

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO.: RULE TITLE:

6B-11.007 Disciplinary Guidelines

PURPOSE AND EFFECT: The amendment proposes a substantial rewording of the rule.

SUMMARY: Substantial rewording of rule.

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 the Commission meeting, the Commission, based upon the expertise and experience of its members and the substance of the rule amendment, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary because the rule does not impose additional rights, obligations, or duties on any persons or businesses, 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: 1012.79(7), 1012.795(6)(b) FS.

LAW IMPLEMENTED: 1012.795, 1012.796(7), (8) 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: Gretchen Kelley Brantley, Executive Director, Education Practices Commission, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 6B-11.007 follows. See Florida Administrative Code for present text.

6B-11.007 Disciplinary Guidelines.

(1) When the Education Practices Commission finds that a person has committed any act for which the Commission may impose discipline, the Commission shall impose an appropriate penalty within the ranges set forth for various acts or violations in the following disciplinary guidelines unless, based upon consideration of aggravating and mitigating factors in the individual case which are among those set out in subsection (3), the Commission determines that a penalty outside the range in those guidelines but within statutory limitation is appropriate. In those cases in which the Commission relies on aggravating or mitigating factors to depart from the ranges in these disciplinary guidelines, such aggravating and mitigating factors shall be stated in the record of the case and in the Final Order imposing the applicable penalty.

(2) The following disciplinary guidelines shall apply to violations of the below listed statutory and rule violations and to the described actions which may be basis for determining violations of particular statutory or rule provisions. Each of the following disciplinary guidelines shall be interpreted to include “probation,” “Recovery Network Program,” “restrict scope of practice,” “fine,” and “administrative fees and/or costs” with applicable terms thereof as additional penalty provisions in each case in which neither a suspension or revocation is imposed, the penalty shall include a letter of reprimand. The terms “suspension” and “revocation” shall mean any length of suspension or revocation, including permanent revocation, permitted by statute, and shall include a comparable period of denial of an application for an educator’s certificate.

<u>(a) Obtaining or attempting to obtain a Florida educator’s certificate by fraudulent means in violation of Section 1012.795(1)(a), F.S.</u>	<u>Probation – Revocation</u>
<u>(b) Knowingly failing to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796, in violation of Section 1012.795(1)(b), F.S.</u>	<u>Probation - Revocation</u>

<u>(c) 1. Being incompetent to teach or to perform duties as an educator due to physical or mental incapacity in violation of Section 1012.795(1)(c), F.S.</u>	<u>Suspension</u> <u>- Revocation</u>
<u>2. Being incompetent to teach or to perform duties as an educator due to inefficiency in violation of Section 1012.795(1)(c), F.S.</u>	<u>Suspension</u> <u>- Revocation</u>
<u>(d) 1. Being guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education in violation of Section 1012.795(1)(d), F.S.</u>	<u>Probation</u> <u>- Revocation</u>
<u>2. When a student or school activity is involved.</u>	<u>Suspension</u> <u>- Revocation</u>
<u>(e) Having an educator certificate sanctioned by revocation, suspension, or surrender by another state in violation of Section 1012.795(1)(e), F.S.</u>	<u>Suspension</u> <u>- Revocation</u>
<u>(f) Committing criminal acts and/or convictions in violation of Section 1012.795(1)(f), F.S.</u>	<u>Reprimand</u> <u>- Suspension</u>
<u>1. Misdemeanors</u>	<u>Suspension</u> <u>- Revocation</u>
<u>2. Felonies</u>	<u>Suspension</u> <u>- Revocation</u>
<u>(g) Engaging in personal conduct which seriously reduces effectiveness as a district school board employee in violation of Section 1012.795(1)(g), F.S.</u>	<u>Probation</u> <u>- Revocation</u>
<u>(h) Having breached a contract, as provided in Section 1012.33(2), F.S., in violation of Section 1012.795(1)(h), F.S.</u>	<u>Probation</u> <u>- Suspension</u>
<u>(i) Violating any order of the Education Practices Commission in violation of Section 1012.795(1)(i), F.S.</u>	<u>Probation</u> <u>- Revocation</u>
<u>(j) Violating the Principles of Professional Conduct in violation of Section 1012.795(1)(j), F.S. by:</u>	
<u>1. Failing to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety [Rule 6A-10.081(2)(a)1.]</u>	<u>Reprimand</u> <u>- Revocation</u>
<u>2. Unreasonably restraining a student from independent action in pursuit of learning [Rule 6A-10.081(2)(a)2.]</u>	<u>Reprimand</u> <u>- Revocation</u>
<u>3. Unreasonably denying a student access to diverse points of view. [Rule 6A-10.081(2)(a)3.]</u>	<u>Reprimand</u> <u>- Revocation</u>

<u>4. Intentionally suppressing or distorting subject matter relevant to a student's academic program. [Rule 6A-10.081(2)(a)4.]</u>	<u>Reprimand</u> <u>- Revocation</u>
<u>5. Intentionally exposing a student to unnecessary embarrassment or disparagement. [Rule 6A-10.018(2)(a)5.]</u>	<u>Reprimand</u> <u>- Revocation</u>
<u>6. Intentionally violating or denying a student's legal rights. [Rule 6A-10.081(2)(a)6.]</u>	<u>Suspension</u> <u>- Revocation</u>
<u>7. Harassing or discriminating against any student on the basis of race, color, religion, sex, age, origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background or failing to make reasonable effort to assure that each student is protected from harassment or discrimination. [Rule 6A-10.081(2)(a)7.]</u>	<u>Suspension</u> <u>- Revocation</u>
<u>8. Exploiting a relationship with a student for personal gain or advantage. [Rule 6A-10.081(2)(a)8.]</u>	<u>Suspension</u> <u>- Revocation</u>
<u>9. Failing to keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law. [Rule 6A-10.081(2)(a)9.]</u>	<u>Probation</u> - <u>Revocation</u>
<u>10. Failing to take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated. [Rule 6A-10.081(2)(b)1.]</u>	<u>Reprimand</u> <u>- Revocation</u>
<u>11. Intentionally distorting or misrepresenting facts concerning an educational matter in direct or indirect public expression. [Rule 6A-10.081(2)(b)2.]</u>	<u>Probation</u> - <u>Revocation</u>
<u>12. Using institutional privileges for personal gain or advantage. [Rule 6A-10.081(2)(b)3.]</u>	<u>Reprimand</u> <u>- Revocation</u>
<u>13. Accepting a gratuity, gift, or favor that might influence professional judgment. [Rule 6A-10.081(2)(b)4.]</u>	<u>Reprimand</u> <u>- Revocation</u>
<u>14. Offering a gratuity, gift, or favor to obtain special advantages. [Rule 6A-10.081(2)(b)5.]</u>	<u>Probation</u> - <u>Revocation</u>

<u>15. Failing to maintain honesty in all professional dealings. [Rule 6A-10.081(2)(c)1.]</u>	<u>Reprimand - Revocation</u>	<u>condition of employment. [Rule 6A-10.081(2)(c)10.]</u>	
<u>16. Denying to a colleague professional benefits or advantages or participation in any professional organization on the basis of race, color, religion, sex, age, origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background. [Rule 6A-10.081(2)(c)2.]</u>	<u>Suspension - Revocation</u>	<u>25. Failing to provide upon the request of the certificated individual a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment. [Rule 6A-10.081(2)(c)11.]</u>	<u>Reprimand - Revocation</u>
<u>17. Interfering with a colleague's exercise of political or civil rights and responsibilities. [Rule 6A-10.081(2)(c)3.]</u>	<u>Probation - Revocation</u>	<u>26. Assisting entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules. [Rule 6A-10.081(2)(c)12.]</u>	<u>Probation - Revocation</u>
<u>18. Engaging in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment or failing to make reasonable effort to assure that each individual is protected from such harassment or discrimination. [Rule 6A-10.081(2)(c)4.]</u>	<u>Suspension - Revocation</u>	<u>27. Failing to self-report within 48 hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance or failing to report any conviction, finding of guilty, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within 48 hours after the final judgment. [Rule 6A-10.081(2)(c)13.]</u>	<u>Reprimand - Revocation</u>
<u>19. Making malicious or intentionally false statements about a colleague. [Rule 6A-10.081(2)(c)5.]</u>	<u>Reprimand - Revocation</u>	<u>28. Failing to report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules. [Rule 6A-10.081(2)(c)14.]</u>	<u>Reprimand - Revocation</u>
<u>20. Using coercive means or promising special treatment to influence professional judgments of colleagues. [Rule 6A-10.081(2)(c)6.]</u>	<u>Probation - Revocation</u>	<u>29. Seeking reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules. [Rule 6A-10.081(2)(c)15.]</u>	<u>Probation - Revocation</u>
<u>21. Misrepresenting one's own professional qualifications. [Rule 6A-10.081(2)(c)7.]</u>	<u>Suspension - Revocation</u>		
<u>22. Submitting fraudulent information on any document in connection with professional activities. [Rule 6A-10.081(2)(c)8.]</u>	<u>Suspension - Revocation</u>	<u>(k) Violating other provisions of law, the penalty for which is revocation of the educator certificate in violation of Section 1012.795(1)(k), F.S.</u>	<u>Revocation</u>
<u>23. Making any fraudulent statement or failing to disclose a material fact in one's own or another's application for a professional position. [Rule 6A-10.081(2)(c)9.]</u>	<u>Probation - Revocation</u>	<u>(l) Being subject of a court order or plea agreement in any jurisdiction which requires the certificate holder to surrender</u>	<u>Revocation</u>
<u>24. Withholding information regarding a position from an applicant or misrepresenting an assignment or</u>	<u>Reprimand - Revocation</u>		

<u>or otherwise relinquish his or her educator's certificate in violation of Section 1012.795(1)(m)</u>	
<u>(m) Being disqualified from educator certification under s. 1012.315</u>	<u>Revocation</u>
<u>(n) Having committed a third recruiting offense as determined by the Florida High School Athletic Association (FHSAA) in violation of Section 1012.795(1)(o)</u>	<u>Revocation for a minimum of three years</u>
<u>(o) Other violations of Section 1012.795, F.S.</u>	<u>Probation – Revocation or such penalty as is required by statute</u>
<u>(p) Multiple categories of violations enumerated above in concurrent or consecutive terms.</u>	<u>EPC will apply penalties</u>

(3) Based upon consideration of aggravating and mitigating factors present in an individual case, the Commission may deviate from the penalties recommended in subsection (2). The Commission may consider the following as aggravating or mitigating factors:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) The length of time since the violation;
- (e) The number of times the educator has been previously disciplined by the Commission;
- (f) The length of time the educator has practiced and the contribution as an educator;
- (g) The actual damage, physical or otherwise, caused by the violation;
- (h) The deterrent effect of the penalty imposed;
- (i) The effect of the penalty upon the educator's livelihood;
- (j) Any effort of rehabilitation by the educator;
- (k) The actual knowledge of the educator pertaining to the violation;
- (l) Employment status;
- (m) Attempts by the educator to correct or stop the violation or refusal by the educator to correct or stop the violation;
- (n) Related violations against the educator in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (o) Actual negligence of the educator pertaining to any violation;
- (p) Penalties imposed for related offenses under subsection (2) above;
- (q) Pecuniary benefit or self-gain inuring to the educator;

(r) Degree of physical and mental harm to a student or a child;

(s) Present status of physical and/or mental condition contributing to the violation including recovery from addiction;

(t) Any other relevant mitigating or aggravating factors under the circumstances.

