

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.:	RULE TITLE:
5E-4.002	Labels
5E-4.003	Noxious Weed Seed
5E-4.004	Worthless Seed
5E-4.0041	Disposition of Seed Contaminated with Noxious Weed Seed
5E-4.006	Seed Standards
5E-4.007	Commercial Tests
5E-4.0071	Consumer Request Samples
5E-4.011	Flower Seed Germination Standards
5E-4.013	Seed Aircraft Registration, Inspection, Security, Transactions, Recordkeeping, Area-of-Application Information and Forms
5E-4.014	Seed Dealer Registration Fees

**PURPOSE AND EFFECT:** The proposed rules are being developed to implement recently enacted statutory changes to Chapter 578, F.S., and to update associated form references and other outdated information.

**SUBJECT AREA TO BE ADDRESSED:** Extensive changes were made to Section 578.09, F.S., Labeling Requirements. Consequently, the analysis tag templates and labeling guidance outlined in rule 5E-4.002, F.A.C. require updating to assist seed producers and distributors in properly labeling their seed by aligning seed label content and format with recently modified seed-type classifications, labeling terminology, and germination test date requirements. Rule 5E-4.003, F.A.C. lists prohibited noxious weed seed, several of which need naming corrections to align with currently-recognized, scientific plant nomenclature. Rule 5E-4.004, F.A.C. requires changes to align this rule section with new verbiage adopted in Chapter 578, F.S., regarding “tree and shrub seed,” and deletes irrelevant language pertaining to worthless seed. Rule 5E-4.006, F.A.C. updates references to federal publications that establish seed standards and specifies the locations where these references can be obtained. Rule 5E-4.007, F.A.C. updates the kinds of seed for which the department offers commercial testing services. Rule 5E-4.0071 lists the fees associated with the analysis of official seed samples taken by the department upon request by a consumer. Changes to rule 5E-4.0071, F.A.C. are required to align this rule section with new verbiage adopted in Chapter 578, F.S., and certain seed kinds and groups currently listed are being consolidated to simplify the schedule of charges. Rule 5E-4.011, F.A.C. requires a change pertaining to the germination standard for sunflower seeds, to align with the

nationally-recognized standard. Rule 5E-4.013, F.A.C. pertains to aircraft registration and aerial application of seed. Many forms have new revision dates and a reference needs to be added for the aircraft registration website. Rules 5E-4.0041, F.A.C. and 5E-4.014, F.A.C. both need to be updated to reflect the new Bureau of Licensing and Enforcement, and rule 5E-4.014, F.A.C. also requires an update to reflect the new department website address.

**RULEMAKING AUTHORITY:** 570.07(23), 576.181, 578.11(2), (h), (i), 580.036(2) FS.

**LAW IMPLEMENTED:** 487.101, 570.08(1), 576.111, 578.09, (2)(a), 578.11(2), (h), (3), 578.12, 578.28, (3), 580.111 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:** Sarah Oglesby, Chief, Bureau of Licensing and Enforcement, 3125 Conner Boulevard, Bldg. 8, Tallahassee, FL 32399; (850)617-7997; Sarah.Oglesby@FreshFromFlorida.com

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.0786	Forms for Charter School Applicants and Sponsors

**PURPOSE AND EFFECT:** To revise the Florida Standard Charter Contract (Form IEPC-SC) to align with recent legislative changes. Additionally, s. 1002.33(21), Florida Statutes, mandates that the Florida Department of Education develop a standard charter renewal contract.

**SUBJECT AREA TO BE ADDRESSED:** Revisions to the current Florida Standard Charter Contract and the implementation of the Florida Standard Charter Renewal Contract.

**RULEMAKING AUTHORITY:** 1002.33(28), FS.

**LAW IMPLEMENTED:** 1002.33(7), and 1002.33(21), FS.

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

**DATE AND TIME:** November 27, 2018, 10:00 to 11:00 a.m. or until conclusion of business.

**PLACE:** Via conference call: 1(888)670-3525, Passcode 9945174167.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF**

THE PRELIMINARY DRAFT, IF AVAILABLE, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Available at <https://web02.fldoe.org/rules>.

## DEPARTMENT OF LAW ENFORCEMENT

### Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

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

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

PURPOSE AND EFFECT: Sub-subparagraph 11B-20.001(3)(a)3.a., F.A.C.: Incorporates the revised Instructor Competency Checklist, form CJSTC-81, to clarify that a signature is required by the training center director, agency administrator, or designee.

Paragraph 11B-20.0014(1)(d), F.A.C.: Incorporates the revised Instructor Competency Checklist, form CJSTC-81, to clarify that a signature is required by the training center director, agency administrator, or designee.

SUBJECT AREA TO BE ADDRESSED: Revised Instructor Competency Checklist, form CJSTC-81.

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

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

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

DATE AND TIME: Wednesday, November 14, 2018, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

## DEPARTMENT OF LAW ENFORCEMENT

### Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-27.002: Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

11B-27.004: Probable Cause Determination

11B-27.014: Implementation of the Federal Law Enforcement Officers Safety Act of 2004

PURPOSE AND EFFECT: Paragraph 11B-27.002(1)(h), F.A.C.: Adds completion of Equivalency of Training as meeting the training requirement pursuant to Section 943.13(9), F.S., which specifies a person can be exempt from completing a Basic Recruit Training Program by complying with s. 943.131(2), F.S., and Rule 11B-35.009 F.A.C.

Sub-paragraph 11B-27.002(3)(a)11., F.A.C.: Implements the mandates of CS/HB 333 by adding special operations forces members as eligible for Equivalency of Training class. Also, incorporates the revised Exemption-From-Training, form CJSTC-76, and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, to update the rule references and add the training requirements for Special Operations Forces.

Sub-paragraph 11B-27.002(4)(b)1., F.A.C.: Implements the mandates of CS/HB 333 by adding the specific training required if a person qualifies for an Equivalency of Training as a special operations forces member.

Subsection 11B-27.004(12)-(13), F.A.C.: Removes unnecessary rule language regarding an obsolete procedure and renumbers Rule 11B-27.004(13), F.A.C.

Paragraph 11B-27.014(2)(b), F.A.C.: Clarifies that the qualification only applies to handguns and identifies the types of handguns.

SUBJECT AREA TO BE ADDRESSED: Equivalency of Training requirement; implementation of the mandates of CS/HB 333 by adding special operations forces members as eligible for Equivalency of Training class; removal of unnecessary rule language; and clarification of handgun qualification; revised Exemption-From-Training, form CJSTC-

76, and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A.

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

LAW IMPLEMENTED: 943.12, 943.12(3), 943.13, 943.132, 943.133, 943.139, 943.1395, FS.

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

DATE AND TIME: Wednesday, November 14, 2018, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

**DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission**

RULE NO.: RULE TITLE:  
11B-30.006 State Officer Certification Examination General Eligibility Requirements

PURPOSE AND EFFECT: Paragraph 11B-30.006(2)(b), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add the training requirements for Special Operations Forces.

Paragraph 11B-30.006(2)(c), F.A.C.: Implements the mandates of CS/HB 333 to allow special operations forces members to take the Equivalency of Training class.

SUBJECT AREA TO BE ADDRESSED: Revised Exemption-From-Training, and add special operations forces members as eligible for Equivalency of Training class.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1) FS.  
LAW IMPLEMENTED: 943.12(17), 943.131(2), 943.1397 FS.

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

DATE AND TIME: Wednesday, November 14, 2018, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

**DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission**

RULE NO.: RULE TITLE:  
11B-35.001 General Training Programs; Requirements and Specifications

11B-35.009 Exemption from Basic Recruit Training  
PURPOSE AND EFFECT: Paragraphs 11B-35.001(1)(b)-(d), F.A.C.: Renumbers the subparagraphs of Rule 11B-35.001(1), F.A.C., and implements the mandates of CS/HB 333 by adding the Special Operations Forces Training Programs as Commission-approved training programs.

Subsection 11B-35.001(3), F.A.C.: Implements the mandates of CS/HB 333 to clarify that Commission-certified instructors are required to teach the Special Operations Forces Training Programs.

Paragraph 11B-35.001(3)(b), F.A.C.: The defensive tactics curriculum was updated with different techniques which required new training for instructors.

Subsections 11B-35.001(7)-(8), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(9)(a), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(10)(b), F.A.C.: Implements the mandates of CS/HB 333 by adding the Special Operations Forces Training Program as a Commission-approved training program.

Paragraph 11B-35.001(10)(c), F.A.C.: Implements the mandates of CS/HB 333.

Subsection 11B-35.001(11), F.A.C.: Implements the mandates of CS/HB 333.

Paragraphs 11B-35.001(11)(a)-(b), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(11)(d), F.A.C.: Implements the mandates of CS/HB 333.

Subsection 11B-35.001(12), F.A.C.: Adds the Special Operations Forces Training Program as a Commission-approved training program.

Paragraph 11B-35.001(12)(c), F.A.C.: Implements the mandates of CS/HB 333.

Sub-paragraph 11B-35.001(12)(c)2., F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(13)(a), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(13)(b), F.A.C.: Implements the mandates of CS/HB 333.

Subsection 11B-35.001(16), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.009(1)(h), F.A.C.: Revises the sentence structure to make the sections within this paragraph uniform.

Paragraph 11B-35.009(1)(i), F.A.C.: Implements the mandates of CS/HB 333 by adding a definition for Special Operations Forces.

Paragraph 11B-35.009(2)(c), F.A.C.: Implements the mandates of CS/HB 333 by adding Special Operations Forces service as a qualifier for an Equivalency of Training.

Subsection 11B-35.009(3), F.A.C.: Clarifies the requirements that out-of-state and federal officers must meet when requesting an Equivalency of Training; and implements the mandates of CS/HB 333.

Subsection 11B-35.009(4), F.A.C.: Implements the mandates of CS/HB 333.

Subsections 11B-35.009(5)-(11), F.A.C.: Renumbers paragraphs 11B-35.009(5)-(11), F.A.C., to implement the mandates of CS/HB 333.

Paragraphs 11B-35.009(5)(a)-(c), F.A.C.: Implements the training requirements and mandates of CS/HB 333.

Subsection 11B-35.009(6), F.A.C.: Implements the mandates of CS/HB 333 by adding the documentation requirements for Special Operations Forces and adds training center as an entity allowed to approve an Equivalency of Training. Also incorporates the revised Exemption-From-Training, form CJSTC-76, to add the training requirements for Special Operations Forces.

Subsection 11B-35.009(7), F.A.C.: Incorporates the revised Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, to update the rule reference and update the instructions and allow training center directors to appoint a "designee" as an authorized signer on the form.

Subsection 11B-35.009(8), F.A.C.: Implements the mandates of CS/HB 333 by adding training requirements for Special Operations Forces.

