, Formerly 59P-3.001, Amended 6-8-09, 2-24-10, 4-4-13, 5-12-16, 9-1-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 9, 2018

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NOS.: RULE TITLES:

64B4-4.002 Application, Examination and Initial Active Status License Fee for Licensure by Examination

64B4-4.005 Biennial Licensure Fee

PURPOSE AND EFFECT: For Rule 64B4-4.002, F.A.C., the Board proposes the rule amendment to reduce the application and initial licensure fees and to eliminate references to examination in the title of the rule. For Rule 64B4-4.005, F.A.C., the Board proposes the rule amendment to reduce the biennial licensure fee.

SUMMARY: For Rule 64B4-4.002, F.A.C., references to examination in the title of the rule will be eliminated and application and initial licensure fees will be reduced. For Rule 64B4-4.005, F.A.C., the biennial licensure fee will be reduced. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.025(1), 491.004(5), 491.005, 491.007(1) FS.

LAW IMPLEMENTED: 456.025(1), 491.005, 491.007(1) 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: Jennifer Wenhold, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.002 Application, ~~Examination~~ and Initial Active Status License Fee for Licensure ~~by Examination.~~

(1) The fees for application, ~~examination~~ and initial active status licensure are:

~~(a) Clinical Social Work— \$100 application fee and \$75-105 initial licensure fee for a total of \$175-205.~~

~~(b) Marriage and Family Therapy— \$100 application fee and \$105 initial licensure fee. The above stated fees shall also be applicable to dual licensure applicants.~~

~~(c) Mental Health Counseling— \$100 application fee and \$105 initial licensure fee for a total of \$205.~~

(2) No change.

Rulemaking Authority 491.004(5), 491.005 FS. Law Implemented 491.005 FS. History—New 4-3-89, Amended 4-19-92, Formerly 21CC-4.002, 61F4-4.002, Amended 12-22-94, 7-6-95, 1-7-96, 3-5-96, Formerly 59P-4.002, Amended 1-25-98, 10-18-99, 8-9-00, 10-9-00, 10-15-02, 2-5-09, 5-11-10, _____.

64B4-4.005 Biennial Licensure Fee.

The biennial licensure fee for a clinical social worker license, marriage and family therapist license and mental health counselor license shall be ~~\$115-125~~ each.

Rulemaking Authority 456.025(1), 491.004(5), 491.007(1) FS. Law Implemented 456.025(1), 491.007(1) FS. History—New 4-3-89, Amended 2-25-90, 6-1-92, Formerly 21CC-4.005, Amended 1-9-94, Formerly 61F4-4.005, 59P-4.005, Amended 10-9-00, 9-6-04, 6-7-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 9, 2018

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NOS.: RULE TITLES:

64B4-4.003 Application Fee for Licensure by Endorsement

64B4-4.013 Initial Licensure Fee

PURPOSE AND EFFECT: The Board proposes the repeal of the rules due to being duplicative and unnecessary.

SUMMARY: The rules will be repealed due to being duplicative and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013(2), 456.025(1), (3), 491.004(5), 491.006(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), (3), 491.005, 491.006 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: Jennifer Wenhold, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.003 Application Fee for Licensure by Endorsement.
 Rulemaking Authority 456.025(3), 491.004(5), 491.006(1) FS. Law Implemented 456.025(3), 491.006 FS. History—New 4-3-89, Formerly 21CC-4.003, 61F4-4.003, 59P-4.003, Amended 10-9-00, 4-4-13, Repealed _____.

64B4-4.013 Initial Licensure Fee.
 Rulemaking Authority 456.013(2), 456.025(1), 491.004(5) FS. Law Implemented 456.013(2), 456.025(1), 491.005, 491.006(1) FS. History—New 6-1-92, Formerly 21CC-4.013, Amended 1-9-94, Formerly 61F4-4.013, 59P-4.013, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2018

DEPARTMENT OF HEALTH
Division of Environmental Health

RULE NOS.: 64E-3.002 64E-3.0034
 RULE TITLES: Definitions Specialty Technologists
 PURPOSE AND EFFECT: To amend rules to include current practice standards for radiologic technologists issued by the American Society of Radiologic Technologists (ASRT) last year, and to approve and recognize the Nuclear Medicine Technology Certification Board’s (NMTCB) new Computed Tomography (CT) certification as acceptable for endorsement in Florida and to clarify the criteria required for proof of certification, as recommended by the Advisory Council on Radiation Protection.

SUMMARY: The rule amendment updates the practice standards for radiologic technologists, clarifies proof of certification for general and specialty technologists, and adopts ARRT and NMTCB for Computed Tomography.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the SERC checklist, this rulemaking will not have an adverse impact on regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a), F.S. Any person who wishes to provide information regarding 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: 468.302, 468.303 FS
 LAW IMPLEMENTED: 468.302(2)(h), (3)(g)(i) FS
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brenda Andrews, Bureau of Radiation Control, 4025 Bald Cypress Way, Bin C-21, Tallahassee, FL 32399-1741, (850)901-6568 or Brenda.Andrews@FIHealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-3.002 Definitions.
 (1) through (8) No change.
 (9) “Practice of radiologic technology” means the performance of activities requiring special knowledge and skills, including positioning, technique, safe operation of radiation equipment and radiation protection.

(a) For a general radiographer, the practice is further specified in the “Radiography Practice Standards” issued June 25, 2017, by the American Society of Radiologic Technologists, which is incorporated herein by reference and can be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, or <http://www.doh.state.fl.us/mqa/rad-tech>.