(4) These guidelines shall not be interpreted as limitations on penalties assessed within statutory parameters as a result of a negotiated settlement agreement offered by the parties. However, a panel of the EPC shall not be prohibited from rejecting a proposed stipulation. Furthermore, a panel of the EPC may direct that the basis for a penalty arrived at as a result of a settlement agreement of the parties be stated in the final order.

(5) The above guidelines notwithstanding, any individual who committed violations where the Commission imposed a penalty on two prior occasions shall have their certificate permanently revoked as the penalty for a third or subsequent disciplinary case appearing before the Commission. The Commission will not count the following as prior discipline for purposes of this subsection:

(a) Penalties for administrative violations of failing to submit annual reports or failing to pay a probation fee ordered by the Commission; and

(b) First-time penalties against an applicant for certification who has never been disciplined by the Commission.

Rulemaking Authority 1012.79(7), 1012.795(6)(b) FS. Law Implemented 1012.795, 1012.796(7), (8) FS. History—New 2-27-94, Amended 3-22-07, 4-9-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 6, 2018

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

RULE NO.: RULE TITLE:
11B-14.001 Definitions
11B-14.005 Annual Salary Incentive Compensation Report
PURPOSE AND EFFECT: Subsection 11B-14.001(9), F.A.C.:
Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.
Paragraph 11B-14.005(3)(a), F.A.C.: Removes the reference to Rule 11B-35.006(1)(b), F.A.C., and adds a link to the Active CJSTC Curricula web page.

Sub-paragraphs 11B-14.005(3)(b)11.-70., F.A.C.: Renumbers the sub-subparagraphs of Rule 11B-14.005(3)(b), F.A.C., because retired courses were added to the list of inactive Advanced Training Program Courses that were eligible for salary incentive payments.

Sub-paragraph 11B-14.005(3)(b)11., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Criminal Law, number 019, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)16., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Sex Crimes Investigations, number 033, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)33., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Organized Crime, number 054, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)35., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Supervision of the Youthful Offender, number 058, which was retired by the Commission, effective September 4, 2016.

Sub-paragraphs 11B-14.005(3)(b)48.-49., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Firefighting for Correctional Officers, number 072; and Community and Human Relations, number 073, which were retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)54., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Computers and Technology in Criminal Justice, number 080, which was retired by the Commission, effective September 4, 2016.

Sub-paragraphs 11B-14.005(3)(b)65.-70., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding the following courses which were retired by the Commission, effective September 4, 2016: Computer Crimes Investigations, number 1153; Financial Fraud Investigations, number 1154; Managing and Communicating With Inmates and Offenders, number 1161; Inmate Manipulation, number 1164; Investigating Crimes Against Children, number 1187; and Field Training Officer Course for Correctional Probation Officers, number 1188.

SUMMARY: Updated rule references; link to the Active CJSTC Curricula web page; updated list of inactive salary incentive Advanced Training Program Courses by adding the following retired courses that were eligible for salary incentive payments: Criminal Law, number 019; Sex Crimes Investigations, number 033; Organized Crime, number 054; Supervision of the Youthful Offender, number 058; Firefighting for Correctional Officers, number 072;

Community and Human Relations, number 073; Computers and Technology in Criminal Justice, number 080; Computer Crimes Investigations, number 1153; Financial Fraud Investigations, number 1154; Managing and Communicating With Inmates and Offenders, number 1161; Inmate Manipulation, number 1164; Investigating Crimes Against Children, number 1187; and Field Training Officer Course for Correctional Probation Officers, number 1188.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

LAW IMPLEMENTED: 943.22, 943.25(4) 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: Wednesday, April 11, 2018, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

11B-14.001 Definitions. For the purpose of this rule chapter, the definitions of “employing agency,” “law enforcement officer,” “correctional officer,” “correctional probation officer,” and “Commission,” pursuant to Section 943.10, F.S., and the definitions of “community college degree or equivalent,” “bachelor’s degree,” and “accredited college or university or community college,” pursuant to Section 943.22, F.S., shall be deemed controlling. The definition of “law enforcement officer” also includes those elected officers who, pursuant to Section 943.253, F.S., choose to participate in the Salary Incentive Program. In addition, for the purpose of this rule chapter, the term “officer” is limited to include “law enforcement officer,” “correctional officer,” or “correctional probation officer,” pursuant to Section 943.10(14), F.S. Further, in order to provide effectively for the administration of the Salary Incentive Program, certain additional definitions are necessary, therefore, the following words or phrases shall have these meanings:

(1) through (8) No change.

(9) For Commission-approved Basic Recruit and Advanced Training Program Courses, the terms “successfully completed,” “successfully complete,” and “pass” are defined in subsection 11B-35.001(10)(9), F.A.C., or for federal or private training programs, a letter from the agency head attached to the Certificate of Completion that confers the successful completion of a federal or private training program.

(10) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 8-19-72, Repromulgated 1-5-75, Amended 1-13-81, 5-16-83, 9-1-83, 1-7-85, Formerly 11B-14.01, Amended 7-13-87, 9-3-87, 12-13-92, 1-2-97, 7-7-99, 11-5-02, 11-30-04, 3-13-13, 7-19-17,___.

11B-14.005 Annual Salary Incentive Compensation Report.

(1) through (2) No change.

(3)(a) The active Commission-approved Advanced Training Program Courses approved for salary incentive payments are listed ~~in paragraph 11B-35.006(1)(b), F.A.C. on the Active CJSTC Curricula web page at <http://www.fdle.state.fl.us/cms/CJSTC/Curriculum/Active-Courses.aspx>.~~

(b) The following inactive Advanced Training Program Courses were eligible for salary incentive payments for the dates as indicated:

1. through 10. No change.

	Course Title	Course Code	Course Hours	Inactive
11.	<u>Criminal Law</u>	<u>019</u>	<u>40</u>	<u>9/4/16</u>
12.44.	Officer Skills Improvement and Stress Reduction	028	40	7/1/88
13.42.	Police Officer Procedures and Techniques	029	40	7/1/88
14.43.	Introduction to Police Operations and Leadership	030	40	7/1/88
15.44.	Crime Scene Photography, effective 7/1/85	031	40	7/1/88
16.	<u>Sex Crimes Investigations</u>	<u>033</u>	<u>40</u>	<u>9/4/16</u>
17.45.	Crimes Against Property	034	40	7/1/88
18.46.	Confidential Informants and Other Source of Information	035	40	7/1/88
19.47.	Crime Prevention	037	40	7/1/88
20.48.	Traffic Accident Investigation	038	40	7/1/88
21.49.	Traffic Homicide Investigation	039	40	7/1/98
22.20.	Surveillance Techniques	040	40	7/1/88
23.21.	Environmental Law Enforcement and Investigation	041	40	10/1/85
24.22.	Marine Enforcement and Investigation	042	40	7/1/88
25.23.	Economic Crimes - An Overview	043	40	7/1/88
26.24.	Economic Crimes - Crime Scheme Identification	044	40	10/1/85
27.25.	Economic Crimes - Frauds and Schemes	045	40	7/1/88

28.26.	Economic Crimes - Tangible Property Frauds and Schemes	046	40	10/24/86
29.27.	Crimes Against Persons	048	40	7/1/88
30.28.	Tactical Police Driving	049	40	7/1/88
31.29.	Field Training Officer	051	40	7/1/02
32.30.	Crime and the Elderly	052	40	7/1/88
33.	<u>Organized Crime</u>	<u>054</u>	<u>40</u>	<u>9/4/16</u>
34.34.	Radar Speed Measurement Training Course for Law Enforcement Officers	055	40	12/31/06
35.	<u>Supervision of the Youthful Offender</u>	<u>058</u>	<u>40</u>	<u>9/4/16</u>
36.32.	Correctional Operations	059	40	7/1/88
37.33.	Counseling and Communication Skills Program	060	40	7/1/88
38.34.	Supervisory Training - See Course 006	061	40	10/1/85
39.35.	Management Training - See Course 007	062	40	10/1/85
40.36.	Crisis Management Training - See Course 053	063	40	10/1/85
41.37.	Stress Awareness and Resolution - See Course 050	064	40	10/1/85
42.38.	Self Defense and Use of Force	065	40	7/1/88
43.39.	First Responder to Medical Emergencies	066	40	7/1/91
44.40.	Firearms Qualification	067	40	9/30/83
45.41.	Residential Security	069	40	7/1/88
46.42.	Commercial Security	070	40	7/1/88

47.43.	Developing and Managing Crime Prevention Programs	071	40	7/1/88
48.	<u>Firefighting for Correctional Officers</u>	<u>072</u>	<u>40</u>	<u>9/4/16</u>
49.	<u>Community and Human Relations</u>	<u>073</u>	<u>40</u>	<u>9/4/16</u>
50.44.	Community Relations	075	40	10/24/86
51.45.	Health Training	076	40	10/1/85
52.46.	Proficiency Skills Enhancement, effective 4/25/85	078	40	7/1/88
53.47.	Prevention of Delinquency and Juvenile Victimization, effective 4/25/85	079	40	7/1/88
54.	<u>Computers and Technology in Criminal Justice</u>	<u>080</u>	<u>40</u>	<u>9/4/16</u>
55.48.	Instructor Techniques, effective 7/1/85	081	80	7/1/88
56.49.	Foreign Language Skills, effective 7/25/85	082	80	7/1/88
57.50.	Advanced Neighborhood Watch, effective 7/25/85	083	40	7/1/88
58.51.	Models for Management	084	40	7/1/87
59.52.	Background Investigations	086	40	7/1/88
60.53.	Investment in Excellence, effective 3/17/86	089	40	7/1/88
61.54.	Fingerprints Science, effective 10/24/86	092	120	7/1/88
62.55.	Laser Speed Measurement Operators Course for Law Enforcement Officers	095	40	12/31/06