Subsection 11B-35.009(10), F.A.C.: Implements the mandates of CS/HB 333 by defining the amount of time for a Special Operations Forces member who is exempt to gain employment. **SUBJECT AREA TO BE ADDRESSED:** Adds the Special Operations Forces Training Programs as Commission-approved training programs; requirement for defensive tactics instructors; Equivalency of Training for Special Operations Forces; out-of-state and federal officers; documentation requirements for Special Operations Forces; revised Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A.

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

**LAW IMPLEMENTED:** 943.12, 943.131(2), 943.17 FS.

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

**DATE AND TIME:** Wednesday, November 14, 2018, 10:00 a.m.

**PLACE:** Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF**

THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

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

#### DEPARTMENT OF LAW ENFORCEMENT

##### Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:

11C-6.009 Sale and Delivery of Firearms

PURPOSE AND EFFECT: The rule is amended to be consistent with statutory changes and to allow FDLE to suspend electronic payment access to dealers who act unethically. If access is suspended, dealers may pay the invoice by check.

SUBJECT AREA TO BE ADDRESSED: Rule 11C-6.009, F.A.C.: Sale and Delivery of Firearms

RULEMAKING AUTHORITY: 790.065, 943.03(4) F.

LAW IMPLEMENTED: 790.065 FS.

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

DATE AND TIME: November 15, 2018, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

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

#### DEPARTMENT OF FINANCIAL SERVICES

##### OIR – Insurance Regulation

RULE NOS.: RULE TITLES:

690-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge

690-163.011 Credit Disability Insurance Rates

PURPOSE AND EFFECT: The amendment to Rule 690-163.009, FAC, specifies the credibility factors to be applied for the calculation of deviations from prima facie rates. The amendments to Rule 690-163.011, FAC, amend the maximum credit disability insurance premium rates.

SUBJECT AREA TO BE ADDRESSED: Credit life and credit disability insurance.

RULEMAKING AUTHORITY: 624.308(1), 627.678, FS.

LAW IMPLEMENTED: 624.307(1), 627.678, 627.6785, 627.682, 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: Michael Lawrence, Jr., Assistant General Counsel, Michael.LawrenceJr@flair.com, (850)413-4112.

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

#### DEPARTMENT OF FINANCIAL SERVICES

##### OIR – Insurance Regulation

RULE NOS.: RULE TITLES:

690-191.074 Records Retention

690-191.076 Corrective Action Plans

690-191.078 Subscriber Grievance Procedure

PURPOSE AND EFFECT: These rules are being amended to update and delete out of date references to government agencies and programs, as well as to incorporate a form for filing a pro forma projection of an anticipated program.

SUBJECT AREA TO BE ADDRESSED: Health Maintenance Organizations

RULEMAKING AUTHORITY: 641.36 FS.

LAW IMPLEMENTED: 641.22(9), 641.23(3), 641.27, 641.31(5) 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: Michael Lawrence, Jr., Assistant General Counsel, Michael.LawrenceJr@flor.com, (850)413-4112.

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

## Section II Proposed Rules

### DEPARTMENT OF HEALTH

#### Board of Optometry

RULE NO.: 64B13-3.100  
RULE TITLE: Standards for the Prescribing of Controlled Substances for the Treatment of Acute Pain

PURPOSE AND EFFECT: The Board proposes the rule to establish guidelines for the prescribing of controlled substances for acute pain.

SUMMARY: To establish guidelines as required by Chapter 2018-13, Section 3, Laws of Florida.

#### 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 concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board 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: 463.005(1), 456.44(4) FS.

LAW IMPLEMENTED: 456.44(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: Anthony B. Spivey, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 64B13-3.100 Standards for the Prescribing of Controlled Substances for the Treatment of Acute Pain.

The standards of practice in this rule do not supersede the level of care, skill and treatment recognized in general law related to healthcare licensure. All Certified Optometrists who are authorized to prescribe controlled substances shall comply with the following:

##### (1) Definitions.

(a) Acute Pain. For the purpose of this rule “acute pain” is defined as the normal, predicted, physiological, and time-limited response to an adverse chemical, thermal, or mechanical stimulus associated with surgery, trauma or acute illness. The term does not include pain related to:

##### 1. Cancer.

2. A terminal condition. For purposes of this subparagraph the term “terminal condition” means a progressive disease or medical or surgical condition that causes significant functional impairment is not considered to be reversible without the administration of life-sustaining procedures and will result in death within 1 year after diagnosis if the condition runs its normal course.

3. Palliative care to provide relief of symptoms related to an incurable progressive illness or injury.

4. A traumatic injury with an Injury Severity Score of 9 or greater.

(b) Prescription Drug Monitoring Program (PDMP) or “the system.” For this rule the system is defined as the Florida Department of Health’s electronic system to collect and store controlled substance dispensing information as set forth in Section 893.055 F.S.

(c) Substance Abuse. For the purpose of this rule “substance abuse” is defined as the use of any substances for non-therapeutic purposes or use of medication for purposes other than those for which it is prescribed.

(2) Standards. The nature and extent of the requirements set forth below will vary depending on the practice setting and circumstances presented to the Certified Optometrist. The Board has adopted the following standards for the prescribing of controlled substances for acute pain:

(a) Evaluation of the Patient. A medical history and physical examination appropriate for the patient’s clinical

condition must be conducted and documented in the medical record. The medical record also shall document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The written treatment plan shall indicate if any further diagnostic evaluations or other treatments are planned to include non-opioid medications and therapies if indicated. After treatment begins the Certified Optometrist shall adjust medication therapy if necessary to the individual medical needs of each patient.

(c) Informed Consent and Agreement for Treatment. The Certified Optometrist shall discuss the risks and benefits of the use of controlled substances, including the risk of abuse and addiction as well as physical dependence with the patient, persons designated by the patient, or with the patient's surrogate or guardian if the patient is incompetent. The discussion shall also include expected pain intensity, duration, options, use of pain medications, non-medication therapies, and common side effects. Special attention must be given to those pain patients who are at risk of misuse or diversion of their medications.

(d) Periodic Review. Based on the circumstances presented, the Certified Optometrist shall review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy shall depend on the Certified Optometrist's evaluation of the patient's progress. If treatment goals are not achieved despite medication adjustments, the Certified Optometrist shall reevaluate the patient and determine the appropriateness of continued treatment. The Certified Optometrist shall monitor patient compliance of medication usage and related treatment plans.

(e) Consultation. The Certified Optometrist shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder

requires extra care monitoring and documentation and may require consultation with or referral to an expert in the management of such patients.

(f) Medical Records. The Certified Optometrist is required to keep accurate and complete records to include, but not be limited to:

1. The medical history and a physical examination including history of drug abuse or dependence if indicated;

2. Diagnostic, therapeutic, and laboratory results;

3. Evaluations and consultations;

4. Treatment objectives;

5. Discussion of risks and benefits;

6. Treatments;

7. Medications (including date, type, dosage, and quantity prescribed);

8. Instructions and agreements;

9. Drug testing results, if indicated;

10. Justification for deviation from the 3-day prescription supply limit for a Schedule II opioid controlled substance for acute pain;

11. Outline of problems encountered when attempting to consult the PDMP if the system was non-operational or the Certified Optometrist or his or her designee is unable to access the PDMP due to a temporary technological or electrical failure; and

12. Periodic reviews. Records must remain current and be maintained in an accessible manner readily available for review.

(g) Compliance with Laws and Rules. Certified Optometrist shall at all times remain in compliance with this rule and all state and federal laws and regulations addressing the prescribing and administration of controlled substances. Rulemaking Authority 463.005(1), 456.44(4) FS. Law Implemented 456.44(4) F.S. History: New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2018

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
68-5.001	Introduction of Non-native Species into the State
68-5.002	Conditional Non-native Species
68-5.003	Prohibited Non-native Species
68-5.004	Amnesty for Persons Relinquishing Non-native Pets
68-5.005	Lionfish
68-5.006	Prohibited Non-Native Species
68-5.007	Possession of Prohibited Non-Native Species
68-5.008	Amnesty for Persons Relinquishing Non-Native Pets
68-5.009	Lionfish

**PURPOSE AND EFFECT:** The proposed change will restructure Chapter 68-5, F.A.C. These changes are proposed to improve rule clarity, create a place for future definition development, and provide the purpose and intent of the chapter.

**SUMMARY:** These rules address the introduction of nonnative fish and wildlife to the state, establish the Conditional and Prohibited species lists, provide requirements for possession of Conditional and Prohibited species, stipulate the rules for exotic pet amnesty, and specify the restrictions relating to lionfish. The proposed changes will restructure this chapter to improve clarity.

**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 changes will provide clarity and reorganize existing language. The proposed changes will not include any substantive rule changes and, therefore, a SERC was not prepared.

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:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

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:** During the Commission’s regular meeting December 12-13, 2018, 8:30 a.m. to 5:00 p.m., each day.

**PLACE:** Renaissance World Golf Village Resort, 500 South Legacy Trail, St. Augustine, Florida 32092.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kristen Sommers, Section Leader, Wildlife Impact Management Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

**THE FULL TEXT OF THE PROPOSED RULE IS:** Substantial rewording of Rule 68-5.001 follows. See Florida Administrative Code for present text.

68-5.001 Purpose and Intent

(1) The purpose of this chapter is to establish definitions, provide requirements for import permits, provide Conditional and Prohibited species lists, establish requirements for possession of Conditional and Prohibited species, establish criteria for amnesty for persons relinquishing nonnative fish and wildlife, and regulations related to lionfish.

(2) Unless otherwise specifically provided in Titles 68A through 68E, F.A.C., all species of freshwater aquatic life and wild animal life not native to Florida may be taken throughout the year, without restrictions.

(3) No person shall allow or permit any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, to remain in any facility that is no longer maintained or operated for the production or maintenance of such non-native species. The presence of any such non-native species in any facility shall constitute possession by the owner or operator of the facility.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-7-07, Amended 8-23-10, \_\_\_\_\_.*

Substantial rewording of Rule 68-5.002, follows. See Florida Administrative Code for present text.



## 68-5.002 Definitions

This rule is held for future definitions.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-7-07, Amended 7-1-10, 8-23-10, 3-14-17, \_\_\_\_\_.*

Substantial rewording of Rule 68-5.003 follows. See Florida Administrative Code for present text.

## 68-5.003 Introduction of Non-native Species into the State.

(1) No person shall transport into the state, introduce, or possess, for any purpose that might reasonably be expected to result in liberation into the state, any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, without having secured a permit from the Commission, except:

- (a) Fathead minnow (Pimephales promelas).
- (b) Variable platy (Xiphophorus variatus).
- (c) Coturnix quail (Coturnix coturnix).
- (d) Ring-necked pheasant (Phasianus colchicus).