(b) For a nuclear medicine technologist, the practice is further specified in the “Nuclear Medicine Practice Standards” issued June 25, 2017, by the American Society of Radiologic Technologists, which is incorporated herein by reference and can be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, or <http://www.doh.state.fl.us/mqa/rad-tech>.

(c) For a radiation therapy technologist, the practice is further specified in the “Radiation Therapy Practice Standards” issued June 25, 2017, by the American Society of Radiologic Technologists, which is incorporated herein by reference and can be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, or <http://www.doh.state.fl.us/mqa/rad-tech>.

(10) through (14) No change.
 Rulemaking Authority 468.303 FS. Law Implemented 381.0034, 468.302(3)(a), (b), 468.303, 468.304 FS. History—New 4-10-85, Formerly 10D-74.42, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D-74.042, Amended 7-16-02, 3-4-08, _____.

64E-3.0034 Specialty Technologists.

(1) An applicant for specialty technologist certification shall submit an application to the department as specified in Rule 64E-3.003, F.A.C., and pay the required fee for endorsement, and submit proof of current certification from an approved national organization in an advanced, post-primary, or specialty area of radiologic technology. Such proof shall be an unexpired wallet card bearing the organization's name, the expiration date, the applicant's certification number, the applicant's name and the applicant's area of certification.

(2) The following are approved as national organizations for certain advanced, post-primary or specialty areas of radiologic technologist certification, and for the technologists' duties (also known as practice standards). ~~In all cases, proof of current certification by a national organization shall be an unexpired wallet card bearing the organization's name, the applicant's name and the applicant's area of certification:~~

(a) ~~National Organizations for Computed Tomography and Mammography.~~

1. The American Registry of Radiologic Technologists (ARRT) and the Nuclear Medicine Technology Certification Board (NMTCB) for the Computed Tomography (CT) and ~~Mammography (M)~~ area areas of certification.

2. The American Society of Radiologic Technologists (ASRT) for the respective ~~Computed Tomography (CT), and M~~ practice standards.

(b) Mammography.

1. The American Registry of Radiologic Technologists (ARRT) for the Mammography (M) area of certification.

2. The American Society of Radiologic Technologists (ASRT) for the Mammography (M) practice standards.

~~(c)(b) National Organization for Positron Emission Tomography.~~

1. through 2. No change.

(3) The title, initials and duties for specialty technologists certified by the department are as follows:-

(a) Computed Tomography.

1. For a person who is currently registered by the ARRT, ~~or certified by the NMTCB,~~ in Computed Tomography, the title is Certified Radiologic Technologist – Computed Tomography (CT) and the initials are CRT-CT.

2. The duties of the CRT-CT are those contained in the June 25, 2017 ~~June 19, 2014~~ ASRT "Computed Tomography Practice Standards," which is incorporated herein by reference and can be obtained ~~from the internet~~ at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02745>, or <http://www.doh.state.fl.us/mqa/rad-tech>.

(b) Mammography.

1. For a person who holds current registration from the ARRT in Mammography, the title is Certified Radiologic Technologist – Mammography (M) and the initials are CRT-M.

2. The duties of the CRT-M are those contained in the June 25, 2017 ~~July 1, 2012~~, ASRT "Mammography Practice Standards," which is incorporated herein by reference and can be obtained ~~from the internet~~ at <http://www.flrules.org/Gateway/reference.asp?No=Ref-02746>, or <http://www.doh.state.fl.us/mqa/rad-tech>.

(c) Positron Emission Tomography.

1. For a person who holds current certification from the NMTCB in Positron Emission Tomography, the title is Certified Radiologic Technologist – Positron Emission Tomography (PET) and the initials are CRT-PET.

2. The duties of the CRT-PET are those contained in the January 26, 2013, SNMMI "Positron Emission Tomography (PET) Technologist Scope of Practice and Performance Standards," which is herein incorporated by reference and can be obtained ~~from the internet~~ at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04021>, or <http://www.doh.state.fl.us/mqa/rad-tech>.

Rulemaking Authority 468.302, 468.303 FS. Law Implemented 468.302(2)(h), (3)(i) FS. History—New 6-11-13, Amended 4-20-14, 4-27-16, 11-5-17, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Cynthia Becker, Bureau Chief, Bureau of Radiation Control

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Celeste Philip, MD, MPH, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 04, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 3, 2018

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.:	RULE TITLES:
69V-40.002	Adoption of Forms
69V-40.0312	Application Procedure for Loan Originator License
69V-40.0313	Loan Originator License Renewal and Reactivation

PURPOSE AND EFFECT: The Office of Financial Regulation proposes to amend existing rules to conform to and implement Chapter No. 2018-7, Laws of Florida (Military Fee Waiver), which was signed into law on March 14, 2018. The legislation requires the Financial Services Commission to implement certain parts of the military fee waiver provision by rule.

SUMMARY: The amended rules set out to provide fee waiver procedures for military personnel, veterans, and spouses seeking loan originator licensure or renewal of loan originator licensure.

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 expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge 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: 494.0011, 494.00312(8), 494.00313(4) FS.

LAW IMPLEMENTED: 494.0011, 494.00312(8), 494.00313(4) 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: Sheila Harley, (850)410-9716, sheila.harley@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-40.002 Adoption of Forms.

(1)(a) No change.