63.56.	Learning To Supervise, effective 4/25/85	200	40	7/1/88
64.57.	Learning To Manage, effective 4/25/85	201	40	7/1/88
<u>65.</u>	<u>Computer Crimes Investigations</u>	<u>1153</u>	<u>40</u>	<u>9/4/16</u>
<u>66.</u>	<u>Financial Fraud Investigations</u>	<u>1154</u>	<u>40</u>	<u>9/4/16</u>
<u>67.</u>	<u>Managing and Communicating With Inmates and Offenders</u>	<u>1161</u>	<u>40</u>	<u>9/4/16</u>
<u>68.</u>	<u>Inmate Manipulation</u>	<u>1164</u>	<u>60</u>	<u>9/4/16</u>
<u>69.</u>	<u>Investigating Crimes Against Children</u>	<u>1187</u>	<u>40</u>	<u>9/4/16</u>
<u>70.</u>	<u>Field Training Officer Course for Correctional Probation Officers</u>	<u>1188</u>	<u>40</u>	<u>9/4/16</u>

Rulemaking Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History—New 11-5-02. Amended 11-30-04, 6-9-08, 3-13-13,___.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bureau Chief Glen Hopkins
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

**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-20.0012 Denial and Discipline of Instructor Certification
 11B-20.0017 Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: Paragraph 11B-20.001(1)(j), F.A.C.: Establishes rule language that prohibits romantic or sexual relationships between certified instructors and students attending basic recruit training. Given the ability of an instructor to control access to the profession, it is possible for an instructor to use this power to coerce a student to participate in a relationship that he or she feels is required in order to

successfully complete the program and become a certified officer.

Sub-subparagraph 11B-20.001(3)(a)5.b., F.A.C.: Incorporates the revised Internal Investigation Report, form CJSTC-78, to change the rule reference and update the name of the form in the instructions.

Subsection 11B-20.001(4), F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, to change the rule reference and update the certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

Paragraphs 11B-20.0012(2)(b)-(c), F.A.C.: Updates the rule references because paragraphs were added to Rule 11B-35.001, F.A.C.

Paragraph 11B-20.0012(2)(f), F.A.C.: Imposes disciplinary action against an instructor’s certification if the instructor teaches or supervises a basic recruit trainee in one of the Commission’s Basic Recruit Training Programs and engages in a romantic or sexual relationship with that basic recruit trainee. Paragraph 11B-20.0012(2)(g), F.A.C.: Moves the existing rule language from the preceding subparagraph to form a new subparagraph.

Paragraph 11B-20.0017(7)(b), F.A.C.: Includes rule language to identify the requirements which must be met for General Instructors whose General Instructor Certification has lapsed to complete an internship in addition to completing the General Instructor Refresher Course and document the completion of both on the Instructor Competency Checklist, form CJSTC-81. SUMMARY: Added the definition of “romantic or sexual relationship” as it applies to relationships between certified instructors and students; revised Internal Investigation Report, form CJSTC-78, and Instructor Exemption, form CJSTC-82; updated rule references and new subparagraph; disciplinary action against an instructor’s certification; and requirement for instructors whose General Instructor Certification has lapsed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not

exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

LAW IMPLEMENTED: 943.12(3), (9), 943.14(3) 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: Wednesday, April 11, 2018, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Definitions:

(a) through (i) No change.

(j) “Romantic or sexual relationship” means a relationship that may be evidenced by one or more of the following: kissing; fondling of the genital area, buttocks, or breasts; oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.

(2) No change.

(3) General Instructor Certification.

(a) Instructor applicants shall comply with the following requirements to obtain General Instructor Certification:

1. through 4. No change.

5. Instructor Separation or Change of Affiliation.

a. No change.

b. Instructor Separation. When a training center director, agency administrator, or designee separates an instructor, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff or electronically transmit through the Commission’s ATMS. A copy of form CJSTC-61 shall be maintained in the Instructor’s file. An instructor’s certification shall become inactive upon separation and remain inactive until the instructor is affiliated with a training school or agency. If the separation involves a violation of Section 943.13(4), F.S., or moral character violation, the training center director, agency administrator, or designee shall also complete the Internal Investigation Report form CJSTC-78, revised August 10, 2017 ~~August 4, 2016~~, effective 7/2017, hereby incorporated by reference

<https://www.flrules.org/Gateway/reference.asp?No=Ref>

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref>~~

08474, and form CJSTC-61, and submit to Commission staff or immediately transmit through the Commission’s ATMS. Form CJSTC-78 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

c. No change.

(b) through (c) No change.

(4) Exemption from General Instructor Certification. An individual, who has a professional or technical certification or three years of experience in the specified subject matter to be instructed, shall be exempt from General Instructor Certification. The training center director or designee shall document the individual’s qualifications by completing the Instructor Exemption, form CJSTC-82, revised August 10, 2017 ~~August 4, 2016~~, effective 7/2017, hereby incorporated by reference

<https://www.flrules.org/Gateway/reference.asp?No=Ref>

~~<http://www.flrules.org/Gateway/reference.asp?No=Ref>~~ 08447,

which shall be maintained in the course file at the training school. Form CJSTC-82 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(5) through (6) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, 7-19-17, ___.

11B-20.0012 Denial and Discipline of Instructor Certification.

(1) No change.

(2) The Criminal Justice Standards and Training Commission is authorized to impose disciplinary action against an instructor’s certification if:

(a) No change.

(b) The instructor willfully compromises or circumvents the student attendance requirements set forth in Rule subsection 11B-35.001(12), F.A.C.; or

(c) The instructor willfully compromises or circumvents the trainee performance requirements pursuant to Rules subsection 11B-35.001(9) and Rule 11B-35.0024, F. A. C.; or

(d) through (e) No change.

(f) The instructor teaches or supervises a basic recruit trainee in any Commission-approved Basic Recruit Training Program and engages in a romantic or sexual relationship, as defined in Rule 11B-20.001(1)(j), F.A.C., with that basic recruit trainee and The instructor commits an act or acts establishing a “lack of good moral character,” defined in subsection 11B-27.0011(4), F.A.C.

1. Submission to the relationship is made either explicitly or implicitly a term or condition of the basic recruit trainee’s ability to complete the Basic Recruit Training Program; or

2. Submission to or rejection of the relationship by the basic recruit trainee is used as a basis for decisions affecting the basic recruit trainee’s participation in the Basic Recruit Training Program; or

3. The relationship is consensual and results in the basic recruit trainee receiving an undue advantage or some benefit in the Basic Recruit Training Program as a result thereof.

(g) The instructor commits an act or acts establishing a “lack of good moral character,” defined in subsection 11B-27.0011(4), F.A.C.

(3) through (8) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3) FS. History—New 10-26-88, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-29-14,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications. Documentation for instructors shall be maintained in the instructor’s file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission’s ATMS, an Instructor Compliance Application, form CJSTC-84, revised November 5, 2015, effective 9/2016, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-07387>, to verify compliance with the mandatory retraining requirements. Form CJSTC-84 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(1) through (6) No change.

(7) Lapse of Instructor Certifications.

(a) No change.

(b) General Instructor Certification. Instructors whose General Instructor Certification has lapsed shall complete the General Instructor Refresher Course and an internship documented on the Instructor Competency Checklist, form CJSTC-81.

(c) through (e) No change.

(8) through (9) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 3-13-13, 5-29-14, 7-29-15, 9-4-16, 7-19-17,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bureau Chief Glen Hopkins
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

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

RULE NO.: RULE TITLE:

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification
11B-21.018 Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification

PURPOSE AND EFFECT: Paragraph 11B-21.005(4)(a), F.A.C.: Updates the Driving Range Facility and Equipment Requirements, form CJSTC-202, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(5), F.A.C.: Updates the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(6), F.A.C.: Updates the Firing Range Facility and Equipment Requirements, form CJSTC-201, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(7), F.A.C.: Updates the First Aid Instructional Requirements, form CJSTC-208, to clarify that the training tourniquet(s) can be comprised of improvised material

and the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Paragraph 11B-21.018(1)(d), F.A.C.: Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

SUMMARY: Updated rule reference; and revised Driving Range Facility and Equipment Requirements, form CJSTC-202; Defensive Tactics Facility and Equipment Requirements, form CJSTC-203; Firing Range Facility and Equipment Requirements, form CJSTC-201; and First Aid Instructional Requirements, form CJSTC-208.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 943.03(4), 943.12(1), (2) FS. LAW IMPLEMENTED: 943.12(2), (3), (8), 943.14, 943.17(1)(g), 943.25(3) 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: Wednesday, April 11, 2018 at 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida

32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification.

Training Schools certified by the Commission shall comply with the following requirements:

(1) through (3) No change.

(4) Driving Range Facility, Equipment, and Instructor to Student Ratio Requirements.

(a) When conducting Commission-approved vehicle operations training, comply with the driving range facility, equipment, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised August 10, 2017 ~~November 7, 2013~~, effective 5/2014, hereby incorporated by reference https://www.flrules.org/Gateway/reference.asp?No=Ref_03943. Form CJSTC-202 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(5) Defensive Tactics Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved defensive tactics training, comply with the defensive tactics equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised August 10, 2017 ~~November 7, 2013~~, effective 5/2014, hereby incorporated by reference https://www.flrules.org/Gateway/reference.asp?No=Ref_03944. Form CJSTC-203 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(6) Firing Range Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved firearms training, comply with the firing range

equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Firing Range Facility and Equipment Requirements, form CJSTC-201, revised August 10, 2017, effective ~~December 16, 2010 (effective 3/2013)~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02239>. Form CJSTC-201 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Firearms training shall be supervised directly by a Commission-certified firearms instructor and the instructor shall have access to at least one firearms range designed for criminal justice firearms instruction.

(7) First Aid Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved first aid training, comply with the first aid equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the First Aid Instructional Requirements, form CJSTC-208, revised August 10, 2017 ~~November 5, 2015~~, effective 9/2016, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-07389>. Form CJSTC-208 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(8) through (12) No change.
 Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(2), (3), (8), 943.14, 943.17(1)(g) FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, 9-4-16,___.

11B-21.018 Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification.