(2) No leopard tortoise (Geochelone pardalis), African spurred tortoise (Geochelone sulcata), or Bell's hingeback tortoise (Kinixys belliana) shall be imported or transported into this state, without a Conditional/Prohibited/Nonnative Species permit subject to the following:

(a) Tortoises shall be inspected by a veterinarian and certified as being free of external parasites prior to being imported. Certified veterinary health certificates and written notice of the shipment shall be submitted to the Commission no less than 10 days before arrival of any tortoise.

(b) Containers used to transport tortoises shall be disinfected prior to importation, and shall be incinerated within 24 hours of arrival or exported out of Florida within 72 hours.

(c) Such other conditions as may be necessary to ensure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-7-07, Amended 7-1-10, 8-26-10, \_\_\_\_\_.*

Substantial rewording of Rule, 68-5.004 follows. See Florida Administrative Code for present text.

## 68-5.004 Conditional Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in section 68-5.005, F.A.C.

(1) Non-native freshwater fish and aquatic invertebrate species.

- (a) Bighead carp (Aristichthys nobilis).
- (b) Bony-tongue fishes (Family Arapaimidae).

1. Arapaima (Arapaima gigas).

2. Heterotis (Heterotis niloticus).

(c) Dorados (Genus Salminus, all species).

(d) Freshwater stingrays (Family Potamotrygonidae, all species).

(e) Grass carp (Ctenopharyngodon idella), with restrictions as provided in Rule 68A-23.088, F.A.C.

(f) Silver carp (Hypophthalmichthys molitrix).

(g) Snail or black carp (Mylopharyngodon piceus).

(h) Nile perches (Genus Lates, all species). For owners of aquaculture facilities that are operating under permit or a certificate of registration, but which are not cultivating Nile perches as of April 11, 2007, and for owners of aquaculture facilities which are issued original permits or certificates of registration after April 11, 2007, Nile perches:

1. Shall be held only in indoor facilities.

2. Shall not be taken on a fee or for-hire basis using hook and line or rod and reel.

(i) Blue tilapia (Oreochromis aureus), except that Oreochromis aureus may be possessed, cultured, and transported without permit in all counties of the Northeast, North Central, South and Southwest Regions.

(j) Wami tilapia (Oreochromis urolepis).

(k) Mozambique tilapia (Oreochromis mossambicus).

(l) Nile tilapia (Oreochromis niloticus), except that Oreochromis niloticus may be possessed, cultured, and transported without permit in all counties of the Northeast, North Central, South and Southwest Regions.

(m) Walking catfish (Clarias batrachus).

(n) Blue catfish (Ictalurus furcatus), except that blue catfish may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.

(o) Australian red claw crayfish (Cherax quadricarinatus) only in closed tank culture systems.

(p) Red swamp crayfish (Procambarus clarkii) and white river crayfish (Procambarus zonangulus).

1. Pond aquaculture of either species is prohibited.

2. Red swamp crayfish and white river crayfish may be possessed west of the Apalachicola River and its tributaries or imported for direct sale to food wholesalers and food retailers for resale to consumers without permit.

(q) Arowanas (Family Osteoglossidae, all species except silver arowana, Osteoglossum bicirrhosum).

(r) Northern largemouth bass (Micropterus salmoides salmoides), except that intergrade largemouth bass (northern largemouth bass x Florida largemouth bass Micropterus

salmoides floridanus) may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.

(2) Non-native mammals – Nutria (Myocaster coypus).

(3) Non-native turtles. Red-eared slider (Trachemys scripta elegans): red-eared sliders may be possessed only by permitted individuals or commercial import or export businesses according to the provisions of subsection 68-5.005(4) F.A.C., except as provided below:

(a) Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner without a permit, except that red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.

(b) Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.

(4) Non-native Snakes and lizards: The following species possessed for personal use by reptile of concern license holders prior to July 1, 2010 may continue in the possession of the owner for the life of the animal. A valid license to possess these animals must be maintained pursuant to Section 379.372, F.S.

(a) Indian or Burmese python (Python molurus).

(b) Reticulated python (Python reticulatus).

(c) Northern African python (Python sebae).

(d) Southern African python (Python natalensis).

(e) Amethystine python (Morelia amethystinus).

(f) Scrub python (Morelia kinghorni).

(g) Green anaconda (Eunectes murinus).

(h) Nile monitor (Varanus niloticus).

*Rulemaking Authority Article IV, Section 9, Florida Constitution. Law Implemented Article IV, Section 9, Florida Constitution. History—New 10-23-08, Amended 8-23-10, \_\_\_\_\_.*

Substantial rewording of Rule 68-5.005 follows. See Florida Administrative Code for present text.

68-5.005 Possession of Conditional Non-native Species.

No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.004, F.A.C., except by Conditional/Prohibited/Nonnative species permit and as provided in subsections (1) through (6) below:

(1) Permits shall be issued only to individuals or institutions engaged in research, or to commercial import or export businesses, public aquaria, public zoological parks, or public exhibitors providing educational exhibits. Permits shall not be issued for display of these species in private aquaria, private zoological parks, or for personal possession, except as provided in Rule 68-5.004, F.A.C.

(2) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., is not required to obtain the permit.

(3) Conditional freshwater fish and aquatic invertebrate species:

(a) Species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property. Public visitation at facilities in possession of conditional non-native species shall occur only under supervision of the permittee or his/her designee.

(b) Conditional freshwater fish and aquatic invertebrate species held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

(c) Conditional non-native aquatic species shall not be taken on a fee- or for-hire basis using hook and line or rod and reel.

(4) Conditional turtle species:

(a) Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging, erosion, climbing or by passing through gaps. Such barriers may be constructed of solid metal or weather-resistant and rot-resistant material, and may not use mesh material.

(b) All eggs must be removed and destroyed daily from outdoor facilities.

(5) Snakes and lizards:

(a) Conditional snake and lizard species may only be held in safe, secure and proper housing in cases, cages, pits or enclosures of the following specifications:

1. Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely

locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion.

2. A room or out-building may contain conditional snake and lizard species in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger – Dangerous Reptiles."

3. Facilities with one or more permittee at the same facility location may not commingle their respective live conditional species inventories. All cages or enclosures must be clearly identified or visibly marked with the name of the permittee or other identifier to facilitate inventory inspections.

4. All individuals associated with a facility authorized to possess conditional snake and lizard species shall demonstrate knowledge of facility requirements, and secure handling protocols for conditional snakes and lizards as established by the permittee.

(b) Identification: Conditional snakes and lizards shall be permanently identified with a unique passive integrated transponder (PIT tag). Identification shall consist of the implantation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

1. For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the rear one-third (1/3) of the snake, forward of the anal plate.

2. For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg, or in a rear leg.

3. The requirement pertaining to the location of the PIT tag implantation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

4. Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be provided to the Commission within 72 hours of acquisition and maintained in the possessor's records for as long as the specimen is possessed.

5. Exemption: Conditional snakes and lizards being held for export by any person who possesses such animals in accordance with Sections 379.304 and 379.372, F.S., are exempt from the permanent identification requirement of this section for a period not to exceed 180 days provided such

animals or their enclosures are permanently marked so as to be traceable to written records indicating the date such conditional snakes and lizards were acquired.

(c) Inspection: Conditional snake and lizard species held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether the snakes or lizards are securely, properly and safely housed. In the event that any conditional snakes or lizards are not safely housed, Commission personnel shall report the situation in writing to the person authorized to possess or exhibit such reptiles. Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the permit.

(d) Transporting: Conditional snake and lizard species shall be transported only after placement in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Said containers shall be prominently labeled "Dangerous Reptiles."

(e) Disaster and Critical Incidents Plans.

1. A plan to secure conditional snakes or lizards in the event of disasters or critical incidents shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at [www.myfwc.com/License/Index.htm](http://www.myfwc.com/License/Index.htm). This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application to possess conditional snake and lizard species; and Part B shall be retained on file at the facility and be made available for inspection upon request of Commission personnel.

2. No later than 24 hours prior to the National Weather Center's projected onset of hurricane-force winds of Category 3 or greater, all conditional snakes and lizards shall be placed in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Any conditional snakes and lizards in an outdoor enclosure shall be moved to a secure indoor facility of strong construction with concrete or other suitable flooring and securely anchored to the ground. Persons authorized to possess conditional snakes and lizards shall report their critical incident preparation status to their county emergency management agency prior to the onset of critical conditions.

(f) Record Keeping: Persons authorized to possess conditional snake and lizard species shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all conditional snakes or

lizards. Such records shall be kept on the permitted premises on a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at [www.myfwc.com/License/Index.htm](http://www.myfwc.com/License/Index.htm). Such records shall be open to inspection upon request by Commission personnel.

1. Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.

2. Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier, except for animals acquired under the provisions of paragraph 68-5.008(3)(c), F.A.C.; and conditional species permit number of supplier where applicable.

3. Transfer: Conditional snake and lizard species may be transferred to persons authorized to possess conditional snakes and lizards. Such transfers must be accompanied by Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at [www.myfwc.com/License/Index.htm](http://www.myfwc.com/License/Index.htm). This form shall be signed by the originator upon shipment and by the recipient upon receipt and shall list the common name, scientific name, and quantity of each species in transport; name and address of the originator and recipient; conditional species permit number of the recipient; if the shipment originates within Florida, the conditional species permit number of the originator.

(g) Reporting:

1. Persons exhibiting or selling live conditional snakes and lizards in accordance with Section 379.304, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of permit and six months thereafter.

2. Any person authorized to possess conditional snakes and lizards must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(6) Research involving conditional species:

(a) A detailed research proposal shall accompany the application for the permit. The proposal shall state with

particularity research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(b) All research involving conditional species shall be conducted according to the provisions of paragraphs (3)(c)-(e) above.

(c) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

(d) Any escape or release of conditional species shall be reported immediately to the Commission.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-14, Amended 11-26-14, \_\_\_\_\_.*

68-5.006 Prohibited Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in section 68-5.007, F.A.C.

(1) Non-native freshwater aquatic species:

(a) African electric catfishes (Family Malapteruridae, all species).

(b) African tigerfishes (Genus Hydrocynus, all species).

(c) Airbreathing catfishes (Family Clariidae, all species except Clarias batrachus).

(d) Candiru catfishes (Family Trichomycteridae, all species).

(e) Freshwater electric eels (Electrophorus electricus).

(f) Lampreys (Family Petromyzontidae, all species).

(g) All species of piranha and pirambeba (subfamily Serrasalminae).

(h) Snakeheads (Family Channidae, all species).

(i) Tilapias (Genera Tilapia, Sarotherodon, Alcolapia and Oreochromis, all species except Oreochromis aureus, Oreochromis urolepis, Oreochromis mossambicus, and Oreochromis niloticus).

(j) Trahiras or Tigerfishes (Family Erythrinidae, all species).

(k) Airsac catfishes (Family Heteropneustidae, all species).

(l) Green sunfish (Lepomis cyanellus).

(m) Australian crayfish (Genus Cherax, all species except Cherax quadricarinatus cultured in a closed tank system).

(n) Zebra mussel (Dreissena polymorpha).