(b) Florida Forms:

1. Mortgage Brokerage Deposit Account Form, Form OFR-494-09, effective March 23, 2008,

2. Mortgage Brokerage Transaction and Lending Journal, Form OFR-494-10, effective March 23, 2008,

3. Calculation of Aggregate Value of Mortgage Loans Serviced, Form OFR-494-11, effective March 23, 2008,

4. Noninstitutional Investor’s Funds Account Form, Form OFR-494-12, effective March 23, 2008.

5. Declaration of Intent to Engage Solely in Loan Processing, Form OFR-494-13, effective October 1, 2010.

6. Form OFR-MIL, effective XX-XXXX, and incorporated by reference in Rules 69V-40.0312 and 69V-40.0313, F.A.C., and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(2) No change.

Rulemaking Authority 494.0011(2)(a), 494.001(1), (2)(b), 494.0016(4), 494.00312(2), 494.00312(8), 494.00313(1), 494.00313(4), 494.00321(2), 494.00322(1), 494.00331(2), 494.0036(2), 494.00611(2), 494.00612(1), 494.0066(2) FS. Law Implemented 494.0016, 494.00312, 494.00313, 494.00321, 494.00322, 494.00331, 494.0036, 494.00611, 494.00612, 494.0066 FS. History–New 3-23-08, Amended 12-25-08, 10-1-10, 11-30-15, Amended.

69V-40.0312 Application Procedure for Loan Originator License.

(1) through (6) No change.

(7) Persons wishing to obtain a waiver of licensure fees as set forth in s. 494.00312(8), F.S., shall submit to the Office of Financial Regulation, via electronic filing through the Registry, a completed Form OFR-MIL, effective XX-XXXX, which is hereby incorporated by reference, and also incorporated by reference in Rule 69V-40.002, F.A.C., and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Such form must be submitted within one hundred eighty (180) days after payment of licensure fees. For the complete processing of FORM OFR-MIL, a loan originator application must be deemed received pursuant to the provisions of s. 494.00312(3), F.S.

Rulemaking Authority 494.0011(2), 494.00312(2), 494.00312(8), 494.00313(4) FS. Law Implemented 494.0011(2), 494.00312, 494.00313 FS. History–New 10-1-10, Amended 11-9-15, 11-24-16, Amended.

69V-40.0313 Loan Originator License Renewal and Reactivation.

(1) through (5) No change.

(6) Persons wishing to obtain a waiver of licensure fees as set forth in s. 494.00313(4), F.S., shall submit to the Office of Financial Regulation, via electronic filing through the Registry, a completed Form OFR-MIL, effective XX-XXXX, which is hereby incorporated by reference, and also incorporated by reference in Rule 69V-40.002, F.A.C., and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. For complete processing, Form OFR-MIL must be submitted within one hundred eighty (180) days after payment of renewal fees.

Rulemaking Authority 494.0011(2), 494.00312(8), 494.00313, 494.00313(4) FS. Law Implemented 494.0011(2), 494.00312(8), 494.00313 FS. History–New 10-1-10, Amended 11-30-15, 11-24-16, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Gregory C. Oaks, Director, Division of Consumer Finance

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 24, 2018

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.:	RULE TITLE:
69W-600.002	Application for Registration as Associated Person (FINRA Dealer)
69W-600.0022	Application for Registration as an Associated Person (Non-FINRA Dealer)
69W-600.0023	Application for Registration as an Associated Person (Issuer/Dealer)
69W-600.0024	Application for Registration as an Associated Person (Investment Adviser and Federal Covered Advisor)

PURPOSE AND EFFECT: The Office of Financial Regulation proposes to amend existing rules to conform to and implement Chapter No. 2018-7, Laws of Florida (Military Fee Waiver), which was signed into law on March 14, 2018. The legislation requires the Financial Services Commission to implement certain parts of the military fee waiver provision by rule.

SUMMARY: The amended rules set out to provide fee waiver procedures for military personnel, veterans, and spouses seeking registration or renewal of registration as any of the following: a principal or associated person of dealers who are members of the Financial Industry Regulatory Authority (FINRA), a principal or associated person of dealers who are not members of the Financial Industry Regulatory Authority (FINRA), a principal or associated person of an issuer/dealer; or an associated person of investment advisers and federal covered advisers.

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 expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge 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: 517.03(1), 517.12(10)(b), 517.12(11)(b) FS.

LAW IMPLEMENTED: 517.03, 517.12 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: Ryann White, (850)410-9803, ryann.white@fiofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.002 Application for Registration as Associated Person (FINRA Dealer).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form U-4 (05/2009). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.

2. Statutory fee, for each application, in the amount as required by Section 517.12(10), F.S.

3. Persons requesting a fee waiver as set forth in s. 517.12(10), F.S., shall submit Form OFR-MIL. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Form OFR-MIL shall be submitted within one hundred eighty (180) days after receipt of the application.

~~4.3.~~ Evidence of examinations/qualifications set forth in subsection (6) of this rule.

~~5.4.~~ Fingerprints shall be submitted in accordance with Section 517.12(7), F.S., and subsection (7) of this rule.

(2) through (7) No change.

(8) Renewal Requirement.

(a) through (b) No change.

(c) Persons requesting a fee waiver as set forth in s. 517.12(11) F.S., shall submit Form OFR-MIL. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Form OFR-MIL shall be submitted within one hundred eighty (180) days after receipt of the renewal fees.

(9) through (11) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, 11-22-10, 5-29-12, 11-11-13, 12-29-15, _____.

69W-600.0022 Application for Registration as Associated Person (Non-FINRA Dealer).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form U-4 (05/2009), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.

2. Statutory fee, for each application, in the amount as required by Section 517.12(10), F.S.

3. Persons requesting a fee waiver as set forth in s. 517.12(10), F.S., shall submit Form OFR-MIL. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Form OFR-MIL shall be submitted within one hundred eighty (180) days after receipt of the application.