(1) The certification of a training school shall be revoked, suspended, or placed on probation if any of the following violations occur:

- (a) through (c) No change.
- (d) Failure to comply with trainee attendance and performance standards pursuant to subsections 11B-35.001(10)(9) and (12), F.A.C.
- (e) No change.
- (2) through (4) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), 943.14, 943.25(3) FS. History—New 10-17-90, Amended 12-13-92, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08, 9-4-16,___.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

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

RULE NO.:	RULE TITLE:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00212	Maintenance of Officer Certification
11B-27.003	Duty to Report, Investigations, Procedures
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Sub-paragraph 11B-27.0011(4)(b)1., F.A.C.: Amends current rule language as a result of the 2015 Legislature, which created Chapter 784.049, F.S., Sexual Cyberharassment. This charge applies to persons who publish a sexually explicit image of another to Internet websites without the depicted person’s consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

Sub-paragraph 11B-27.0011(4)(c)15., F.A.C.: Adds a new sub-paragraph to include “discriminatory conduct” as a moral character violation.

Sub-paragraphs 11B-27.0011(4)(c)15.a.-b., F.A.C.: Adds new sub-paragraphs to define “discriminatory conduct” violation and includes penalty guidelines for Florida officers who exhibit discriminatory conduct and who participate in activity which furthers the interests of a “hate group”, as defined in Section 874.03(6), F.S.

Sub-paragraph 11B-27.0011(4)(c)15.c., F.A.C.: Adds a new sub-paragraph to define an “expression of public concern” as it relates to discriminatory course of conduct.

Paragraph 11B-27.002(1)(f), F.A.C.: Incorporates the revised Affidavit of Applicant, form CJSTC-68, to only request the last four digits of the applicant’s social security number and removes the specific Florida Statute (F.S.) reference for sealed and expunged records, which will require applicants to disclose sealed and expunged records “outside” of Florida that would impact their ability to become certified.

Sub-paragraph 11B-27.002(3)(a)11., F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add a field for the applicant’s email address; and revises the Exemption-From-Training. Proficiency Demonstration, form

CJSTC-76A, to update the instructions and allow training center directors to appoint a “designee” as an authorized signer on the form.

Sub-paragraphs 11B-27.00212(15)(c)1.-7., F.A.C.: Clarifies that elder abuse training in any of the CJSTC law enforcement basic recruit training programs, or Advanced and Specialized Training Programs, starting on or after a specified date, may count toward the requirement for completion of elder abuse training. New courses on the topic that are approved by the Commission will immediately qualify without rule change. Also, renumbers the subparagraphs and removes the specific names of courses.

Paragraph 11B-27.003(2)(a), F.A.C.: Incorporates the revised Internal Investigation Report, form CJSTC-78, to change the rule reference and update the name of the form in the instructions.

Sub-paragraph 11B-27.005(5)(a)8., F.A.C.: Adds the violation of “falsifying records” (Section 839.13(2), F.S.) to the enumerated penalty guideline for felonies.

Sub-paragraph 11B-27.005(5)(a)9., F.A.C.: Adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines for felonies.

Sub-paragraph 11B-27.005(5)(a)19., F.A.C.: Adds the violation of “felony threats” to the enumerated penalty guideline for felonies.

Sub-paragraph 11B-27.005(5)(b)2., F.A.C.: Adds the violation of “malicious battery” to the enumerated penalty guidelines.

Sub-paragraph 11B-27.005(5)(b)4., F.A.C.: Adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guideline for misdemeanors involving false reports or statements.

Sub-paragraph 11B-27.005(5)(b)16., F.A.C.: Adds the new violation of “threats” to the enumerated penalty guidelines and includes recommended penalty range of “prospective suspension to revocation”.

Sub-paragraph 11B-27.005(5)(b)17., F.A.C.: Adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines and includes recommended penalty range of “prospective suspension, and probation with counseling to revocation”.

Sub-paragraphs 11B-27.005(5)(c)16.-17., F.A.C.: Adds the violation of “discriminatory conduct” to the penalty guidelines and includes recommended penalty ranges of “written reprimand to revocation” and “revocation”.

SUMMARY: Updated rule references; violations of “sexual cyberharassment”, “threats”, “malicious battery”, “falsifying records”, “felony threats”, “discriminatory conduct”; and definition of “expression of public concern” as it relates to discriminatory course of conduct; removal of specific names of courses; parameters for specific training in the CJSTC training programs; clarification for elder abuse training courses; revised

Affidavit of Applicant, form CJSTC-68; Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 943.03(4), 943.12(1), FS.

LAW IMPLEMENTED: 943.12, 943.12(3), 943.13, 943.13(7), (11), 943.133, 943.135, 943.139, 943.1395(3), (7) 943.1701, 943.1715, 943.1716, 943.253, 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: Wednesday, April 11, 2018, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) through (3)

(4) For the purposes of the Criminal Justice Standards and Training Commission’s implementation of any of the penalties specified in Section 943.1395(6) or (7), F.S., a certified officer’s failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) No change.

(b) Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not:

1. Sections 316.193, 327.35, 365.16(1)(c),(d), 414.39, 741.31, 784.011, 784.03, 784.047, 784.048, 784.05, 784.049(3)(a), 784.046(15), 790.01, 790.10, 790.15, 790.27, 794.027, 796.07, 800.02, 800.03, 806.101, 806.13, 810.08, 810.14, 812.014, 812.015, 812.14, 817.235, 817.49, 817.563, 817.565, 817.61, 817.64, 827.04, 828.12, 831.30, 831.31(1)(b), 832.05, 836.12(2), 837.012, 837.05, 837.055, 837.06, 839.13, 839.20, 843.02, 843.03, 843.06, 843.085, 847.011, 856.021, 870.01, 893.13, 893.147, 901.36 914.22, 934.03, 944.35, 944.37, and 944.39, F.S.

2. through 3. No change.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. through 14. No change.

15. Discriminatory Conduct:

a. The perpetration by the officer of either a course of conduct or a single egregious act that evidences discriminatory conduct based on race, color, religion, sex, pregnancy, national origin, age, handicap, or sexual orientation, which does not involve an expression of public concern, and which causes a clear and substantial belief in the mind of a reasonable person that the officer cannot perform the duties of office in a fair and impartial manner, with respect for the rights of others and laws of the state and nation; or

b. Knowingly, willfully, and actively participating in any activity committed with the intent to benefit, promote, or further the interests of a “hate group”, as defined in Section 874.03(6), Florida Statutes.

c. For the purposes of this section, an expression of public concern shall mean an expression by an individual as a citizen that relates to any matter of political, social, or other concern of

the community. Expressions of public concern are determined by the content, form, and context of the given act or course of conduct, viewed by the totality of the record.

(d) No change.

(5) through (7) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, _.

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

(1) Certification or Reactivation of Certification. Prior to submitting an application for certification or reactivation of certification for a law enforcement, correctional, or correctional probation officer, the employing agency shall collect and verify documents establishing that an applicant has complied with the requirements of Section 943.13, F.S. Verified documents shall be maintained in the officer’s training file at the employing agency. The following documents are required for verification of an applicant’s compliance with this rule section:

(a) through (e) No change.

(f) An Affidavit of Applicant, form CJSTC-68, revised August 10, 2017, effective ~~December 16, 2010~~ (effective ~~3/2013~~), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref> ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-02236>~~, executed by the applicant attesting that the applicant complies with the employment or appointment qualifications pursuant to Sections 943.13(1)-(10), F.S. Form CJSTC-68 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(g) through (h) No change.

(2) No change.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-207 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(a) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. All documents collected in conjunction with the background investigation shall be available for review. The following documents shall be reviewed for completeness:

1. through 10. No change.

11. An Exemption-From-Training, form CJSTC-76, revised ~~August 10, 2017~~ ~~August 4, 2016~~, effective ~~___7/2017~~, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 08443>~~, and an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised ~~August 10, 2017~~ ~~November 6, 2014~~, effective ~~___7/2015~~, hereby incorporated by reference ~~https://www.flrules.org/Gateway/reference.asp?No=Ref ___~~, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option. Forms CJSTC-76 and CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

12. through 15. No change.

(b) No change.

(4)(a) through (b) No change.

(5) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, 9-14-17, .

11B-27.00212 Maintenance of Officer Certification.

(1) through (14) No change.

(15) Elder Abuse Training. As a part of basic recruit training or the officer's continuing education or training, a law enforcement officer shall be required to complete training on identifying and investigating elder abuse and neglect.

(a) through (b) No change.

(c) Law enforcement officers who have successfully completed one of the following programs will have satisfied this training requirement:

1. ~~Any CJSTC approved law enforcement basic recruit training program entered into on or after 4/1/08. Florida CMS Law Enforcement BRTP number 1177 (Effective 4/1/08).~~

~~2. Correctional Officer Cross Over Training to Florida CMS Law Enforcement BRTP number 1178 (Retired 6/30/12). Correctional Officer Cross Over Training to Florida CMS Law Enforcement BRTP number 1191 (Retired 6/30/14).~~

~~3. Correctional Probation Officer Cross Over Training to Florida CMS Law Enforcement BRTP number 1179 (Retired 6/30/14).~~

~~4. CMS Law Enforcement Auxiliary Officer BRTP number 1180 (Effective 4/1/08).~~

~~2.5. Any CJSTC Advanced Training Program course on elder abuse or investigation of crimes against the elderly entered into on or after 4/1/06. Crimes Against the Elderly advanced training course number 100 (Effective 4/1/06).~~

~~3.6. Elder Abuse Training for Law Enforcement course by the Department of Elder Affairs (Effective 10/30/08).~~

~~4.7. Any CJSTC Specialized Training Program course on elder abuse or investigation of crimes against the elderly entered into on or after 8/1/12. Elder Abuse Investigations specialized training program course number 1185. There are no required minimum training hours for mandatory retraining, however, training schools are permitted to teach the course as a specialized training program course requiring a minimum of four contact hours.~~

(d) through (e) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New, 11-5-02. Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 9-4-16. Editorial Note: See 11B-27.0023, F.A.C.

11B-27.003 Duty to Report, Investigations, Procedures.

(1) No change.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised ~~August 10, 2017~~ ~~August 4, 2016~~, effective ~~___7/2017~~, hereby incorporated by reference

~~https://www.flrules.org/Gateway/reference.asp?No=Ref ___~~
~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 08476>~~, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated. Form CJSTC-78 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08, 9-14-17.

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (4) No change.

(5) When the Commission finds that a certified officer has committed an act that violates Section 943.13(7), F.S., the Commission shall issue a final order imposing penalties within the ranges recommended in the following disciplinary guidelines:

(a) For the perpetration by the officer of an act that would constitute any felony offense, pursuant to paragraph 11B-27.0011(4)(a), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from suspension of certification to

revocation. Specific violations and penalties that shall be imposed, absent mitigating circumstances, include the following:

1. through 7. No change.

	Violation	Recommended Penalty Range
8.	False Statements (Sections 837.02, 837.021, 837.05(2), 838.022, <u>839.13(2)</u> , F.S.)	Prospective Suspension to revocation
9.	Felony stalking, <u>Sexual Cyberharassment</u> (Section 784.048, <u>784.049(3)(b)</u> , F.S.)	Revocation

10. through 18. No change.