(o) Quagga mussel (Dreissena bugensis).

(2) Non-native mammals – African giant pouched rats (Genus Cricetomys, all species).

(3) Non-native marine species:

(a) Mitten crab (Genus Eriocheir, all species).

(b) Sea snakes (Family Hydrophiidae, all species), except that sea snakes may be possessed as described in paragraph 68-5.007(1)(f), F.A.C.

(c) Weeverfishes (Family Trachinidae, all species).

(d) Stone fishes (Genus Synanceia, all species).

(e) Genus Synanceia, all species.

(f) Pitted stonefish (Erosa erosa).

(g) Red rock cod (Scorpaena papillosa).

(h) Stonefish (Leptosynanceia asteroblepa).

(i) Stargazing stonefish (Trachicephalus uranoscopus).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

#### 68-5.007 Possession of Prohibited Non-native Species.

No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.006, F.A.C., except by Conditional/Prohibited/Nonnative Species permit and as provided in paragraphs (a) and (b) below:

(1) Exhibition of prohibited species: public aquaria, zoological parks, or public exhibitors shall be granted a permit provided the following requirements are met:

(a) Prohibited aquatic species shall be maintained in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

(b) Prohibited terrestrial species shall be maintained in indoor facilities in cages or other confinement facilities that prevent escape and public contact.

(c) Critical incident and disaster plan. A plan for securing animals on site, evacuating and/or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall also include methods to transport and return evacuated animals to the exhibition facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

(d) Inspections. Exhibitors permitted to possess prohibited species may be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

(e) The permit will expire 12 months from the date of issuance.

(f) Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors providing educational exhibits, for public exhibition purposes only, under the following conditions:

1. Only male sea snakes may be possessed.

2. A public aquarium, zoological park, or public exhibitor possessing sea snakes shall not be located in a coastal county and shall have no contiguous connection with any waters of the state.

3. Each public aquarium, public zoological park, or public exhibitor possessing sea snakes shall provide quarterly reports to the Commission regarding the number of each species of sea snakes on the premises and any changes in inventory resulting from death or additions by importation.

4. Each public aquarium, zoological park, or public exhibitor possessing sea snakes shall post with the Commission a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Fish and Wildlife Conservation Commission, for use by the Commission to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the Commission. The letter of credit shall provide that the zoological park or aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park or aquarium or public exhibitor possesses sea snakes.

5. No person or public aquarium, public zoological park, or public exhibitor shall barter, sell, or trade sea snakes within this state.

6. A public aquarium, public zoological park, or public exhibitor that imports sea snakes pursuant to this subsection may transport sea snakes into this state only by airplane that may land only at an airport located in a non-coastal county within this state.

7. A public aquarium, public zoological park, or public exhibitor possessing sea snakes pursuant to this subsection shall abide by all regulatory requirements of the Fish and Wildlife Conservation Commission with respect to venomous reptiles.

(2) Research involving prohibited species: Individuals or institutions engaged in research shall be granted a permit, provided the following requirements are met:

(a) Eligibility. A permit for research involving prohibited species shall be issued only to a principal investigator who is a

faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.

(b) Research proposal. A detailed research proposal shall be submitted and shall state with particularity research objectives, methodology and study duration, and shall outline planned safeguards to ensure proper containment of all specimens. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(c) General security measures and containment.

1. Applicants shall submit to the Commission a list of personnel that have access to the prohibited species and arrangements for final disposition or euthanization of specimens.

2. All research on prohibited aquatic species shall be conducted in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

3. All research on prohibited terrestrial wildlife species shall be conducted in indoor facilities in cages or other confinement facilities that prevent escape.

(d) Critical incident and disaster plan. A plan for securing animals on site, evacuating and/or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall include methods to transport and return evacuated animals back to the research facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

(e) Inspections. All research facilities where research involving prohibited species is to be conducted will be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

(f) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report will include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

(g) Any escape or release of prohibited species shall be reported immediately to the Commission, and escape or release shall constitute grounds for revocation of the permit to conduct research involving prohibited species.

(3) No permits shall be granted for possession of any species of piranha or pirambeba (subfamily Serrasalminae).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_.

68-5.008 Amnesty for Persons Relinquishing Non-native Pets.

It is the policy of the Fish and Wildlife Conservation Commission to encourage persons possessing unwanted non-native fish or wildlife as pets to relinquish such pets to qualified adopters as an alternative to releasing them into Florida's environment. In furtherance of this policy, the Commission will sponsor amnesty events for such purpose. (1) Persons adopting nonnative species through an FWC sponsored amnesty event may accept non-native fish or wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

(2) Any person relinquishing or adopting non-native fish or wildlife pursuant to this rule is hereby deemed not to be in violation of the permit requirement of subsection 68A-6.0023(7), F.A.C.

(3) Relinquishing reptiles of concern, or conditional snakes and lizards.

(a) Persons with a valid license to possess or exhibit reptiles designated as reptiles of concern after July 1, 2010, may accept reptiles of concern as defined in subsection 68A-6.007(1), F.A.C. from persons who have not obtained a permit from the Commission for possession of such reptiles without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.

(b) Persons authorized to possess conditional snakes and lizards may accept conditional snakes and lizards listed in subsection 68-5.004(4), F.A.C., from persons who have not obtained a permit from the Commission for possession of such conditional snakes and lizards without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.

(c) Persons accepting unpermitted reptiles of concern, or conditional snakes and lizards, shall complete a Captive Wildlife Inventory-Donated Reptile form FWCDLE 624IV (06-10), which is adopted and incorporated herein by reference, which is available from the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, and

submit the form to the same address within 72 hours of acquisition.

(d) Any person relinquishing or accepting reptiles of concern, or conditional snakes and lizards, under this subsection is authorized to make such transfer and is not in violation of the prohibitions on buying, selling or transferring contained in subsection 68A-6.0023(7), F.A.C.

(e) Persons accepting unpermitted reptiles of concern, or conditional snakes or lizards, under this subsection must otherwise comply with all permit conditions and Commission rules, specifically including provisions in Rules 68A-6.007, 68A-6.0071, and 68A-6.0072, F.A.C.

(4) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_.

68-5.009 Lionfish.

(1) As used in this rule, “lionfish” means any finfish of the genus Pterois.

(2) The importation of live lionfish or hybrids or eggs thereof is prohibited.

(3) Live lionfish imported from outside the State of Florida after August 1, 2014, may not be sold, offered for sale, bartered, or otherwise exchanged.

(4)(a) Except as provided in paragraph (b), a wholesale or retail dealer, or any other wholesale or retail establishment possessing live lionfish, or any hybrids thereof may only possess live lionfish harvested from Florida waters or adjacent federal waters. Any wholesale or retail establishment shall maintain the invoices, receipts, bills of sale, bills of lading, or other documentation affirmatively showing that all lionfish possessed or purchased by the dealer have been sourced from Florida waters or adjacent federal waters.

(b) A wholesale dealer or retailer may possess and offer for sale live lionfish imported prior to August 1, 2014. However, the burden shall be upon any person possessing imported live lionfish to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such live lionfish were imported and entered the state in interstate commerce prior to August 1, 2014. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this section.

(5) No common carrier or employee of said carrier may carry, knowingly receive for carriage, or permit the carriage of any live lionfish, including hybrids or eggs thereof, except for

lionfish lawfully harvested from Florida waters or adjacent federal waters.

(6) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., may raise juvenile or adult lionfish lawfully harvested from Florida waters or adjacent waters.

(7) Except for the activities authorized by a Conditional/Prohibited/Nonnative Species permit as provided in subsection (8) below, the harvest or possession of lionfish eggs or larvae for any purposes other than destruction is prohibited.

(8) The intentional breeding of lionfish or cultivation of lionfish eggs or larvae in captivity is prohibited except as authorized by Conditional/Prohibited/Nonnative species permit as provided in paragraphs (a) through (f) below:

(a) Eligibility.

1. A permit for research involving lionfish cultivation shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.

2. Permits shall be issued only for the purposes of researching lionfish population control measures or mitigating negative impacts to native species and ecosystems.

(b) Lionfish cultivation held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee’s property.

(c) Lionfish cultivation held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee’s property.

(d) A detailed research proposal shall accompany the application for the permit. The proposal shall state the research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(e) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

(f) Any escape or release of lionfish, or the eggs thereof, shall be reported immediately to the Commission.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kipp Frohlich, Director, Division of Habitat and Species Conservation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 17, 2018.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:

68A-25.002 General Provisions for Taking Possession and Sale of Reptiles

PURPOSE AND EFFECT: The purpose of this proposed rule revision is to provide certain protections for two reptile species that are being reclassified to an unlisted status. The effect of this proposed rule revision is to prohibit the take and possession of all species of snapping turtles.

SUMMARY: The Commission found that the Apalachicola Alligator Snapping Turtle and the Alligator Snapping Turtle did not meet the criteria for listing as State-designated Threatened species. Therefore, these species are being removed from the State’s Species of Special Concern List. However, these species

need protection of intentional take and possession to prevent possible exploitation that would cause them to meet listing criteria in the future. The proposed rule revisions provide those protections.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was 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: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting December 12-13, 8:30 a.m. to 5:00 p.m., each day.

PLACE: World Golf Village Renaissance Resort, 500 South Legacy Trail, St. Augustine, Florida 32092

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Brad Gruver, Section Leader, Species Conservation Planning Section, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

- (1) through (5) No change.
- (6) Turtles.



(a) Take and possession – For turtles not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession unless authorized in Commission-approved guidelines:

1. No person shall take more than one turtle per day unless authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C.

2. Turtle eggs may not be taken from the wild.

3. Turtles may only be taken by hand, baited hooks, minnow seine nets or dip nets.

4. No person shall take Escambia map turtles (*Graptemys ernsti*), cooters (*Pseudemys* spp.), striped mud turtles (Lower Keys population) (*Kinosternon baurii*) or snapping turtles (*Chelydra* spp.) from the wild.

5. No person shall take, possess, transport, or sell any alligator snapping turtles (*Macrochelys* spp.)

5. through 7. renumbered 6. through 8. No change.

(b) Through (c) No change.

(7) Through (12) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const, 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. History–New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08, 7-20-09, 8-19-14, 1-11-17,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Bradley J. Gruver

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2018

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:

68A-27.003 Florida Endangered and Threatened Species List; Prohibitions

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose of these proposed rule revisions is to implement species status changes found warranted by the Commission and to correct errors in the scientific and common names of species. The effect of this rule revision is a listing status for species as found warranted by the Commission and updates to scientific and common names of listed species.