~~4.3.~~ Evidence of examinations/qualifications set forth in subsection (6) of this rule.

~~5.4.~~ Fingerprints shall be submitted in accordance with Section 517.12(7), F.S., and subsection (7) of this rule.

(2) through (7) No change.

(8) Renewal Requirement.

(a) through (b) No change.

(c) Persons requesting a fee waiver as set forth in s. 517.12(11) F.S., shall submit Form OFR-MIL. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Form OFR-MIL shall be submitted within one hundred eighty (180) days after receipt of the renewal fees.

(9) through (10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History–New 12-29-15, Amended _____.

69W-600.0023 Application for Registration as Associated Person (Issuer/Dealer).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form U-4 (05/2009), which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.

2. Statutory fee, for each application, in the amount as required by Section 517.12(10), F.S.

3. Persons requesting a fee waiver as set forth in s. 517.12(10), F.S., shall submit Form OFR-MIL. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Form OFR-MIL shall be submitted within one hundred eighty (180) days after receipt of the application.

~~4.3.~~ Evidence of examinations/qualifications set forth in subsection (6) of this rule.

~~5.4.~~ Fingerprints shall be submitted in accordance with Section 517.12(7), F.S., and subsection (7) of this rule.

(2) through (7) No change.

(8) Renewal Requirement.

(a) through (b) No change.

(c) Persons requesting a fee waiver as set forth in s. 517.12(11) F.S., shall submit Form OFR-MIL. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Form OFR-MIL shall be submitted within one hundred eighty (180) days after receipt of the renewal fees.

(9) through (10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History–New 12-29-15, Amended _____.

69W-600.0024 Application for Registration as Associated Person (Investment Adviser and Federal Covered Adviser).

(1) New Applications.

(a) No change.

(b) An application shall include the following:

1. Form U-4 (05/2009). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06089>.

2. Statutory fee, for each application, in the amount as required by Section 517.12(10), F.S.

3. Persons requesting a fee waiver as set forth in s. 517.12(10), F.S., shall submit Form OFR-MIL. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Form OFR-MIL shall be submitted within one hundred eighty (180) days after receipt of the application.

~~4.3.~~ Evidence of examinations/qualifications set forth in subsection (6) of this rule.

~~5.4.~~ Fingerprints shall be submitted in accordance with Section 517.12(7), F.S., and subsection (7) of this rule.

(2) through (7) No change.

(8) Renewal Requirement.

(a) through (b) No change.

(c) Persons requesting a fee waiver as set forth in s. 517.12(11) F.S., shall submit Form OFR-MIL. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. Form OFR-MIL shall be submitted within one hundred eighty (180) days after receipt of the renewal fees.

(9) through (10) No change.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History–New 12-29-15, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Lee Kell, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 24, 2018

Section III
Notice of Changes, Corrections and
Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NOS.: RULE TITLES:
2A-9.002 Grant Eligibility
2A-9.004 Funding Requirements
2A-9.008 Crime Watch Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 44 No. 109, June 5, 2018 issue of the Florida Administrative Register has been withdrawn.

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on June 18, 2018, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code, from Miss Saigon Deli LLC located in Titusville. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:

61G6-6.001 Certification Examination Requirements

NOTICE IS HEREBY GIVEN that on June 12, 2018, the Electrical Contractors' Licensing Board, received a petition for variance or waiver filed by Victor Loth. Petitioner is seeking a variance or waiver of subsection 61G6-6.001(4), Florida Administrative Code, which requires an applicant shall be required to achieve a score of a general average of not less than seventy-five percent (75%) on each of the two parts in order to pass the examination and be certified for licensure. When a cut off score contains a fraction of a percentage point of one-half (.5) or higher that score will be raised to the next highest whole number. When a cut off score contains a fraction of a percentage point of less than one-half (.5) that score will be lowered to the next lowest whole number. There shall not be a practical or clinical examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ruthanne Christie, Executive Director, Electrical Contractors' Licensing Board, 2601 Blair Stone Rd, Tallahassee, FL 32399-0751. Comments on this petition should be filed with the Electrical Contractors' Licensing Board at the above address, within 14 days of publication of this notice.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(21)(b), F.A.C. for SP Downs, LLC, granting an extension of the Firm Commitment Deadline from September 18, 2018 to January 5, 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 16, 2018 and notice of the receipt of petition was published on May 17, 2018 in Vol. 44, Number 97, F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(21)(b), F.A.C. for West River Phase 1A, LP, granting an extension of the approved Credit Underwriting report deadline from July 5, 2018 to August 15, 2018. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 18, 2018 and notice of the receipt of petition was published on May 21, 2018 in Vol. 44, Number 99, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(21)(b), F.A.C. for Lake Beulah, Ltd., granting an extension of the Firm Commitment Deadline from July 5, 2018 to September 18, 2018. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 18, 2018 and notice of the receipt of petition was published on May 21, 2018 in Vol. 44, Number 99, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-21.003(1)(b), F.A.C. for Ovation Housing, LLLP, to allow the remaining 0.88% of the 15% equity required at closing to be paid by June 14, 2018. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the

waiver was not granted. The petition was filed on May 18, 2018 and notice of the receipt of petition was published on May 21, 2018 in Vol. 44, Number 99, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(21)(b), F.A.C. for Emerald Villas Phase Two, LLC, granting an extension of the firm loan commitment deadline to November 5, 2018. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 18, 2018 and notice of the receipt of petition was published on May 22, 2018 in Vol. 44, Number 100, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-21.003(8)(j), F.A.C. for Phoenix Apartments Venture, LP, permitting a reduction in the Development's total MMRB set-aside percentage from 100% to 95%. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 21, 2018 and notice of the receipt of petition was published on May 23, 2018 in Vol. 44, Number 101, F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of subsection 67-48.002(95), F.A.C. for Isles of Pahokee II, LLC, permitting it to return its 2016 Housing Credit Allocation now and receive a 2018 Housing Credit Allocation in the same amount rather than wait until the last quarter of 2018. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 29, 2018 and notice of the receipt of petition was published on May 30, 2018 in Vol. 44, Number 105, F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.026 HC Credit Underwriting Procedures