	Violation	Recommended Penalty Range
19.	Felony threats (Section <u>836.12(3)</u> , F.S.)	Revocation

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

1. No change.

	Violation	Recommended Penalty Range
2.	Battery; <u>Malicious Battery</u> (Section 784.03, <u>944.35(3)(a)(1)</u> , F.S.)	Suspension

3. No change.

	Violation	Recommended Penalty Range
4.	False reports and statements (Sections 817.49, 837.012, 837.05(1), 837.055, 837.06, <u>839.13(1)</u> , 901.36, 944.35(4)(b), F.S.).	Prospective suspension to revocation

5. through 15. No change.

	Violation	Recommended Penalty Range
16.	<u>Threats</u> (836.12(2), F.S.)	<u>Prospective suspension to revocation</u>
17.	<u>Sexual Cyberharassment</u> , (Section 784.049(3)(a), F.S.)	<u>Prospective suspension, and probation with counseling to revocation</u>

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

1. through 15. No change.

	Violation	Recommended Penalty Range
	<u>Discriminatory conduct specified in sub-paragraph 11B-27.0011(4)(c)15.a.</u> , F.A.C.	<u>Written reprimand to revocation</u>
	<u>Discriminatory conduct specified in sub-paragraph 11B-27.0011(4)(c)15.b.</u> , F.A.C.	<u>Revocation</u>

(d) No change.

(6) through (10) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 9-4-16, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

DEPARTMENT OF LAW ENFORCEMENT**Criminal Justice Standards and Training Commission****RULE NO.: RULE TITLE:**

11B-30.006 State Officer Certification Examination General Eligibility Requirements

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

PURPOSE AND EFFECT: Subsection 11B-30.006(1), F.A.C.: Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

Paragraph 11B-30.006(2)(a), F.A.C.: Updates the rule reference because paragraphs were removed from Rule 11B-35.001, F.A.C., and other paragraphs added.

Paragraph 11B-30.006(2)(b), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add the "Applicant's Email Address" field as another method of communication with the applicant.

Subsection 11B-30.012(1), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered. Also deletes the rule text relating to reviews of the paper and pencil examination because as of June 2018, students will not be eligible to review a paper and pencil examination. Therefore, reviews of the paper and pencil examination will no longer be offered. Also repeals the State Officer Certification Examination Grade Review Request, form CJSTC-510.

Subsection 11B-30.012(2), F.A.C.: Deletes the rule text relating to reviews of the paper and pencil examination because as of June 2018, students will not be eligible to review a paper and pencil examination. Therefore, reviews of the paper and pencil examination will no longer be offered.

Subsection 11B-30.012(3), F.A.C.: Moves the rule text to subparagraph of Rule 11B-30.012(3)(a), F.A.C., because the original text in this subparagraph will be deleted.

Paragraph 11B-30.012(3)(a), F.A.C.: Deletes the rule text relating to reviews of the paper and pencil exam because as of June 2018, students will not be eligible to review a paper and pencil exam. Therefore, reviews of the paper and pencil examination will no longer be offered. Also, repeals the State Officer Certification Examination Review, form CJSTC-511.

Paragraph 11B-30.012(3)(b), F.A.C.: Deletes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

SUMMARY: Updated rule references; deleted rule text relating to paper and pencil or computer-based examination, paper and pencil examination reviews; revised Exemption-From-Training, form CJSTC-76; repealed State Officer Certification Examination Grade Review Request, form CJSTC-510; and repealed State Officer Certification Examination Review, form CJSTC-511.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 943.03(4), 943.12(1), (2), (17) 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(17), 943.131(2), 943.1397, 943.17, 943.173 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: Wednesday, April 11, 2018, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 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 IS: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-30.006 State Officer Certification Examination General Eligibility Requirements.

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass,” pursuant to subsection 11B-35.001(10)(8), F.A.C., on the completed Training Report, form CJSTC-67, revised November 5, 2015, effective 9/2016, hereby incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07375>. Form CJSTC-67 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(2) The following individuals are eligible to take the State Officer Certification Examination (SOCE) for the requested criminal justice discipline:

(a) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Basic Recruit Training Program, pursuant to Rule paragraphs 11B-35.002(1)(a), (b), and (e), F.A.C.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(3), F.S., who comply with paragraph 11B-27.00212(12)(a), and Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Exemption-From-Training, form CJSTC-76, revised August 10, 2017 August 4, 2016, effective 7/2017, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08444>. Form CJSTC-76 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History— New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 7-29-15, 9-4-16, 7-19-17, .

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

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their missed examination questions and corresponding grading key at a post-examination review. The post-examination review shall be scheduled and conducted by Commission staff or their authorized agent. The post-examination review shall be limited to one-half the time regularly allowed for the corresponding SOCE. Individuals reviewing the a computer based SOCE shall schedule their review via the Commission’s test administration vendor. ~~Individuals reviewing a paper and pencil SOCE shall schedule their review by submitting a State Officer Certification~~

~~Examination Grade Review Request, form CJSTC 510, revised November 8, 2007, hereby incorporated by reference, and shall be received by the Florida Department of Law Enforcement by the established deadline date for the Examination Review Session requested. Form CJSTC 510 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.~~

(2) The SOCE post-examination reviews shall be conducted in the presence of Commission staff or the Commission’s authorized agents. ~~All paper and pencil SOCE reviews shall be held at regularly scheduled monthly post-examination review sessions conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE paper and pencil post-examination review schedule is produced annually and is available on the Florida Department of Law Enforcement’s (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section.~~

(3) Individuals shall review their SOCE grades within 120 calendar days of the individual’s SOCE date. ~~Individuals who fail to attend a post examination review session within 120 days of their SOCE shall not be allowed to challenge questions on the SOCE, but shall be allowed to review their missed questions, their chosen answer, and the correct answer. Participants in the post-examination review session shall be permitted to review only one examination during each session and shall only review each examination once. Individuals shall not be permitted to review their SOCE after the expiration of their examination eligibility pursuant to Rule 11B 30.006, F.A.C.~~

(a) Individuals who fail to attend a post-examination review session within 120 days of their SOCE shall not be allowed to challenge questions on the SOCE, but shall be allowed to review their missed questions, their chosen answer, and the correct answer. Participants in the post-examination review session shall be permitted to review only one examination during each session and shall only review each examination once. Individuals shall not be permitted to review their SOCE after the expiration of their examination eligibility pursuant to Rule 11B-30.006, F.A.C. ~~Individuals reviewing a paper and pencil SOCE shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC 511, revised November 8, 2007, hereby incorporated by reference. Form CJSTC 511 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC 511 shall be signed by the individual requesting the review at the conclusion of a post examination review session.~~

~~Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.~~

(b) All individuals at a post-examination review session shall acknowledge these rules and affirm to abide by all such rules ~~in writing for the paper and pencil SOCE or electronically for the computer based SOCE.~~

(4) through (6) No change.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 5-29-14, 7-29-15, 9-4-16, 7-19-17,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bureau Chief Glen Hopkins
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:
11B-35.001 General Training Programs; Requirements and Specifications
11B-35.0011 Basic Abilities Test Requirements for Applicant Admission into a Law Enforcement and Correctional Basic Recruit Training Program
11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006 Advanced Training Program
11B-35.007 Specialized Training Program
11B-35.009 Exemption from Basic Recruit Training
PURPOSE AND EFFECT: Subsections 11B-35.001(7)-(16), F.A.C.: Renumbers the paragraphs of Rule 11B-35.001(7)-(16), F.A.C., because new paragraphs were added to the requirements and specifications section.
Subsections 11B-35.001(7)-(9), F.A.C.: Provides an official list of active Commission-approved courses on a public web page that will be available to the training schools and instructors. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

Paragraph 11B-35.001(10)(b), F.A.C.: Updates the rule reference.
Paragraph 11B-35.001(10)(c), F.A.C.: Updates the rule reference.
Paragraph 11B-35.001(10)(d), F.A.C.: Provides instructors and agencies public web page access to an official list of specialized courses and instructor courses that require an end-of-course examination. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.
Sub-paragraphs 11B-35.001(10)(d)1.-10., F.A.C.: Removes the Specialized Training Program Courses.
Paragraph 11B-35.001(11)(b), F.A.C.: Makes reference to the basic recruit programs by type rather than by the specific name, which is subject to change; and clarifies that the Academy Physical Fitness Standards Report form CJSTC-67A is not required for Law Enforcement Auxiliary or Cross-Over programs.
Sub-paragraph 11B-35.001(11)(d)8., F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, to change the rule reference and update the certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.
Subsection 11B-35.001(12), F.A.C.: Updates the rule reference.
Paragraph 11B-35.001(12)(c), F.A.C.: Updates the rule reference.
Paragraph 11B-35.001(13)(a), F.A.C.: Updates the rule reference.
Paragraph 11B-35.001(13)(b), F.A.C.: Updates the rule reference.
Subsection 11B-35.001(14), F.A.C.: Updates the rule reference.
Paragraph 11B-35.001(15)(b), F.A.C.: Specifies that a physical examination is not required for cross-over basic recruit training programs.
Subsection 11B-35.001(17), F.A.C.: Establishes procedures for implementing the field test of significant changes to the basic recruit training program CMS Criminal Justice Defensive Tactics Course.
Paragraph 11B-35.0011(1)(b), F.A.C.: Removes rule reference that no longer applies.
Subsections 11B-35.002(1)-(5), F.A.C.: Updates the statutory references to include all impacted training programs and removes specific names of courses from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.
Paragraphs 11B-35.002(6)(a)-(b), F.A.C.: Specifies that a four-year requirement is established for basic recruits to complete a basic recruit program, pass the State Officer Certification

Examination (SOCE), and become employed and certified even after a program is officially retired.

Paragraph 11B-35.002(6)(c), F.A.C.: Specifies that students who entered into a basic recruit training program and have not completed the program at the time that it is retired, are still eligible to complete the program, provided they completed the training within four years of the beginning date.

Sub-paragraph 11B-35.002(6)(c)1.-10., F.A.C.: Identifies the basic recruit training programs that are still eligible for completion by basic recruits currently enrolled or previously enrolled for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(1)(a)-(c), F.A.C.: Deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(2)(a)-(6), F.A.C.: Removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(6)(a)-(f), F.A.C.: Removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Subsections 11B-35.003(2)-(5), F.A.C.: Removes the specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training; and updates the rule reference.

Subsections 11B-35.003(6)-(8), F.A.C.: Removes the specific names of courses and training programs from rule.