SUMMARY: Commission staff convened Biological Review Groups to evaluate the status of 5 species of special concern in 2016 and 2017. Based on these evaluations, staff made listing status recommendations to the Commission which were approved in July 2017 and December 2017. The staff recommendation was that only one species warranted listing on Florida’s Endangered and Threatened Species List and that 5 species should be removed from the Species of Special Concern list. However, as specified by rule, any listing status changes were not to be implemented until a management plan for the species was approved. The Imperiled Species Management Plan (ISMP) covering these species was approved in 2016 and changes will be made to the ISMP and Species Action Plans to reflect the changes in status. This revision includes reclassifying one species from Species of Special Concern to State designated Threatened and reclassifying 5 species from Species of Special Concern to unlisted and removing them from the list. Additionally, there were changes to scientific names of 4 species and errors found with the common names of two species. Proposed revisions to the rule correct these errors.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was 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: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission’s regular meeting December 12-13, 8:30 a.m. to 5:00 p.m., each day.

PLACE: World Golf Village Renaissance Resort, 500 South Legacy Trail, St. Augustine, Florida 32092

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Brad Gruver, Section Leader, Species Conservation Planning Section, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Florida Endangered and Threatened Species List; Prohibitions.

(1) Federally-designated Endangered and Threatened species:

- (a) through (d) No Change
- (e) Reptiles:
  - 1. through 3. No change.
  - 4. Bluetail mole skink (*Plestiodon Eumeces egregius lividus*)(T),
  - 5. Eastern indigo snake (*Drymarchon corais couperi*)(T),
  - 6. Sand skink (*Plestiodon Neoseps reynoldsi*)(T).

- (f) through (k) No change.
- (2) State-designated Threatened species:
  - (a) through (d) No change.
  - (e) Reptiles:
    - 1. Through 7. No change.
    - 8. Short-tailed snake (*Lampropeltis extenuate Stilosoma extenuatum*),

9. Suwannee alligator snapping turtle (*Macrochelys suwanniensis*)

- (f) Birds:
  - 1. American oystercatcher (*Haematopus palliatus*),
  - 2. through 16. No change.

- (g) Mammals:
  - 1. Big Cypress fox squirrel (*Sciurus niger avicennia*),
  - 2. Everglades mink (*Neovison vison evergladensis*),
  - 3. Sanibel Island rice rat (*Oryzomys palustris sanibeli*),
  - 4. Sherman’s short-tailed shrew (*Blarina shermani*),

- (h) Crustaceans:
  - 1. Black Creek crayfish (*Procambarus pictus*),
  - 2. Santa Fe cave crayfish (*Procambarus erythrospis*).

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003. Amended 12-16-03, 7-20-09, 11-8-10, 11-14-11, 8-23-12, 9-19-12, 6-10-15, 1-11-17, 6-2-17, 7-20-18,\_\_\_\_\_.*

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(2) No person shall take, possess, transport, or sell any species of special concern included in this subsection or parts thereof or their nests or eggs except as authorized by permit from the executive director, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species. For purposes of this section, the definition of the word take in Rule 68A-1.004, F.A.C., applies.

- (a) Fish:
  - Harlequin darter (*Etheostoma histrio*)
- (b) Reptiles:
  - Alligator snapping turtles (*Macrochelys spp.*)
- (c) Birds:
  - Osprey (*Pandion haliaetus*); Monroe County population only

- (d) Mammals:
  - 1. Homosassa shrew (*Sorex longirostris eonis*),
  - 2. Sherman’s fox squirrel (*Sciurus niger shermani*)
- (e) Crustaceans:
  - Panama City crayfish (*Procambarus econfinae*)

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, 6-1-06, 11-8-07, 11-8-10, 9-19-12, 1-11-17, 11-5-17,\_\_\_\_\_.*

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Bradley J. Gruver

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2018

### Section III Notice of Changes, Corrections and Withdrawals

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid**

RULE NO.: RULE TITLE:

59G-6.031 Enhanced Ambulatory Patient Grouping  
Reimbursement Methodology for Hospital  
Outpatient Services  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 153, August 7, 2018 issue of the Florida Administrative Register.

Rule 59G-6.031 Enhanced Ambulatory Patient Grouping Reimbursement Methodology for Hospital Outpatient Services and Ambulatory Surgical Centers as published in the above-referenced volume of the FA.R. should have been coded to indicate all new language as shown below:

59G-6.031 Enhanced Ambulatory Patient Grouping Reimbursement Methodology for Hospital Outpatient Services and Ambulatory Surgical Centers.

(1) This rule applies to all hospitals and ambulatory surgical centers (ASC) rendering Florida Medicaid outpatient hospital services to recipients, in accordance with Rules 59G-4.160 and 59G-4.020, Florida Administrative Code, (F.A.C.), respectively.

(2) Definitions.

(a) Annual Appropriation – The funding provided in the General Appropriations Act and the incorporated Medicaid Hospital Funding Programs document.

(b) Automatic Rate Enhancement – An additional fee applied to each payable claim line.

(c) Base Rate – An amount calculated using 12 months of historical claims data.

(d) Base Year – A period of historical claims extracted for a pricing simulation.

(e) Bundled EAPG Payment – A single payment applied to one claim line that includes reimbursement for services reported on multiple claim lines.

(f) Charge Cap – A limitation that ensures the Medicaid-allowed amount does not exceed the submitted charges on either individual service line(s), or overall for the entire outpatient claim.

(g) Crossover Claim – Provider claim for services provided to recipients who are eligible for Medicare and Medicaid services, or who have other third-party insurance.

(h) Discounting Claim Line – A service line on a claim where the payment is adjusted.

(i) Enhanced Ambulatory Patient Groups (EAPG) – A product of 3M Health Information Systems (HIS) that categorizes outpatient services and procedures into groups for payment based on clinical information present on an outpatient claim.

(j) EAPG Code - Proprietary number developed by 3M HIS to indicate a specific grouping of services.

(k) EAPG Methodology - Reimbursement system that provides an all-inclusive rate for all services and items furnished during an outpatient visit, unless otherwise specified. The methodology categorizes the amount and type of services provided during an outpatient visit and groups together procedures, medications, materials, and patient factors that share similar characteristics and resource utilization. Each category is assigned an EAPG code. Each EAPG code is assigned a relative weight (which may equal zero) that is used to calculate payment.

(l) Florida Medicaid Outpatient Charges – The billed charges for outpatient services covered by the Florida Medicaid program for a hospital or an ASC.

(m) General Hospital – As defined in section 395.002(10), Florida Statutes (F.S.).

(n) High Medicaid Outpatient Utilization Hospital - A hospital that renders 55 percent or more of its total annual outpatient services to Florida Medicaid recipients.

(o) Payment Adjustment Factor – A multiplier used to package and consolidate payment for similar services; or, to discount services if the services are determined to be clinically similar to other services on the claim.

(p) Policy Adjustor - Numerical multipliers included in the EAPG claim service line payment calculation that increase or decrease payments to categories of services, categories of providers, or both.

(q) Provider Rate Worksheets – A list of the EAPG base rates and automatic rate enhancements for each hospital and ASC.

(r) Relative Weights – National average values calculated by 3M HIS which identify the relative amount of resources utilized to perform the services mapped to the EAPG code.

(s) Rural Hospital – As defined in section 395.602(2), F.S.

(t) Service Line Payment – A calculation used to determine individual claim line reimbursement.

(u) Service Line Procedure Code – The assigned Common Procedure Terminology© (CPT) Code and Health Procedural Code System (HCPCS) included on a claim line.

(3) Reimbursement. Effective July 1, 2017, the Agency for Health Care Administration (AHCA) will reimburse for Florida Medicaid outpatient hospital services rendered by hospital and ASC providers using the EAPG payment methodology in accordance with section 409.905, F.S.

(4) Reimbursement Methodology.

(a) EAPG Payment Calculation. The calculation is as follows:

[(Base Rate \* EAPG Relative Weight \* Policy Adjustor \* Payment Adjustment Factor) (up to the \$1,500 recipient annual benefit limit, when applicable)] + Automatic Rate Enhancement.

(b) Base Rate. AHCA will establish base rates. The base rates for dates of service beginning July 1, 2017 through March 31, 2018 are found on the Provider EAPG Rate Worksheet FY 2017-2018, incorporated by reference and available on the AHCA website at [http://ahca.myflorida.com/medicaid/cost\\_reim/archive/hospital\\_rates\\_archive.shtml#rates](http://ahca.myflorida.com/medicaid/cost_reim/archive/hospital_rates_archive.shtml#rates) and at [DOS place holder Ref-\_\_\_\_\_]. The base rates for dates of service beginning April 1, 2018 through June 30, 2018 are found on the Provider EAPG Rate Worksheet Reconciliation, incorporated by reference and available on the AHCA website at [http://ahca.myflorida.com/medicaid/cost\\_reim/hospital\\_rates.shtml](http://ahca.myflorida.com/medicaid/cost_reim/hospital_rates.shtml) and at [DOS place holder Ref-\_\_\_\_\_].

The base rates for dates of service beginning July 1, 2018 are found in Provider EAPG Rate Worksheet FY 2018-2019, incorporated by reference and available on the AHCA website at [http://ahca.myflorida.com/medicaid/cost\\_reim/hospital\\_rates.shtml](http://ahca.myflorida.com/medicaid/cost_reim/hospital_rates.shtml) and at [DOS place holder Ref-\_\_\_\_\_].

(c) EAPG Relative Weight. AHCA will use 3M HIS relative weights as found on the EAPG Rate Worksheet FY 2018-19, incorporated by reference and available on the AHCA website at [http://ahca.myflorida.com/medicaid/cost\\_reim/hospital\\_rates.shtml](http://ahca.myflorida.com/medicaid/cost_reim/hospital_rates.shtml) and at [DOS place holder Ref-\_\_\_\_\_].

AHCA will use the service line procedure code to determine the EAPG code and relative weight, except in claims for evaluation and management services without another significant procedure, wherein AHCA will use the recipient's primary diagnosis to determine the EAPG code and relative weight.

(d) Policy Adjustor. AHCA will only include a provider policy adjustor in the EAPG payment for rural hospitals and high Florida Medicaid outpatient utilization hospitals.

(e) Payment Adjustment Factor. AHCA will establish the Payment Adjustment Factor(s) as follows:

1. The Payment Adjustment Factor will be 1.0 for claim service lines that pay in full.

2. The Payment Adjustment Factor will be zero for bundled lines.

3. The Payment Adjustment Factor will be 0.50 on discounting claim lines, except for bilateral procedures.

4. The Payment Adjustment Factor will be 1.50 for bilateral procedures.

(f) Automatic Rate Enhancements. AHCA will apply an automatic rate enhancement to payable claim lines for outpatient hospitals for dates of service beginning July 1, 2017 as found on the Provider EAPG Rate Worksheet FY 2017-2018, incorporated by reference and available on the AHCA website at:

[http://ahca.myflorida.com/medicaid/cost\\_reim/archive/hospital\\_rates\\_archive.shtml](http://ahca.myflorida.com/medicaid/cost_reim/archive/hospital_rates_archive.shtml) and at [DOS place holder Ref-\_\_\_\_\_]. AHCA will apply an automatic rate enhancement to payable claim lines for outpatient hospitals for dates of service beginning July 1, 2018 as found on the Provider EAPG Rate Worksheet FY 2018-19, incorporated by reference and available on the AHCA website at: [http://ahca.myflorida.com/medicaid/cost\\_reim/hospital\\_rates.shtml](http://ahca.myflorida.com/medicaid/cost_reim/hospital_rates.shtml) and at [DOS place holder Ref-\_\_\_\_\_].