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraphs 67-21.026(13)(e) and 67-48.0072(17)(f), F.A.C. for Quarry Big Coppitt, Ltd., permitting a single subcontractor entity to work in excess of 20% of total construction cost. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 29, 2018 and notice of the receipt of petition was published on May 31, 2018 in Vol. 44, Number 106, F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.026 HC Credit Underwriting Procedures

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraphs 67-21.026(13)(e) and 67-48.0072(17)(f), F.A.C. for Quarry Big Coppitt II, Ltd., permitting a single subcontractor entity to work in excess of 20% of total construction cost. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition

was filed on May 29, 2018 and notice of the receipt of petition was published on May 31, 2018 in Vol. 44, Number 106, F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.026 HC Credit Underwriting Procedures

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraphs 67-21.026(13)(e), F.A.C. and 67-48.0072(17)(f), F.A.C., for Coral Bay Cove, LLC, permitting a single subcontractor entity to work in excess of 20% of total construction cost. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 30, 2018 and notice of the receipt of petition was published on May 31, 2018 in Vol. 44, Number 106, F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On June 15, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(4)(c), F.A.C. and subsection 67-48.0072(21), F.A.C., for Osceola Palos Verdes, Ltd., allowing the deadline for closing on SAIL and ELI loans to be extended until January 6, 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on May 30, 2018 and notice of the receipt of petition was published on June 1, 2018 in Vol. 44, Number 107, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at floridahousing.org.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Bureau of Historic Preservation announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 28, 2018, 7:30 p.m.

PLACE: Governor John W. Martin House at 1001 Desoto Park Drive, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Training session for historic preservation board/commission members of local Certified Local Governments, primarily focused on design review.

A copy of the agenda may be obtained by contacting: Megan McDonald, (850)245-6365 or via email: Megan.McDonald@dos.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: Megan McDonald, (850)245-6365 or via email: Megan.McDonald@dos.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).

DEPARTMENT OF LEGAL AFFAIRS

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

DATES AND TIMES: July 16, 2018, 8:30 a.m. – 4:45 p.m.; July 17, 2018, 8:30 a.m. – 1:00 p.m.

PLACE: Rosen Shingle Creek Hotel, 9939 Universal Blvd., Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida New Motor Vehicle Arbitration Board, 2018 Board Member Training.

A copy of the agenda may be obtained by contacting: Kairi Sisask at (850)414-3500.

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: Kairi Sisask at (850)414-3500. 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: Kairi Sisask at (850)414-3500.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

The Florida Prepaid College Board announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 22, 2018, 2:00 p.m., ET

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: All responses to be publicly opened in regards to the Invitation to Negotiate, ITN 18-01, Fixed income investment management services designed to outperform the Bloomberg Barclays US Aggregate Bond Index.

A copy of the agenda may be obtained by contacting: The Florida Prepaid College Board, ITN Administrator by email at ITNinfo.PrePaid@MyFloridaPrepaid.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ITN Administrator at the e-mail address provided above. 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).

FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF CORRECTION

The Florida Public Service Commission announces its Internal Affairs Meeting, to which all interested persons are invited.

DATE AND TIME: Tuesday, June 19, 2018, 9:30 a.m.

PLACE: Room 105, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters affecting Commission operations. Internal Affairs Agendas and FPSC contact information is available at www.floridapsc.com.

ADA: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

EMERGENCY CANCELLATION OF MEETING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission's website (www.floridapsc.com) under the Hot Topics link on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

The Florida Commission on Human Relations announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 19, 2018, 10:00 a.m., ET

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

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

A copy of the agenda may be obtained by contacting: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com.

ACCESS POINT: The FCHR office at 4075 Esplanade Way, Room 110, Tallahassee, FL 32399, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.

For more information, you may contact: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 3, 2018, 9:00 a.m., Eastern Time

PLACE: Zora Neale Hurston Building, 400 West Robinson Street, Suite N901, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or Board counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson St., Suite N801, Orlando, FL 32801-1772. Only public portions of the agenda are available upon request.

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: Division of Real Estate, (407)481-5662. 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 HEALTH

Division of Emergency Preparedness and Community Support

The Florida Department of Health/EMS Advisory Council and Constituent Group Meeting announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, July 10, 2018, 8:00 a.m. – 6:00 p.m.; Wednesday, July 11, 2018, 8:00 a.m. – 6:00 p.m.; Thursday, July 12, 2018, 9:00 a.m. – 5:00 p.m.

PLACE: Caribe Royale, 8101 World Center Dr., Orlando, FL 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the EMS Advisory Council and constituent groups.

A copy of the agenda may be obtained by contacting: Bonnie Anderson (850)558-9544, Bonnie.Anderson@flhealth.gov.

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: Bonnie Anderson (850)558-9544, Bonnie.Anderson@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 1, 2018, 10:00 a.m.