Paragraph 11B-35.006(1)(b), F.A.C.: Removes specific names of Advanced Training Program Courses eligible for salary incentive.

Subsections 11B-35.006(2)-(7), F.A.C.: Adds rule text to clarify officers who are eligible for salary incentive payment, renumbers the paragraphs, and updates the subparagraph rule reference.

Subsections 11B-35.007(3)-(5), F.A.C.: Makes available to instructors and agencies on public web page an official list of Advanced Training Program Courses. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

Subsection 11B-35.009(5), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add a field for the applicant's email address which provides another method of communication with the applicant.

Subsection 11B-35.009(6), F.A.C.: Incorporates the revised Exemption-From-Training. Proficiency Demonstration, form CJSTC-76A, to update the instructions and allow training center directors to appoint a "designee" as an authorized signer on the form.

SUMMARY: Updated rule references; established procedure for maintaining current list of Commission-approved courses and programs on a public internet web page; use of the Academy Physical Fitness Standards Report form CJSTC-67A; physical examination requirements; implementation of the CMS Criminal Justice Defensive Tactics Course revision field-test; deleted the specific listing of basic recruit training programs by name; clarified four year requirement for completing a basic recruit program after the training programs are retired; removed the specific names of courses and training programs from rule; clarified officers who are eligible for salary incentive payment; updated Active CJSTC Curricula web page; inactive salary incentive Advanced Training Program Courses; and revised Exemption-From-Training, form CJSTC-76; and Instructor Exemption, form CJSTC-82.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.17(1)(a), (b), 943.175, 943.25 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: Wednesday, April 11, 2018, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

11B-35.001 General Training Programs; Requirements and Specifications.

(1) through (6) No change.

~~(7) The Commission shall approve new and revised curricula in the CJSTC basic recruit, advanced, specialized training programs pursuant to Section 943.17. Training curricula and delivery requirements shall be maintained for Commission approved Basic Recruit, Advanced, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program.~~

(8) The Commission shall publish on the Active CJSTC Curricula web the official list of approved and active Commission courses and programs for Basic Recruit, Advanced, and Specialized Training Programs. The Active CJSTC Curricula web page can be accessed at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses.aspx>.

(9) Maintenance of training curricula.

(a) Training curricula shall be maintained for Commission approved Basic Recruit, Advanced, and Specialized Training Programs within the Florida Department of Law Enforcement.

(b) Upon approval of new or revised curricula, the Commission shall establish an effective date for implementation.

(c) A course description of approved new or revised curricula shall be published on the Active CJSTC Curricula web page within 10 days of Commission approval.

(d) Each course description shall include, at a minimum, the course code, name, hours, and effective date. Each basic recruit program description shall include, at a minimum, an outline of courses by name, course number, and hours.

~~(10)(8)~~ Student academic performance in courses.

(a) No change.

(b) The terms “successfully completed” and “successfully complete” are denoted with a “Pass” on the completed Training Report form CJSTC-67 and are defined as follows: A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the written end-of-course examinations, exclusive of demonstration of proficiency skills in the Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specialized Training Program Course pursuant to subparagraph ~~(10)(8)~~(d), of this rule section shall achieve a score of no less than 80% on the written end-of-course examination. A student enrolled in a Specialized Instructor Training Course shall achieve a score of no less than 85% on the written end-of-course examination, exclusive of demonstration of any proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of comprehensive end-of-course examinations. The training center director or designee is authorized to develop, maintain, and administer additional academic tests for courses and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit, Advanced, Specialized Instructor Training, and Specialized Training Program Courses, pursuant to subparagraph ~~(10)(8)~~(d), of this rule section and in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2)-(5), F.A.C.

~~(d) The Commission shall designate on the Active CJSTC Curricula web page the Specialized Instructor Courses and Specialized Training Program Courses that require an end-of-course examination. Specialized Instructor Training Courses outlined in subsection 11B 35.007(3), F.A.C., and the following Specialized Training Program Courses require an end of course examination:~~

	Course Number	Course Title	Course Hours
1-	1198	Canine Team Training Course	480
2-	1132	Parking Enforcement Specialist for Civilians	16
3-	1133	Selective Traffic Enforcement Program for Civilians	80

4.	732	Traffic Control Officer for Civilians	8
5.	851	Breath Test Operator Course	16
6.	951	Breath Test Operator Renewal Course	4
7.	850	Agency Inspector Course	24
8.	950	Agency Inspector Renewal Course	6
9.	2007	Safe Handling of Firearms	16
10.	2008	District Courts of Appeal Marshal Minimum Standards Training Program	32

(e) No change.

(11)(9) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:

(a) No change.

(b) Following the completion of a Commission-approved Basic Recruit Training Program, Advanced Training Program Course, or Instructor Training Course, the training center director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission’s ATMS. Submission of the Academy Physical Fitness Standards Report, form CJSTC-67A, revised August 4, 2016, effective 7/2017, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-08440>, is required for the Florida CMS Law Enforcement, Florida Law Enforcement Academy, Florida Correctional Probation ~~BRTP~~, ~~Florida Correctional Probation Officer Training Academy~~, and Florida CMS Correctional Basic Recruit Training Programs within thirty days of the course completion. Submission of form CJSTC-67A is not required for the Law Enforcement Auxiliary and Cross-Over Basic Recruit Training Programs. Form CJSTC-67A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) No change.

(d) The training center director or designee shall ensure that the records for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are maintained in the course file within the training school. Each course shall be subject to audit by Commission staff. Such records shall, at a minimum, include:

1. through 7. No change.

8. List of course instructor(s) to include full name and a copy of the instructor’s current ATMS Global Profile Sheet filed alphabetically in a master file, or maintained in the course file, or completion of Instructor Exemption, form CJSTC-82,

revised ~~August 10, 2017~~ ~~August 4, 2016~~, effective ~~___~~ 7/2017, hereby incorporated by reference https://www.flrules.org/Gateway/reference.asp?No=Ref___ ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-08448>~~ if applicable. Form CJSTC-82 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

9. through 16. No change.

(12)(10) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in subsection 11B-35.002(4), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in paragraph 11B-35.006(1)(b), F.A.C.

(a) through (b) No change.

(c) Competency-Based Instruction. The Commission approves competency-based instruction in the delivery of basic recruit training programs, specialized training program courses, specialized instructor training courses, and courses created from specialized goals and objectives, defined in subparagraph(12)(10)(c)1., of this rule section.

1. through 3. No change.

(13)(11) Student Re-examination Policy for Commission-approved Basic Recruit Training Program Courses.

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.001(10)(8), F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a written end-of-course examination may be granted a re-examination by the training center director if:

1. through 2. No change.

3. The end-of-course testing instrument is shown to be invalid.

(b) Exclusive of the Commission’s Basic Recruit Training Courses requiring proficiency demonstration and re-examinations in paragraph (13)(11)(a) of this rule section, a student may be granted one written end-of-course re-examination during a single Basic Recruit Training Program. Students, who have failed the written end-of-course examination after a second attempt, shall be deemed to have failed the course.

(c) No change.

(14)(12) Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a written end-of-course examination in a Commission-approved Advanced or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph (13)(11)(a) of this rule section. Each training

school shall develop its own administrative procedures for processing a student's request for a re-examination as set forth in subsection (11) of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.

~~(15)~~(13) Basic Recruit Student Physical Fitness Program.

(a) No change.

(b) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Basic Recruit Training Program, a student shall receive a physical examination and complete the Physician's Assessment, form CJSTC-75, which shall be maintained in the student or course file at the training school. A physical examination is not required for cross-over basic recruit training programs.

(c) No change.

~~(16)~~(14) Proof of course completion. A training school shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. The training school shall provide a certificate to a student who has successfully completed a Commission-approved Basic Recruit Training Program, and the student shall be required to pass the State Officer Certification Examination.

(17) CMS Criminal Justice Defensive Tactics Course Field Test – The Criminal Justice Standards and Training Commission is currently evaluating defensive tactic techniques taught to law enforcement, corrections, and correctional probation recruits in the respective basic recruit training programs. The purpose of the evaluation is to determine the usefulness of current defensive tactics techniques training and identify ways to enhance the training. As part of the evaluation, CJSTC staff conducted a study of the current defensive tactics techniques training program. The study concluded that because few recruits have fighting experience and few officers do defensive tactics training off-duty, any techniques taught during the basic recruit program should be easy for novices to learn and remember. Effective techniques that rely on gross motor skills and can apply to multiple situations would be the ideal techniques to teach. Reducing the number of tactics would allow instructors to have students do multiple repetitions of techniques without increasing training hours. Officers must be able to make quick decisions about how to react and, when

appropriate, perform defensive moves fluidly. More realistic simulation training will allow recruits to practice what they learn in basic recruit training and be more confident when entering the field. A revised defensive tactic techniques course is under development in response to the study results. A CMS Criminal Justice Defensive Tactics field-test in a classroom environment with student participation is necessary to evaluate the changes to the course and make modifications if needed before certain course criteria can be established and final rules adopted. In order to accomplish these goals:

(a) The Commission-authorizes field-testing of the CMS Criminal Justice Defensive Tactics Basic Recruit Training Program curriculum, effective August 1, 2018.

(b) For those participating in the field-test, the Commission approves the CMS Criminal Justice Defensive Tactics field-test as the required high liability defensive tactics training curriculum for the law enforcement, corrections, and correctional probation basic recruit training programs.

(c) Training curricula for the CMS Criminal Justice Defensive Tactics field-test shall be maintained within the Florida Department of Law Enforcement, Criminal Justice Professionalism Division.

(d) Testing of CMS Criminal Justice Defensive Tactics Curriculum shall be conducted in three phases by Commission-certified criminal justice training schools. Schools conducting the field-test must remain with the field-test throughout its duration. The Professionalism Division will be responsible for ensuring participating schools have the most up-to-date defensive tactics field-test curriculum.

1. Phase I – the first phase of the field-test will include four Commission-certified training schools and involve at least one law enforcement, corrections, and correctional probation basic recruit class. To participate, schools must request in writing approval from the Director of the Criminal Justice Professionalism Division. The Professionalism Division will select schools to participate in this phase.

2. Phase II – the second phase will include schools from the initial field test with the addition of seven Commission-certified training schools. To participate, schools must request in writing approval from the Director of the Criminal Justice Professionalism Division. The Professionalism Division will select schools to participate in this phase, giving consideration to small, medium, and large training schools, and schools representing the various regions of the state.

3. Phase III – the final phase is open to all Commission-certified training schools. Prior to starting a field test, Phase III schools must request in writing approval from the Director of the Criminal Justice Professionalism Division.