1. For each hospital receiving automatic rate enhancements, AHCA will calculate a per-payable-service-line payment amount by dividing the annual appropriation by the number of Florida Medicaid outpatient payable service lines in the base year.

2. AHCA will apply an automatic rate enhancement payment as follows:

a. To claim service lines that receive a bundled EAPG payment.

b. When adjudicated after a recipient reaches his or her annual hospital outpatient benefit limit with claim service lines that are paid \$0.00 and have a status of paid.

3. AHCA will apply an automatic rate enhancement payment of \$0.00 to claim service lines when claim service lines are denied.

(g) Budget Neutrality. AHCA will reconcile the EAPG parameters to comply with budget neutrality requirements.

(h) Terminated Procedures. AHCA will reimburse providers for procedures that are terminated prior to the administration of anesthesia at 50% of the rate.

(i) Charge Cap. AHCA will not apply a charge cap to services reimbursed under the EAPG payment methodology.

(5) Exclusion. AHCA will not apply the EAPG reimbursement methodology to reimburse the following:

1. Services covered under the transplant global fee in accordance with Rule 59G-4.150, F.A.C.

2. Vagus nerve stimulator device payments.

3. Newborn hearing screening.

(6) Cost Settlement. AHCA will not subject hospitals and ASCs reimbursed using the EAPG payment methodology to retrospective cost settlement.

(7) Crossover Pricing. For hospital outpatient crossover claims, AHCA will determine the Medicaid-allowed amount using the EAPG pricing methodology.

Rulemaking Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.913 FS. History—New\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.075  
 RULE TITLE: Home and Community Based Services Settings  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 145, July 26, 2018 issue of the Florida Administrative Register.

59G-13.075 Home and Community Based Services Settings

(1) This rule applies to all settings where Florida Medicaid waiver services are rendered to individuals enrolled in home and community-based service (HCBS) waiver programs authorized under Sections 1915(c), 1915(i), and 1915(k) of the Social Security Act.

(2) All settings must be in compliance with the provisions of the home and community-based settings requirements established in accordance with the Centers for Medicare and Medicaid Services' (CMS) Final Rule CMS-2296-F (HCBS Settings Rule) March 17, 2014, incorporated by reference, and available at [DOS Placeholder] and <https://federalregister.gov/a/2014-00487>.

(3) The Agency for Health Care Administration, or its designee, will assess residential and non-residential settings for compliance with Title 42, Code of Federal Regulations (CFR), section 441.530, incorporated by reference and available at [DOS Place holder] and <https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/xml/CFR-2017-title42-vol4-part441.xml#seqnum441.530>.

(4) Settings where HCBS services were rendered prior to March 17, 2014, and that are determined to be noncompliant with the HCB Settings Rule through site-specific assessment, must remediate deficiencies in accordance with a plan of remediation developed by the provider and agreed upon by the Agency or its designee.

(5) Settings that fail to comply with the HCB Settings Rule will be ineligible to participate in the provision of HCBS to Florida Medicaid recipients. The State must be in compliance with the HCB Settings Rule by March 17, 2022, in accordance with the Extension Period for Compliance with the home and Community-Based Settings Criteria informational bulletin, incorporated by reference available at [DOS Placeholder] and available on CMS' Web site at <https://www.medicaid.gov/federal-policy-guidance/downloads/cib050917.pdf>.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE NO.: 69L-3.009  
 RULE TITLE: Injuries that Qualify as Grievous Bodily Harm of a Nature that Shocks the Conscience  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 44 No. 210, October 26, 2018 issue of the Florida Administrative Register.

The correction has been made to include language that was omitted regarding legislative ratification of the rule, the appropriate Rulemaking Authority, and the scheduled date, time, and location of the hearing, to be held if requested within 21 days of publication of the Notice.

The Agency has determined that the proposed rule is expected to require legislative ratification based on the economic analysis presented in the SERC.

RULEMAKING AUTHORITY: 112.1815(5)(f), FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
 DATE AND TIME: Tuesday, November 27, 2018, 9:00 a.m.  
 ET

PLACE: Hartman Building, Room 102, 2012 Capital Circle SE, Tallahassee, Florida 32301

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing  
Homes

NOTICE IS HEREBY GIVEN that on October 19, 2018, the  
Agency for Health Care Administration, received a petition for  
subsection 59A-4.1265(5) from Welltower PropCo Group LLC  
d/b/a Stratford Court of Boca Pointe Skilled Nursing, seeking  
additional time beyond January 1, 2019, to implement the  
Detailed Nursing Home Emergency Power Plan. The petition  
was assigned case number 2018015697. Any interested person  
or other agency may submit written comments on the petition  
within 14 days after this notice by e-mailing  
LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Jacqueline Williams, Agency for Health Care  
Administration, 2727 Mahan Drive, Mail Stop #33,  
Tallahassee, Florida 32308 or e-mailing  
LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing  
Homes

NOTICE IS HEREBY GIVEN that on October 22, 2018, the  
Agency for Health Care Administration, received a petition for  
subsection 59A-4.1265(5) from Arbor Facility Inc. d/b/a  
Cypress Care Center, seeking additional time beyond January  
1, 2019, to implement the Detailed Nursing Home Emergency  
Power Plan. The petition was assigned case number  
2018015779. Any interested person or other agency may submit  
written comments on the petition within 14 days after this  
notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Jacqueline Williams, Agency for Health Care  
Administration, 2727 Mahan Drive, Mail Stop #33,  
Tallahassee, Florida 32308 or e-mailing  
LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing  
Homes

NOTICE IS HEREBY GIVEN that on October 22, 2018, the  
Agency for Health Care Administration, received a petition for  
subsection 59A-4.1265(5) from Courtyards Facility Inc. d/b/a  
Courtyards of Orlando Care Center, seeking additional time  
beyond January 1, 2019, to implement the Detailed Nursing  
Home Emergency Power Plan. The petition was assigned case  
number 2018015724. Any interested person or other agency  
may submit written comments on the petition within 14 days  
after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Jacqueline Williams, Agency for Health Care  
Administration, 2727 Mahan Drive, Mail Stop #33,  
Tallahassee, Florida 32308 or e-mailing  
LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing  
Homes

NOTICE IS HEREBY GIVEN that on October 22, 2018, the  
Agency for Health Care Administration, received a petition for  
subsection 59A-4.1265(5), F.A.C. from Lauderdale Nursing  
Center LLC d/b/a Ft Lauderdale Health and Rehabilitation  
Center, seeking additional time beyond January 1, 2019, to  
implement the Detailed Nursing Home Emergency Power Plan.  
The petition was assigned case number 2018015780. Any  
interested person or other agency may submit written comments  
on the petition within 14 days after this notice by e-mailing  
LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Jacqueline Williams, Agency for Health Care  
Administration, 2727 Mahan Drive, Mail Stop #33,  
Tallahassee, Florida 32308 or e-mailing  
LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing  
Homes

NOTICE IS HEREBY GIVEN that on October 22, 2018, the  
Agency for Health Care Administration, received a petition for  
subsection 59A-4.1265(5), F.A.C. from NCRNC INC. d/b/a  
North Campus Rehabilitation and Nursing Center, seeking  
additional time beyond January 1, 2019, to implement the

Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018015735. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 22, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5), F.A.C. from North Lake Facility Inc. d/b/a North Lake Care Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018015738. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

Division of Historical Resources

The Bureau of Historic Preservation, Florida National Register Review Board announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2018, 1:30 p.m.

PLACE: Room 307 of the R.A. Gray Building at 500 S. Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida National Register Review Board to review and approve proposed National Register nominations.

A copy of the agenda may be obtained by contacting: Ruben A. Acosta, Survey and Registration Supervisor, (850)245-6364 or ruben.acosta@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: Ruben A. Acosta at (850)245-6364 or via email: ruben.acosta@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).

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: Ruben A. Acosta (850)245-6364 or via email: ruben.acosta@dos.myflorida.com.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Agricultural Environmental Services

The Pest Control Enforcement Advisory Council (PCEAC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 7, 2018, 10:00 a.m.

PLACE: Alachua Regional Service Center, 14101 NW US Highway 441 Ste. 200, Alachua, FL 32615 or GoToMeeting: <https://global.gotomeeting.com/join/519958493>;

Teleconference information: 1(888)670-3525, access/pass code: 411-898-2807

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Dale Dubberly, (850)528-5310, dale.dubberly@freshfromflorida.com.

For more information, you may contact: Mr. Dale Dubberly, (850)528-5310, dale.dubberly@freshfromflorida.com.

**DEPARTMENT OF LAW ENFORCEMENT**

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

DATE AND TIME: Wednesday, October 31, 2018, 1:00 p.m. – 4:00 p.m.

PLACE: Conference Call, Toll Free: 1(877)309-2073, 1(646)749-3129, Access Code: 579-497-485

GoTo Meeting Link: <https://global.gotomeeting.com/join/579497485>

GENERAL SUBJECT MATTER TO BE CONSIDERED: A conference call convening the committees of the MEPIC Advisory Board at the following times:

Awareness and Prevention: 1:00 p.m. – 2:00 p.m.

Response and Recovery: 2:00 p.m. – 3:00 p.m.

Communication and Technology: 3:00 p.m. – 4:00 p.m.

A copy of the agenda may be obtained by contacting: Craig Schroeder at 1(888)356-4774.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Craig Schroeder at 1(888)356-4774. 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: Craig Schroeder at 1(888)356-4774.

**DEPARTMENT OF LAW ENFORCEMENT**

Criminal Justice Standards and Training Commission  
 The Criminal Justice Standards and Training Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 8, 2018, 2:00 p.m.  
 PLACE: Florida Department of Law Enforcement Headquarters; 2331 Phillips Road, Conference Room CJP/B1055; Tallahassee, Florida 32308. DIAL-IN INSTRUCTIONS: Call 1(888)670-3525 and enter code: 8753391569, followed by the # sign. Please call 5 minutes before 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: \*\*\* CONFERENCE CALL \*\*\* Includes the Officer Discipline Agenda and Business Agenda. The OFFICER DISCIPLINE HEARINGS will be held to discuss a Motion to Vacate/Set Aside Final Order and three (3) Recommended Orders relating to disciplinary action against sworn correctional, law enforcement, or correctional probation officers.