PLACE: Rick Seltzer Conference Room, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Review Committee meeting will be to discuss the responses received from qualified Respondents in response to RFQ 2018-04, for Capital Needs Assessment Services, answer any questions the Review Committee may have regarding the responses, give the scores, and submit a recommendation to Florida Housing's Board of Directors.

A copy of the agenda may be obtained by contacting: Jenny Marshall, (850)488-4197 or Jenny.Marshall@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jenny Marshall at Florida Housing Finance Corporation, (850)488-4197. 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.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

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

DATE AND TIME: June 27, 2018, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken. A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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

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

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The Center for Independent Living in Florida announces a public meeting to which all persons are invited.

DATE AND TIME: June 26, 2018, 8:00 a.m.

PLACE: 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting to discuss board business

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 days before the workshop/meeting by contacting: Jennifer Lebron, jlebron@cilorlando.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

ENTERPRISE FLORIDA, INC.

The Enterprise Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: June 20-21, 2018, 9:00 a.m.

PLACE: The Westshore Grand Hotel, 4860 W. Kennedy Blvd., Tampa, FL 33609

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enterprise Florida Board & Stakeholders Meetings.

These meetings will discuss on-going issues, developing issues and other matters.

A copy of the agenda may be obtained by contacting: Katie Richardson at (850)298-6625.

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 days before the workshop/meeting by contacting: Katie Richardson at (850)298-6625. 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).

MRGMIAMI

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

DATE AND TIME: June 26, 2018, 6:00 p.m.

PLACE: Westland Gardens Park, 13501 NW 107 Avenue, Hialeah Gardens, FL 33018

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six has scheduled a Public Meeting to discuss the design for a reconstruction project along SR 25/US 27/Okeechobee Road from the Broward County Line to west of the Homestead Extension of Florida's Turnpike (HEFT), in Miami-Dade County. The meeting will follow an informal format allowing the public to arrive at any time from 6 p.m. to 8 p.m. Graphic displays will be shown during the meeting, and FDOT representatives will be available to discuss the project and answer questions.

A copy of the agenda may be obtained by contacting: Ms. Elsa N. Riverol, P.E., Project Manager, at (305)470-5105 or by email at elsa.riverol@dot.state.fl.us. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

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: Ms. Hong Benitez, P.E. at (305)470-5219, or in writing at 1000 NW 111th Avenue, Room 6111, Miami, Florida 33172, or via email at hong.benitez@dot.state.fl.us. Any persons who require translation services (free of charge) should

also contact Ms. Ivette Ruiz-Paz at least seven (7) days before the meeting. 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: Ms. Elsa N. Riverol, P.E., Project Manager, at (305)470-5105 or by email at elsa.riverol@dot.state.fl.us.

LEE MODICA & ASSOCIATES

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

DATE AND TIME: Tuesday, June 26, 2018, 11:00 a.m.

PLACE: Florida Department of Health in Miami-Dade County, 1350 NW 14 Street, Room 409, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee for the Miami-Dade County Health Department Administration Building Phase 2 is meeting to evaluate plans for the new facility and to determine artwork sites and themes.

A copy of the agenda may be obtained by contacting: Lee Modica, ASB Administrator, at Lee@LeeModica.com or (850)766-7117.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-25.002 Licensure Requirements

NOTICE IS HEREBY GIVEN that Agency for Health Care Administration has received the petition for declaratory statement from Living Connected, Inc. The petition seeks the agency's opinion as to the applicability of Part VII, Chapter 400 (s.s. 400.92-400.957) F.S. (2018), as it applies to the petitioner. To determine whether petitioner is required to be licensed as a Home Medical Equipment Provider.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Richard Shoop, Agency Clerk, Email: Richard.Shoop@ahca.myflorida.com, Telephone (850)412-3671.

Please refer all comments to: Richard Shoop, Agency Clerk, Email: Richard.Shoop@ahca.myflorida.com, Telephone: (850)412-3671.

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

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications 2018-04, for Capital Needs Assessment Services

The Florida Housing Finance Corporation invites all qualified Respondents to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2018-04, relating to the procurement of Capital Needs Assessment Services. Florida Housing expects to select one or more Respondents who propose to provide these services as specified in this RFQ.

Responses shall be accepted until 2:00 p.m. (Eastern Time), July 17, 2018, to the attention of the Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Jenny Marshall at (850)488-4197 or Jenny.Marshall@floridahousing.org. To obtain a copy of the RFQ, which outlines selection criteria and applicant’s responsibilities, please submit your request to the attention of Jenny Marshall, or you can download the RFQ from the Florida Housing Finance Corporation website at: <http://www.floridahousing.org/legal/procurements/request-for-qualifications>. Any modifications that occur to the RFQ will be posted at the website and may result in an extension of the deadline.

AULD & WHITE CONSTRUCTORS, LLC

Robert F. Ensslin Armory Phase II Renovations - Request for Proposal

NOTICE IS HEREBY GIVEN that Auld & White Constructors, LLC, in conjunction with the Robert F. Ensslin Armory, will be accepting sealed proposals, which will be received until 2:00 p.m., Tuesday, July 17, 2018, at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, for the referenced project. Bids shall be opened publicly at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216.

SCOPE DESCRIPTION:

This is a CM project consisting of 55,000 sf of phased renovation work to the First & Second Floors. Scopes include selective demolition, concrete, masonry & brick repairs, structural steel, millwork, finish carpentry, waterproofing, spray foam insulation, ACM, roof patching, doors & hardware, exterior windows, ballistics storefront, EIFS repairs, drywall & ceilings, hard & soft flooring, painting, specialties, signage, furniture moving & storage, temporary cubicles, elevator cab upgrade, MEPs & fire sprinklers.