(e) All field-tests of the CMS Criminal Justice Defensive Tactics Basic Recruit Training Program curriculum revision must include a lead instructor who has completed the

Specialized Defensive Tactics Instructor Update Course number 1200.

(f) Students receiving the field-test training must show proficiency in accordance with the CMS Criminal Justice Defensive Tactics field-test curriculum and field-test CJSTC Form 6A.

(g) Students participating in the CMS Criminal Justice Defensive Tactics field-test shall be students seeking Commission training for the purpose of completing a law enforcement, corrections, or correctional probation basic recruit training program.

(h) This rule section shall expire upon Commission acceptance and approval of the enhanced CMS Criminal Justice Defensive Tactics curriculum and promulgation of the updated CJSTC Form 6.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, 7-19-17, ____.

11B-35.0011 Basic Abilities Test Requirements for Applicant Admission into a Law Enforcement and Correctional Basic Recruit Training Program.

(1) Basic Abilities Test. To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Commission-approved Basic Abilities Test (BAT) for the law enforcement or correctional disciplines, prior to entering a program. The BAT shall be administered in the state of Florida.

(a) No change.

(b) BAT providers shall restrict access to the BAT to those applicants who produce valid photo identification pursuant to ~~paragraph 11B-30.008 F.A.C.~~ Providers shall validate the name, date of birth, gender, and social security number of each applicant to ensure that the information given by the applicant is consistent with the applicant's driver license and social security record.

(c) through (h) No change.

(2) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History—New 7-29-01. Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, 3-13-13, 5-29-14, 9-4-16, ____.

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

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs (BRTP) that provide the minimum required knowledge and proficiency skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), (6)-(9), (18),

(19), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs active at the time of enrollment, or be exempt pursuant to Section 943.131(2), F.S.:

(2) Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall successfully complete an active Commission-approved Basic Recruit Training Program pursuant to this rule section.

(3) The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines. Officers requesting employment in another discipline must comply with Section 943.17(1)(g), F.S.

(a) To be eligible to attend a cross-over training program the applicant shall:

1. Comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B-27.002(4) and 11B-35.002(2), F.A.C.; and

2. Be an active certified officer in the discipline the officer is moving from; or

3. Have not been separated from employment in the discipline the officer is moving from for more than four years; or

4. Within four years of the beginning date of the Commission-approved Basic Recruit Training Program for the discipline the officer is moving from, have successfully completed the Commission-approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE).

(4) Each training school that offers a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall deliver all course materials included in the program. Delivery of the course materials shall comply with the requirements set forth in the Commission's approved Basic Recruit Training Curriculum.

(5) A basic recruit student shall successfully complete all courses in a Commission-approved Basic Recruit Training Program for the discipline in which certification is being requested to be eligible to take the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(6)(a) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification

Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., and gain employment and certification as an officer.

(b) An individual who fails to comply with the requirements in paragraph (6)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following:

1. Successfully complete the applicable Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.; and

2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(c) Students who entered into a basic recruit training program and have not completed it at the time that it is retired, remain eligible to complete the program, provided they complete the training within four years of the beginning date, pursuant to this rule section. Retired programs eligible for completion are:

1. Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04 (Retired October 31, 2016). Eligible until October 31, 2020.

2. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 (Retired June 30, 2016). Eligible until June 30, 2020.

3. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191 (Retired June 30, 2014). Eligible until June 30, 2018.

4. Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 (Retired June 30, 2016). Eligible until June 30, 2020.

5. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Retired June 30, 2014). Eligible until June 30, 2018.

6. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Retired June 30, 2016). Eligible until June 30, 2020.

7. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP number 1192 (Retired June 30, 2014). Eligible until June 30, 2018.

8. Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 (Retired June 30, 2016). Eligible until June 30, 2020.

9. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Retired June 30, 2014). Eligible until June 30, 2018.

10. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Retired October 31, 2016). Eligible until June 30, 2020.

(a)	Law Enforcement Discipline			
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective (E)
1.	1177	Florida CMS Law Enforcement B RTP	770	E-4/1/08 R-6/30/14
2.	1178	Correctional Officer Cross-Over Training to Florida CMS Law Enforcement B RTP	457	E-4/1/08 R-6-30-12
3.	1191	Correctional Officer Cross-Over Training to Florida CMS Law Enforcement B RTP	489	E-7/1/12 R-6-30-14
4.	1179	Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement B RTP	579	E-4/1/08 R-6-30-14
5.	1180	CMS Law Enforcement Auxiliary Officer B RTP	319	E-4/1/08
6.	2000	Florida Law Enforcement Academy	770	E-7/1/14
7.	2003	Correctional Officer Cross-Over Training to Florida Law Enforcement Academy	515	E-7/1/14 R-6/30/16
8.	2004	Correctional Probation Officer	567	E-7/1/14

		Cross-Over Training to Florida Law Enforcement Academy		R-6/30/16
9.	3002	Correctional Officer Cross-Over Training to Florida Law Enforcement Academy	518	E-7/1/16
10.	3005	Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy	532	E-7/1/16

		Cross-Over Training to Florida CMS Correctional BRTTP		R-6/30/16
6.	501	Correctional Auxiliary Officer BRTTP To become certified as a Correctional Auxiliary Officer, pursuant to subsection 11B-35.003(8), F.A.C., a basic recruit student shall complete the Florida CMS Correctional BRTTP, pursuant to paragraph (5)(h) of this rule section.	254	R-6/30/12
7.	1190	Florida CMS Correctional BRTTP	420	E-7/1/12
8.	2005	Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTTP	172	E-7/1/14 R-6/30/16
9.	3001	Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTTP	198	E-7/1/16
10.	3004	Correctional Probation Officer Cross-Over Training to Florida CMS Correctional BRTTP	238	E-7/1/16

(b) Correctional Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective (E)
1.	502	Traditional Correctional BRTTP	552	R-6/30/12
2.	1181	Law Enforcement Officer Cross-Over Training to Traditional Correctional BRTTP	199	R-6/30/12
3.	1192	Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTTP	156	E-7/1/12 R-6/30/14
4.	1182	Correctional Probation Officer Cross-Over Training to Traditional Correctional BRTTP	256	R-6/30/12
5.	1193	Correctional Probation Officer	250	E-7/1/12

(c) Correctional Probation Discipline

Program Number	Basic Recruit Training Programs	Program Description	Effective Date	Retired Date
1.	1176	Florida Correctional Probation B RTP	943.14(7), and 943.14(9)(g), F.S.	October 31, 2016
2.	1183	Correctional Officer Cross Over Training to Florida Correctional Probation B RTP	943.14(7), and 943.14(9)(g), F.S.	October 31, 2016
3.	1184	Law Enforcement Officer Cross Over Training to Florida Correctional Probation B RTP	943.14(7), and 943.14(9)(g), F.S.	October 31, 2016
4.	NA	Correctional Probation Auxiliary B RTP; there is no course. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B 35.002(8), F.A.C., a basic recruit student shall complete the Florida Correctional Probation Officer Training Academy, pursuant to paragraph (5)(g) of this rule section.	1177 (Retired June 30, 2014).	June 30, 2014
5.	3000	Florida Correctional Probation Officer Training Academy	482	E-11/1/16
6.	3003	Correctional Officer Cross Over Training to Florida Correctional Probation Officer Training Academy	296	E-11/1/16
		Course Name		Course Hours
		1. Introduction to Corrections	32	
		2. Communications	40	
		3. Officer Safety	16	
		4. Facility and Equipment	8	
		5. Intake and Release	18	
		6. Supervising in a Correctional Facility	40	
		7. Supervising Special Populations	20	
		8. Responding to Incidents and Emergencies	16	
		TOTAL	770	

(2)(a) Within four years of the beginning date of a Commission approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination (SOCE) pursuant to Rule 11B 30.0062, F.A.C., and gain employment and certification as an officer.

(b) An individual who fails to comply with the requirements in paragraph (2)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following:

1. Successfully complete the applicable Commission approved Basic Recruit Training Program pursuant to Rule 11B 35.002, F.A.C.; and
2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B 30.0062, F.A.C.

(3) Each training school that offers a Commission approved Basic Recruit Training Program, pursuant to this rule section, shall deliver all course materials included in the program. Delivery of the course materials shall comply with the requirements set forth in the Commission's approved Basic Recruit Training Curriculum.

(4) A basic recruit student shall successfully complete all courses in a Commission approved Basic Recruit Training Program to be eligible to take the applicable State Officer Certification Examination for the discipline.

(5) Commission approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission approved Basic Recruit Training Programs establish the minimum required entry level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an

3.	Interactions in a Diverse Community	40
4.	Interviewing and Report Writing	56
5.	Fundamentals of Patrol	35
6.	Calls for Service	36
7.	Criminal Investigations	50
8.	Crime Scene to Courtroom	35
9.	Critical Incidents	44
10.	Traffic Stops	30
11.	DUI Traffic Stops	24
12.	Traffic Crash Investigations	32
13.	CMS Law Enforcement Vehicle Operations	48
14.	CMS First Aid for Criminal Justice Officers	40
15.	CMS Criminal Justice Firearms	80
16.	CMS Criminal Justice Defensive Tactics	80
17.	Dart Firing Stun Gun	8
18.	Criminal Justice Officer Physical Fitness Training	60
	TOTAL	770

(d) Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04 (Retired October 31, 2016).