A copy of the agenda may be obtained by contacting: Joyce Gainous-Harris at (850)410-8615 or e-mail at JoyceGainous-Harris@fdle.state.fl.us. If you have questions about the Officer Discipline Agenda, please contact Sissy Beggs at (850)410-8632 or by e-mail at sissybeggs@fdle.state.fl.us. The Commission packet can be viewed or downloaded at: <http://www.fdle.state.fl.us/CJSTC/Commission/CJSTC-Home.aspx>.

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

**DEPARTMENT OF LAW ENFORCEMENT**

Criminal Justice Standards and Training Commission  
 The Criminal Justice Standards and Training Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 8, 2018, 2:00 p.m.  
 PLACE: Florida Department of Law Enforcement Headquarters; 2331 Phillips Road, Conference Room CJP/B1055; Tallahassee, Florida 32308. DIAL-IN INSTRUCTIONS: Call 1(888)670-3525 and enter code: 8753391569, followed by the # sign. Please call 5 minutes before 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: \*\*\* CONFERENCE CALL \*\*\* Includes the Business Agenda and Officer Discipline Agenda. The COMMISSION BUSINESS MEETING will be held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, trust fund issues, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools.

A copy of the agenda may be obtained by contacting: Joyce Gainous-Harris at (850)410-8615 or e-mail at JoyceGainous-Harris@fdle.state.fl.us. The Commission packet can be viewed or downloaded at: <http://www.fdle.state.fl.us/CJSTC/Commission/CJSTC-Home.aspx>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615 or e-mail at JoyceGainous-Harris@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**REGIONAL PLANNING COUNCILS**

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

DATE AND TIME: November 15, 2018, 9:30 a.m.  
 PLACE: Okeechobee County Emergency Operations Center (EOC), 707 NW 6th St. Room 106, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee (LEPC) and/or its subcommittees to discuss the provisions of the Emergency Planning Community Right-to-Know Program. Items pertaining to the State Emergency Response Commission (SERC) may be discussed.

A copy of the agenda may be obtained by contacting: Chuck Carter, Program Manager, at [ccarter@cfrpc.org](mailto:ccarter@cfrpc.org) or at 1(863)534-7130, ext. 107.

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: Chuck Carter, Program Manager, at [ccarter@cfrpc.org](mailto:ccarter@cfrpc.org) or at 1(863)534-7130, ext. 107. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**WATER MANAGEMENT DISTRICTS**

Northwest Florida Water Management District

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

DATE AND TIMES: November 8, 2018, 1:00 p.m., ET Governing Board Meeting; 1:05 p.m., ET Public Hearing on Consideration of Regulatory Matters

PLACE: Gulf County Courthouse Complex, 1000 Cecil G. Costin, Sr. Blvd., Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: District business.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: Savannah White, (850)539-5999 or online at <http://www.nfwwater.com/About/Governing-Board/Board-Meetings-Agendas>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Savannah White, (850)539-5999. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

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

DATES AND TIMES: Wednesday, November 7, 2018, 3:00 p.m., Audit & Finance Committee Meeting; Thursday, November 8, 2018, 9:30 a.m., Governing Board Meeting

PLACE: Robert and Judi Prokop Newman Alumni Center, University of Miami, 6200 San Amaro Drive, Coral Gables, FL 33146

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District announces two public meetings. All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meetings on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

Governing Board to discuss and consider District business, including regulatory and non-regulatory matters.

This program, while located at the University of Miami, is neither the responsibility of nor endorsed by the University.

A copy of the agenda may be obtained by contacting: Rosie Byrd, (561)682-6805 or at <https://www.sfwmd.gov/news-events/meetings>, seven days prior to the meeting.

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: District Clerk at (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rosie Byrd, (561)682-6805, [rbyrd@sfwmd.gov](mailto:rbyrd@sfwmd.gov).

**DEPARTMENT OF ELDER AFFAIRS**

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

DATE AND TIME: Monday, December 3, 2018, 10:00 a.m. - 11:00 a.m. (ET)

PLACE: The telephone conference call number is: 1(888)670-3525, and the participant conference code is: 962 076 0613

GENERAL SUBJECT MATTER TO BE CONSIDERED: General updates on departmental programs.

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: Jenny Rojas, (850)414-2000.

A copy of the agenda may be obtained by contacting: Jenny Rojas [rojasj@elderaffairs.org](mailto:rojasj@elderaffairs.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 1 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jenny Rojas, (850)414-2000 or rojasj@elderaffairs.org.

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid**

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

DATE AND TIME: Tuesday, December 11, 2018; from 2:00 p.m. to 4:00 p.m.

THIS NOTICE REPLACES THE NOTICE PUBLISHED IN VOL. 44, NO 187, F.A.R., SEPTEMBER 25, 2018. PLEASE NOTE THAT THE DATE FOR THE POST AWARD FORUM HAS CHANGED FROM OCTOBER 30, 2018 TO DECEMBER 11, 2018.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308. To participate by phone, please call 1-888-339-2688 and enter the participant code 716 467 78.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will hold its annual Post Award Forum on Florida’s Managed Medical Assistance (MMA) program. The annual Post Award Forum provides stakeholders the opportunity to provide meaningful comment on the progress of the MMA program. The MMA program operates under the authority of an 1115 Research and Demonstration Waiver approved by the Centers for Medicare and Medicaid Services. The Post Award Forum will be held during the Medical Care Advisory Committee meeting from 2:00 p.m. to 4:00 p.m. on Tuesday, December 11, 2018. The public will have an opportunity to provide comments during the forum.

A copy of the agenda may be obtained by contacting: Ms. Carla Sims, telephone (850)412-4013, email: Carla.Sims@ahca.myflorida.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Board of Veterinary Medicine

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

DATE AND TIME: Wednesday, November 28, 2018, 1:30 p.m.

PLACE: 1(888)585-9008, Conference room, 148-951-924

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions which may be closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 2601 Blair Stone Rd., Tallahassee, FL 32399; (850)717-1981.

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: Board of Veterinary Medicine, 2601 Blair Stone Rd., Tallahassee, FL 32399; (850)717-1981. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Veterinary Medicine, 2601 Blair Stone Rd., Tallahassee, FL 32399; (850)717-1981.

**DEPARTMENT OF HEALTH**

Division of Children’s Medical Services

The Florida Department of Health, Children’s Medical Services announces a public meeting to which all persons are invited.

DATE AND TIME: November 15, 2018, 1:00 p.m. – 3:00 p.m.

PLACE: Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/486969349>

Join the conference call: 1(888)670-3525, Participant: 6272156732#

Joining from a video-conferencing room or system?

Dial: 67.217.95.2##486969349, Cisco devices: 486969349@67.217.95.2

First GoToMeeting? Let’s do a quick system check: <https://link.gotomeeting.com/system-check>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Interagency Coordinating Council for Infants and Toddlers is meeting to conduct a quarterly meeting to advise and assist Florida’s Early Steps Program.

A copy of the agenda may be obtained by contacting: Hannah.Norcini@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: [Hannah.Norcini@flhealth.gov](mailto:Hannah.Norcini@flhealth.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [Hannah.Norcini@flhealth.gov](mailto:Hannah.Norcini@flhealth.gov).

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

The Florida Department of Health, Bureau of Chronic Disease Prevention, School Health Services Program announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2018, 3:00 p.m. – 5:00 p.m.  
 PLACE: Capital Circle Office Complex (CCOC), 2585 Merchants Row Blvd. (Prather Building), Room 310-A, Tallahassee, FL 32311; Conference Call: 1(877)309-2074, Access Code: 613-150-090;

To attend via webinar, please use this link: <https://attendee.gotowebinar.com/register/3227809192231921155>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To help address the growing needs of students, we are convening a School Health Services Program Ad Hoc Advisory Committee (Committee). The purpose of the Committee will be to investigate alternate school health models and make recommendations on best practices and initiatives that focus on increasing the quality and coordination of physical, mental, and behavioral health care, and improved health outcomes in the public-school setting.

"This call will be recorded. By staying on the line, you are agreeing to be recorded."

A copy of the agenda may be obtained by contacting: Amy Riggen, Florida Department of Health, (850)901-6939.

For more information, you may contact: Amy Riggen, School Health Services Program Administrator, (850)901-6939.

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Mental Health Program**

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

DATE AND TIME: November 30, 2018, 10:00 a.m.  
 PLACE: Dept. of Children & Families, 1317 Winewood Blvd., Bldg. 6, Conference Room A, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** ITN080918HSET1 - Peer Services - Meeting of Negotiations Team to Develop Recommendation for Award.

The Department's Negotiation Team will develop a recommendation to submit to the Secretary or designee, as to the award that will provide the best value to the state.

A copy of the agenda may be obtained by contacting: [michele.staffieri@myflfamilies.com](mailto:michele.staffieri@myflfamilies.com).

For more information, you may contact: [michele.staffieri@myflfamilies.com](mailto:michele.staffieri@myflfamilies.com).

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

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

DATE AND TIME: Revised: November 14, 2018, 2:00 p.m.  
 PLACE: 1317 Winewood Blvd., Building 3-201, Tallahassee, FL.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** In June 2018, the Florida Department of Economic Opportunity (DEO), in cooperation with other agencies, began preparation of the Consolidated Annual Performance and Evaluation Report (CAPER) and Performance and Evaluation Reports (PERs) for Federal Fiscal Year 2017, as required by the U.S. Department of Housing and Urban Development (HUD). Performance reports must be prepared in accordance with the instructions found in 24 CFR 91.520.

The HUD-funded programs covered in the report are the Florida Small Cities Community Development Block Grant Program (CDBG) administered by the Florida Department of Economic Opportunity, the Emergency Solutions Grant Program (ESG) administered by the Florida Department of Children and Families, the Housing Opportunities for Persons With AIDS Program (HOPWA) administered by the Florida Department of Health, and the Home Investment Partnership Program (HOME) administered by the Florida Housing Finance Corporation. This annual report, prepared according to HUD guidelines, consists of detailed information on grants made to eligible local governments or other awards to eligible entities.

On October 30, 2018, the 15-day comment period will begin and a copy of the draft report will be posted to the Department's website at:

<http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program/annual-action-plan>

The deadline for the consideration of written comments and/or suggestions is 5:00 p.m. Eastern Time on November 14, 2018. Comments may be addressed to Ginger Waters with DEO at the address below. Interested citizens may also offer oral comments at the public hearing on November 14, 2018.

Comments on the report may be submitted in writing to: Florida Small Cities CDBG Program, Florida Department of Economic Opportunity, 107 East Madison Street, MSC-400, Tallahassee,

Florida 32399-6508 or via email to Ginger Waters, ginger.waters@deo.myflorida.com.

A copy of the agenda may be obtained by contacting: Nakeba Hoo at (850)717-8434 or Nakeba.hoo@deo.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nakeba Hoo at (850)717-8434. 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 ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

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

**DATE AND TIME:** November 7, 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.

**FLORIDA SPORTS FOUNDATION**

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

**DATE AND TIME:** December 13, 2018, 12:00 Noon

**PLACE:** Art Ovation Hotel, 1255 N. Palm Avenue, Sarasota, FL 34236

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly meeting of the Board of Directors.