Project includes ten (10) Additive Alternates listed on Sheet G0.4 that should be priced separately.

MANDATORY pre-bid site visit is scheduled for June 28, 2018 at 10:00 a.m. Valid form of government issued ID is required.

Bids shall be sealed & delivered on Auld & White Constructor's Bid Form no later than July 17, 2018 at 2:00 p.m. at which time they will be publicly opened.

AWC Bid Form distribution is forthcoming.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid, in writing, no later than Thursday, June 28, 2018. Interested Bidders who fail to notify Auld & White Constructors, LLC, of their intent to bid by the date referenced above MAY NOT be permitted to bid.

Bid drawings, forms, and specifications will be available at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, on June 15, 2018. All interested bidders shall submit their Notice of Intent to Bid by email Tabitha Hochstein at awcestimating@auld-white.com.

Robert F. Ensslin Armory and Auld & White Constructors, LLC are committed to provide equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids, which are considered by Auld & White Constructors, LLC to be in the best interest of the project.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Tuesday, June 12, 2018 and 3:00 p.m., Monday, June 18, 2018.

Rule No.	File Date	Effective Date
2A-8.005	6/14/2018	7/4/2018
12AER18-04	6/15/2018	6/20/2018
12AER18-05	6/15/2018	6/15/2018
61J1-8.002	6/15/2018	7/5/2018
62-210.200	6/13/2018	7/3/2018
62-210.300	6/13/2018	7/3/2018
62-210.310	6/13/2018	7/3/2018
62-210.550	6/13/2018	7/3/2018
62-210.900	6/13/2018	7/3/2018
62-307.100	6/11/2018	7/1/2018
62-307.200	6/11/2018	7/1/2018
62-307.300	6/11/2018	7/1/2018
64B8-9.009	6/12/2018	7/2/2018
64B16-28.141	6/15/2018	7/5/2018
65G-2.001	6/11/2018	7/1/2018
65G-2.010	6/11/2018	7/1/2018
67-21.001	6/18/2018	7/8/2018
67-21.002	6/18/2018	7/8/2018
67-21.0025	6/18/2018	7/8/2018
67-21.003	6/18/2018	7/8/2018

67-21.004	6/18/2018	7/8/2018
67-21.0045	6/18/2018	7/8/2018
67-21.006	6/18/2018	7/8/2018
67-21.007	6/18/2018	7/8/2018
67-21.008	6/18/2018	7/8/2018
67-21.009	6/18/2018	7/8/2018
67-21.010	6/18/2018	7/8/2018
67-21.013	6/18/2018	7/8/2018
67-21.014	6/18/2018	7/8/2018
67-21.015	6/18/2018	7/8/2018
67-21.017	6/18/2018	7/8/2018
67-21.018	6/18/2018	7/8/2018
67-21.019	6/18/2018	7/8/2018
67-21.025	6/18/2018	7/8/2018
67-21.026	6/18/2018	7/8/2018
67-21.027	6/18/2018	7/8/2018
67-21.028	6/18/2018	7/8/2018
67-21.029	6/18/2018	7/8/2018
67-21.030	6/18/2018	7/8/2018
67-21.031	6/18/2018	7/8/2018
67-48.001	6/18/2018	7/8/2018
67-48.002	6/18/2018	7/8/2018
67-48.004	6/18/2018	7/8/2018
67-48.007	6/18/2018	7/8/2018
67-48.0072	6/18/2018	7/8/2018
67-48.0075	6/18/2018	7/8/2018
67-48.009	6/18/2018	7/8/2018
67-48.0095	6/18/2018	7/8/2018
67-48.00	6/18/2018	7/8/2018
67-48.00	6/18/2018	7/8/2018
67-48.010	6/18/2018	7/8/2018
67-48.0105	6/18/2018	7/8/2018
67-48.013	6/18/2018	7/8/2018
67-48.014	6/18/2018	7/8/2018
67-48.015	6/18/2018	7/8/2018
67-48.017	6/18/2018	7/8/2018
67-48.018	6/18/2018	7/8/2018
67-48.019	6/18/2018	7/8/2018
67-48.020	6/18/2018	7/8/2018
67-48.0205	6/18/2018	7/8/2018
67-48.0022	6/18/2018	7/8/2018

67-48.023	6/18/2018	7/8/2018
67-48.027	6/18/2018	7/8/2018
67-48.028	6/18/2018	7/8/2018
67-48.029	6/18/2018	7/8/2018
67-48.030	6/18/2018	7/8/2018
67-48.031	6/18/2018	7/8/2018
67-48.040	6/18/2018	7/8/2018
67-48.041	6/18/2018	7/8/2018
67-60.001	6/18/2018	7/8/2018
67-60.002	6/18/2018	7/8/2018
67-60.003	6/18/2018	7/8/2018
67-60.004	6/18/2018	7/8/2018
67-60.005	6/18/2018	7/8/2018
67-60.006	6/18/2018	7/8/2018
67-60.007	6/18/2018	7/8/2018
67-60.008	6/18/2018	7/8/2018
67-60.009	6/18/2018	7/8/2018
67-60.010	6/18/2018	7/8/2018
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	12/15/2017	**/**/****
69L-7.501	12/15/2017	**/**/****

WATER MANAGEMENT DISTRICTS

South Florida Water Management District
 Everglades Agricultural Area (EAA) and Stormwater
 Treatment Area Study Meeting

Public meetings scheduled for draft environmental report on
 State’s EAA Reservoir study

The U.S. Army Corps of Engineers Jacksonville District hosts
 a series of public meetings to discuss and seek input on the Draft
 Environmental Impact Statement (EIS) for the South Florida
 Water Management District Section 203 Everglades
 Agricultural Area (EAA) and Stormwater Treatment Area
 study.