A copy of the agenda may be obtained by contacting: Jacqueline D. Hightower at jhightower@flsports.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jacqueline D. Hightower at jhightower@flsports.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).

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: Jacqueline D. Hightower at jhightower@flsports.com.

**OTHER AGENCIES AND ORGANIZATIONS**

Florida is for Veterans Inc.

The Florida is for Veterans Inc. d/b/a Veterans Florida announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 5, 2018, 9:00 a.m. – 6:00 p.m.

**PLACE:** Institute for Nonprofit Innovation and Excellence, 300 W. Pensacola St., Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular board business and consideration of Executive Director candidates.

A copy of the agenda may be obtained by contacting: Andrea Hornsby (850)898-1444 or info@veteransflorida.org.

For more information, you may contact: info@veteransflorida.org.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has received the petition for declaratory statement from FOG 15L, LLC. The petition seeks the agency's opinion as to the applicability of Chapter 516, Florida Statutes, as it applies to the petitioner.

On 10/23/2018, the Florida Office of Financial Regulation (Consumer Finance) received a Petition for Declaratory Statement from FOG 15L, LLC. The petition seeks a declaratory statement from the Office on whether its proposed business model (to assist customers in meeting their recurring financial obligations. The company purchases commissions from its customers, at a discount, at which time funds are paid

to the customer. When the transaction underlying the assignment is completed, the company receives payment of the purchased receivable directly from the closing agent or the brokerage company) falls under the Florida Consumer Finance Act, Chapter 516, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has received the petition for declaratory statement from Xapo, Inc. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

On 10/25/2018, the Florida Office of Financial Regulation (Consumer Finance) received a Petition for Declaratory Statement from Xapo, Inc. The petition seeks a declaratory statement from the Office whether its proposed business model (to offer bitcoin management and storage services to consumers and institutions) falls under the Florida Money Transmitter Statute, Chapter 560, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850) 410-9889, Agency.Clerk@flofr.com.

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

DEPARTMENT OF CITRUS

RFP 18-02 NHANES Analysis for OJ Consumption vs. Diet Quality and Weight

Notice of Request for Proposal: The procurement office is soliciting formal, competitive bids for RFP 18-02. The RFP public opening is scheduled for Monday, December 3, 2018, 2:00 p.m., ET at 605 E. Main Street, Bartow, FL 33830. The Department will post any changes or additional meeting(s) on the Vendor Bid System (VBS) in accordance with subsection 287.042(3), F.S., and will not re-advertise any notice in the Florida Administrative Register (FAR). Access the VBS at [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu).

DEPARTMENT OF CITRUS

RFP 18-03 NHANES Study of TRENDS relating OJ Consumption vs. Nutrient Adequacy

Notice of Request for Proposal: The procurement office is soliciting formal, competitive bids for RFP 18-03. The RFP public opening is scheduled for Monday, December 3, 2018, 2:00 p.m., ET at 605 E. Main Street, Bartow, FL 33830. The Department will post any changes or additional meeting(s) on the Vendor Bid System (VBS) in accordance with subsection 287.042(3), F.S., and will not re-advertise any notice in the Florida Administrative Register (FAR). Access the VBS at [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu)

FISH AND WILDLIFE CONSERVATION COMMISSION  
BABCOCK RANCH PRESERVE CAMPSITE  
IMPROVEMENTS PHASE II  
BID NO: FWC 18/19-32C

**TITLE: BABCOCK RANCH PRESERVE CAMPSITE IMPROVEMENTS PHASE II**

**FOR:** The intent of this Invitation to Bid(ITB) is to obtain competitive pricing for hunt camp construction at Babcock Ranch, in accordance with the contract documents and chapter 255 of the Florida Statutes.

**SEALED BIDS WILL BE PUBLICLY OPENED AND READ ALOUD ON:**

**DATE & TIME:** December 6, 2018, 3:00 p.m.

**Location:** Florida Fish & Wildlife Conservation Commission, 2590 Executive Center Circle East, Suite 100, Tallahassee, Florida 32301

Please follow the steps below to review the advertisement:

- Click on: [http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu)
- Click on: Search Advertisements
- Under Agency, select the “Fl. Fish and Wildlife Conservation Commission” from the drop down box
- Scroll to the bottom of the page and click on “Initiate Search”
- Click on the solicitation number FWC 18/19-32C. This will allow you to view the advertisement for this solicitation
- At the bottom of the advertisement, there is a list of Downloadable Files for the Advertisement
- Click on the link for each file

\*\*\*For an electronic copy of construction plans and all other associated documents please submit a completed Confidentiality Exemption Form (Attachment A) through email or in person to Bryan Tucker the Procurement Manager at [bryan.tucker@myfwc.com](mailto:bryan.tucker@myfwc.com) or in person at 2590 Executive Center Circle East, Suite 100 Tallahassee, Florida 32301. The Construction plans and associated documents are too large to email so you may bring a USB thumb drive to the address above (Option One) to load the documents electronically or provide a thumb drive via US or Express delivery mail with a self-address stamped envelope with the ability to return mail at no cost to the Commission(Option Two).

\*\*\*Also note that the Commission is not responsible for the receipt of construction plans and associated documents to Contractors who have not first, submitted a completed Confidentiality Exemption Form (Attachment A) and second provided a USB thumb drive via the two options above for electronic distribution.

**PURCHASING MANAGER:** (Direct questions to the following)

Bryan Tucker, Procurement Manager, Florida Fish & Wildlife Conservation Commission, Tallahassee Purchasing Office, 2590 Executive Center Circle, Tallahassee, Florida 32301, (850)488-6551, [bryan.tucker@myfwc.com](mailto:bryan.tucker@myfwc.com).

**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, October 23, 2018 and 3:00 p.m., Monday, October 29, 2018.

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
40D-3.037	10/25/2018	11/14/2018
53ER18-60	10/25/2018	10/25/2018
53ER18-61	10/25/2018	10/25/2018
53ER18-62	10/25/2018	10/25/2018
53ER18-63	10/25/2018	10/25/2018
53ER18-64	10/25/2018	10/25/2018
61G16-1.0071	10/29/2018	11/18/2018
61G16-2.001	10/29/2018	11/18/2018
62-304.515	10/26/2018	11/15/2018
64B3-3.001	10/25/2018	11/14/2018
64B5-13.005	10/25/2018	11/14/2018
64B8-8.017	10/23/2018	11/12/2018
64B8-30.014	10/26/2018	11/15/2018
64B8-30.015	10/26/2018	11/15/2018
64B15-6.01051	10/26/2018	11/15/2018
64B15-6.011	10/26/2018	11/15/2018
64B15-13.001	10/26/2018	11/15/2018
64B15-13.0025	10/26/2018	11/15/2018
64B15-19.007	10/26/2018	11/15/2018
68B-31.009	10/23/2018	11/12/2018
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

DG Motorsports LLC d/b/a US1 Scooters for the establishment of RIYA motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Industry Group (USA), Inc., intends to allow the establishment of DG Motorsports LLC, d/b/a US1 Scooters as a dealership for the sale of motorcycles manufactured by Zhejiang Riya Motorcycle Co., Ltd. (line-make RIYA) at 805 West Broward Boulevard, Fort Lauderdale, (Broward County), Florida, 33312, on or after November 30, 2018.

The name and address of the dealer operator(s) and principal investor(s) of DG Motorsports LLC, d/b/a US1 Scooters are dealer operator(s): Alexis Degrave, 11510 Biscayne Boulevard, Miami, Florida 33181; principal investor(s): Alexis Degrave, 11510 Biscayne Boulevard, Miami, Florida 33181.

The notice indicates intent to establish the new point location in a county with a population of more than 300,000, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Meiredith Huang, Peace Industry Group (USA), Inc., 2885 Pacific Drive, Suite B, Norcross, Georgia, 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by subsection 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency

review under the Florida Coastal Management Program. A list of projects, comments and deadlines, and the address for providing comments, are available at: <https://fldep.dep.state.fl.us/clearinghouse/>. For information, call (850)717-9076. This public notice fulfills the requirements of 15 CFR 930.

Section XIII

Index to Rules Filed During Preceding Week

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

INDEX TO RULES FILED BETWEEN  
OCTOBER 22, 2018 AND OCTOBER 26, 2018

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-3.037	10/25/2018	11/14/2018	44/160	
-----------	------------	------------	--------	--

**DEPARTMENT OF THE LOTTERY**

53ER18-60	10/25/2018	10/25/2018	44/210	
53ER18-61	10/25/2018	10/25/2018	44/210	
53ER18-62	10/25/2018	10/25/2018	44/210	
53ER18-63	10/25/2018	10/25/2018	44/210	
53ER18-64	10/25/2018	10/25/2018	44/210	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-304.515	10/26/2018	11/15/2018	44/157	
------------	------------	------------	--------	--

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

64B3-3.001	10/25/2018	11/14/2018	44/123	44/183
------------	------------	------------	--------	--------

**Board of Dentistry**

64B5-13.005	10/25/2018	11/14/2018	44/180	
-------------	------------	------------	--------	--

**Board of Medicine**

64B8-8.017	10/23/2018	11/12/2018	44/174	
64B8-30.014	10/26/2018	11/15/2018	44/185	
64B8-30.015	10/26/2018	11/15/2018	44/185	

**Board of Osteopathic Medicine**

64B15-6.01051	10/26/2018	11/15/2018	44/185	
64B15-6.011	10/26/2018	11/15/2018	44/185	

64B15-13.001 10/26/2018 11/15/2018 44/185  
 64B15-13.0025 10/26/2018 11/15/2018 44/185  
 64B15-19.007 10/26/2018 11/15/2018 44/185

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

65C-28.008 10/22/2018 11/11/2018 44/130 44/177

**FISH AND WILDLIFE CONSERVATION  
 COMMISSION**

**Marine Fisheries**

68B-31.009 10/23/2018 11/12/2018 44/144 44/191

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

69A-60.003 10/22/2018 11/11/2018 44/164

**Division of Insurance Agent and Agency Services**

69B-156.013 10/22/2018 11/11/2018 44/176  
 69B-156.014 10/22/2018 11/11/2018 44/176  
 69B-156.015 10/22/2018 11/11/2018 44/176  
 69B-156.050 10/22/2018 11/11/2018 44/176  
 69B-156.123 10/22/2018 11/11/2018 44/176  
 69B-157.023 10/22/2018 11/11/2018 44/176  
 69B-157.101 10/22/2018 11/11/2018 44/176  
 69B-157.102 10/22/2018 11/11/2018 44/176  
 69B-157.103 10/22/2018 11/11/2018 44/176

**Division of Workers' Compensation**

69L-5.217 10/22/2018 11/11/2018 44/166 44/172

**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

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.