Interested individuals, groups and agencies are encouraged to
 attend one of the meetings to learn more and provide comments
 on the environmental review of the study.

Each public meeting is expected to last approximately from
 6:00 p.m. to 8:00 p.m., beginning with an open house at 6 p.m.,

and a formal presentation at 6:30 p.m., followed by a period for formal public comment. Corps and Water Management District staff will also be available after the meeting to answer questions.

The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

Tuesday, June 26

Lee County Hyacinth and Mosquito Control District
15191 Homestead Rd.

Lehigh Acres, Florida 33971

Wednesday, June 27

John Boy Auditorium

1200 South W.C. Owen Avenue

Clewiston, Florida 33440

Thursday, June 28

John F. and Rita M. Armstrong Wing

Blake Library

2351 SE Monterey Rd.

Stuart, FL 34996

Note: Use of the Library meeting rooms does not imply Library endorsement of the aims, policies, or activities of any group using the room.

The Draft Environmental Impact Statement is available for review at: www.saj.usace.army.mil/SFWMDEAAReservoir

“Public engagement is an important part of the environmental review process, and we encourage all interested individuals, groups and agencies to attend one of the public meetings, review the Draft Environmental Impact Statement, and provide your input,” said Col. Jason Kirk, Jacksonville District Commander.

The U.S. Army Corps of Engineers Jacksonville District is accepting public comments on the Draft Environmental Impact Statement (EIS) for the South Florida Water Management District Section 203 Everglades Agricultural Area (EAA) and Stormwater Treatment Area study through July 24.

Submit comments by email to EAAReservoir@usace.army.mil

Submit comments by mail:

Stacie Auvenshine

U.S. Army Corps of Engineers

Jacksonville District

P.O. Box 4970

Jacksonville, FL 32232-0019

Additional information on the SFWMD’s EAA storage reservoir study is available on their website at:

<https://www.sfwmd.gov/our-work/ceerp-project-planning/eaar-reservoir>

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-330.302 Additional Conditions for Issuance of Individual and Conceptual Approval Permits

Notice of Intent to Grant Variance

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-330.302(1)(c), F.A.C., to Charlotte County, 410 Taylor Street, Punta Gorda, Florida 22950 (File No. 08-0336110-003-EV), to allow for the dredging of access channels to the Gulf Cove residential community from the Myakka River, Class II, Outstanding Florida Waters, conditionally approved for shellfish harvesting, in Charlotte County. The variance is being granted because the petitioner has demonstrated the variance is necessary to relieve or prevent hardship. The Department’s file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902, online at <http://depdms.dep.state.fl.us/Oculus/servlet/login>. or by telephone: (239)334-5600.

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information: (a) The name and address of each agency affected and each agency’s file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency’s proposed action; (f) A statement of the specific rules or statutes that the petitioner contends

require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency’s proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Petitions for an administrative hearing must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under subsection 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person’s right to request an administrative hearing under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department’s action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

The applicant, or any party within the meaning of paragraph 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

A copy of the Notice of Intent may be obtained by contacting: Jeannie Gerhart, Department of Environmental Protection, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902, Telephone: (239)334-5600, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, or online at <http://webapps.dep.state.fl.us/DepNexus/public/electronic-documents>.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On June 18, 2018, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Franshemeka Sheral Wheeler, L.P.N., License # PN 5172623. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2017). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

Emergency Action

On June 1, 2018, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Susan Ellen Simpson, P.T.A., License # PTA 20661. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2017). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding
Week

INDEX TO RULES FILED BETWEEN
JUNE 11, 2018 AND JUNE 15, 2018

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

2A-8.005 6/14/2018 7/4/2018 44/85

DEPARTMENT OF REVENUE

Sales and Use Tax

12AER18-046/15/2018 6/20/2018 44/117

Property Tax Oversight Program

12DER18-056/15/2018 6/15/2018 44/118

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

61J1-8.002 6/15/2018 7/5/2018 44/61 44/90

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-210.200 6/13/2018 7/3/2018 44/82

62-210.300 6/13/2018 7/3/2018 44/82

62-210.310 6/13/2018 7/3/2018 44/82

62-210.550 6/13/2018 7/3/2018 44/82

62-210.900 6/13/2018 7/3/2018 44/82

62-307.100 6/11/2018 7/1/2018 44/88

62-307.200 6/11/2018 7/1/2018 44/88

62-307.300 6/11/2018 7/1/2018 44/88

DEPARTMENT OF HEALTH

Board of Medicine

64B8-9.009 6/12/2018 7/2/2018 44/91

Board of Pharmacy

64B16-28.141 6/15/2018 7/5/2018 43/181

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

65G-2.001 6/11/2018 7/1/2018 44/55 44/85

44/87

65G-2.010 6/11/2018 7/1/2018 44/55 44/85

44/87

**LIST OF RULES AWAITING LEGISLATIVE REVIEW/
APPROVAL PURSUANT TO SECTIONS 120.541(3),
373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES**

**DEPARTMENT OF MANAGEMENT SERVICES
E911 Board**

60FF1-5.009 7/21/2016 **/**/**** 42/105

DEPARTMENT OF HEALTH

Board of Medicine

64B8-10.003 12/9/2015 **/**/**** 39/95 41/49

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020 12/15/2017 **/**/**** 43/211

69L-7.501 12/15/2017 **/**/**** 43/211

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.