(e) Florida CMS Correctional Basic Recruit Training Program number 1190, (Effective July 1, 2012):

	Course Name	Course Hours
1.	Introduction to Corrections	32
2.	Communications	40
3.	Officer Safety	16
4.	Facility and Equipment	8
5.	Intake and Release	18
6.	Supervising in a Correctional Facility	40
7.	Supervising Special Populations	20
8.	Responding to Incidents and Emergencies	16

9.	CMS First Aid for Criminal Justice Officers	40
10.	CMS Criminal Justice Firearms	80
11.	CMS Criminal Justice Defensive Tactics	80
12.	Officer Wellness and Physical Abilities	30
	TOTAL	420

(f) ~~Florida Correctional Probation Officer Training Academy number 3000 (Effective November 1, 2016):~~

	Course Name	Course Hours
1.	Introduction to Correctional Probation	14
2.	Legal Foundations for Correctional Probation	44
3.	Communications	46
4.	Intake and Orientation	24
5.	Caseload Management	32
6.	Supervision of Offenders	88
7.	Field Supervision	80
8.	CMS First Aid for Criminal Justice Officers	40
9.	CMS Criminal Justice Defensive Tactics	80
10.	Criminal Justice Officer Physical Fitness Training	34
	TOTAL	482

(6) ~~Commission approved Basic Recruit Cross Over Training Programs. The Commission has established basic recruit cross over training programs to provide lateral movement of officers between criminal justice disciplines.~~

(a) ~~Officers entering a basic recruit cross over training program shall comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B 27.002(4) and 11B 35.002(2), F.A.C.; and~~

(b) ~~An applicant requesting to attend a Commission approved Basic Recruit Cross Over Training Program shall:~~

1. ~~Be an active certified officer in the discipline the officer is moving from; or~~

2. ~~Have not been separated from employment in the discipline the officer is moving from for more than four years; or~~

3. ~~Within four years of the beginning date of the Commission approved Basic Recruit Training Program for the discipline the officer is moving from, have successfully completed the Commission approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE).~~

(c) ~~A Commission approved Basic Recruit Cross Over Training Program requires that an officer comply with Section 943.17(1)(g), F.S., successfully complete the required courses in the cross over training program for the discipline in which cross over certification is being requested, successfully complete the applicable high liability training requirements pursuant to subsection (6) of this rule section, if applicable, and~~

~~achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B 30.0062, F.A.C.~~

(d) ~~Law Enforcement Cross Over Basic Recruit Training Programs:~~

1. ~~Correctional Officer Cross Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1178 (Retired June 30, 2012).~~

2. ~~Correctional Officer Cross Over Training to Florida Law Enforcement Academy number 2003 (Retired June 30, 2016).~~

3. ~~Correctional Officer Cross Over Training to Florida Law Enforcement Academy number 3002 (Effective July 1, 2016). An individual, who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:~~

	Course Title	Course Hours
a	Introduction to Law Enforcement	10
b	Legal	62
e	Interactions With a Diverse Community	40
d	Interviewing and Report Writing	56
e	Fundamentals of Patrol	35
f	Calls For Service	36
g	Criminal Investigations	50
h	Crime Scene To Courtroom	35
i	Critical Incidents	44
j	Traffic Stops	30
k	DUI Traffic Stops	24
l	Traffic Crash Investigations	32
m	Cross Over Program Updates	8
n	CMS Law Enforcement Vehicle Operations (See Volume 2: High Liability Textbook and Instructor Guide)	48
o	Dart Firing Stun Gun (See Volume 2: High Liability Textbook and Instructor Guide)	8

	518
TOTAL	

~~4. Correctional Officer Cross Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191 (Retired June 30, 2014).~~

~~5. Correctional Probation Officer Cross Over Training to Florida Law Enforcement Academy number 2004 (Retired June 30, 2016).~~

~~6. Correctional Probation Officer Cross Over Training to Florida Law Enforcement Academy number 3005 (Effective July 1, 2016). An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:~~

	Course Title	Course Hours
a	Legal	62
b	Interactions in a Diverse Community	40
e	Fundamentals of Patrol	35
d	Calls for Service	36
e	Criminal Investigations	50
f	Crime Scene to Courtroom	35
g	Critical Incidents	44
h	Traffic Stops	30
i	DUI Traffic Stops	24
j	Traffic Crash Investigations	32
k	Cross Over Program Updates	8
l	CMS Law Enforcement Vehicle Operations	48
m	CMS Criminal Justice Firearms	80
n	Dart Firing Stun Gun	8
	TOTAL	532

~~7. Correctional Probation Officer Cross Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Retired June 30, 2014).~~

~~(e) Correctional Cross Over Basic Recruit Training Programs.~~

~~1. Law Enforcement Officer Cross Over Training to Traditional Correctional Basic Recruit Training Program number 1181 (Retired June 30, 2012).~~

~~2. Law Enforcement Officer Cross Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Retired June 30, 2016).~~

~~3. Law Enforcement Officer Cross Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001 (Effective July 1, 2016). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:~~

	Course Title	Course Hours
a	Introduction to Corrections	32
b	Communications	40
e	Officer Safety	16
d	Facility and Equipment	8
e	Intake and Release	18
f	Supervising in a Correctional Facility	40
g	Supervising Special Populations	20
h	Responding to Incidents and Emergencies	16
i	Cross Over Program Updates	8
	TOTAL	198

~~4. Law Enforcement Officer Cross Over Training to Florida CMS Correctional BRTP number 1192 (Retired June 30, 2014).~~

~~5. Correctional Probation Officer Cross Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Retired June 30, 2012).~~

~~6. Correctional Probation Officer Cross Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 (Retired June 30, 2016).~~

~~7. Correctional Probation Officer Cross Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 (Effective July 1, 2016). An individual, who has successfully completed the Correctional Probation Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:~~

	Course Name	Co urs e Ho urs
a	Introduction to Corrections	32
b	Officer Safety	16
e	Facility and Equipment	8
d	Intake and Release	18
e	Supervising in a Correctional Facility	40
f	Supervising Special Populations	20
g	Responding to Incidents and Emergencies	16
h	CMS Criminal Justice Firearms	80
i	Cross Over Program Updates	8
	TOTAL	238

~~(f) Correctional Probation Cross Over Basic Recruit Training Programs:~~

~~1. Traditional Correctional Cross Over to Traditional Correctional Probation Basic Recruit Training Program number 667 (Retired March 31, 2008).~~

~~2. CMS Application Based Law Enforcement Cross Over to Traditional Correctional Probation Basic Recruit Training Program number 1156 (Retired March 31, 2008).~~

~~3. Law Enforcement Officer Cross Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Retired June 30, 2014).~~

~~4. A law enforcement officer who requests certification as a correctional probation officer shall successfully complete the Correctional Probation BRTP and pass the SOCE to satisfy the training requirements.~~

~~5. Correctional Officer Cross Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Retired October 31, 2016).~~

~~6. Correctional Officer Cross Over Training to Florida Correctional Probation Officer Training Academy number 3003 (Effective November 1, 2016). An individual who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:~~

	Course Name	Co urs e Ho urs
a	Introduction to Correctional Probation	14
b	Legal Foundations for Correctional Probation Officers	44
e	Intake and Orientation	24
d	Caseload Management for Correctional Probation	32
e	Supervision of Offenders	88
f	Field Supervision	80
g	Cross Over Program Updates	8
	TOTAL	290

~~Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, 7-19-17, ____.~~

~~11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.~~

~~(1) No change.~~

~~(2) To become certified as a law enforcement or correctional auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1)-(9), and (11), 943.14(7) and 943.17(1)(g), F.S. To become certified as a correctional probation auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1)-(9), and (11) and 943.14(7), F.S., and shall complete in its entirety the Florida Correctional Probation Basic Recruit Training Program active at the time of enrollment. ~~Officer Training Academy in its entirety.~~ Applicants requesting certification as a correctional officer shall complete in its entirety the Florida CMS Correctional Basic Recruit Training Program active at the time of enrollment ~~in its entirety.~~ Applicants requesting certification~~

as a law enforcement auxiliary officer shall successfully complete the following Auxiliary Officer Basic Recruit Training Program requirements:

(a) through (b) No change.

(c) Instruction of the vehicle operations course ~~CMS Law Enforcement Vehicle Operations Course~~ is based on the employing agency requirements. Auxiliary officers operating an agency vehicle are required to complete this training.

(3) A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of a ~~CMS Law Enforcement Officer~~ the Prerequisite Course. The training school or agency shall document the student's successful completion of the applicable Basic Recruit Training High-Liability Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the Basic Recruit Training High-Liability Course is completed, the employing agency shall maintain the training documentation in the officer's file.

(4) Commission-approved Basic Recruit Training High-Liability Courses instructed at a Commission-certified training school shall be recognized by the Commission for applicants requesting certification as a law enforcement, correctional, or correctional probation officer, if the applicant has completed training within the past four years pursuant to subsection 11B-35.002(6)(2), F.A.C. Recognition of completed Basic Recruit Training High-Liability Courses shall comply with paragraph 11B-35.0023(2)(d), F.A.C.

(5) Individuals exempt from completing the 40-hour ~~CMS~~ First Aid for Criminal Justice Officers course in the ~~CMS~~ Law Enforcement Auxiliary Officer Basic Recruit Training Program, based on education and training experience in the United States or its territories, shall complete the ~~44~~ 41 hour ~~CMS~~ Law Enforcement Auxiliary Officer Prerequisite Course, pursuant to paragraph (6)(a) of this rule section, and the applicable high-liability courses pursuant to paragraphs (6)(b) ~~(d)~~ of this rule section. The following individuals shall possess an active certificate or license that shall be maintained in the course file to be eligible for the exemption:

(a) through (f) No change.

~~(6) CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program number 1180 (Effective April 1, 2008).~~

(a)	CMS Law Enforcement Auxiliary Officer Prerequisite Course	Course Hours
1.	Law Enforcement Auxiliary Introduction	27
2.	Law Enforcement Auxiliary Patrol and Traffic	19
3.	Law Enforcement Auxiliary Investigations	17
4.	Dart Firing Stun Gun	8
5.	CMS First Aid for Criminal Justice Officers	40

	CMS Law Enforcement Auxiliary Officer Prerequisite Course	111
(b)	CMS Criminal Justice Firearms This course shall be taught by a Commission certified high liability instructor at a training school or agency.	80
(e)	CMS Criminal Justice Defensive Tactics This course shall be taught by a Commission certified high liability instructor at a training school or agency.	80
(d)	CMS Law Enforcement Vehicle Operations **CMS Law Enforcement Vehicle Operations is optional and is based on employing agency requirements. If required, the course shall be taught by a Commission certified high liability instructor at a training school or agency. If CMS Law Enforcement Vehicle Operations is not instructed, the total program hours will be reduced to 271 hours.	48
	CMS Law Enforcement Auxiliary Officer Program	**319
	TOTAL	

~~(7) Correctional Auxiliary Officer Basic Recruit Training Program. To become a Correctional Auxiliary Officer an individual shall complete the Florida CMS Correctional Basic Recruit Training Program, number 1190, pursuant to paragraph 11B-35.002(5)(e), F.A.C.~~

~~(8) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Florida Correctional Probation Officer Training Academy, number 3000, pursuant to paragraph 11B-35.002(5)(i), F.A.C.~~

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, 9-4-16, 7-19-17.

11B-35.006 Advanced Training Program.

(1) Commission-approved Advanced Training Program Courses were created to enhance an officer's knowledge, skills, and abilities for the job the officer performs and are used by an officer to satisfy mandatory retraining requirements or eligibility for salary incentive monies pursuant to Rule Chapter 11B-14, F.A.C.

(a) No change.

(b) The Commission shall designate on the Active CJSTC Curricula web page courses that are eligible for salary incentive

credit. The following is a complete list of active Advanced Training Program Courses:

	Course Number	Course Name	Course Hours
1.	006	Line Supervision	80
2.	011	Developing and Maintaining a Sound Organization	40
3.	012	Planning the Effective Use of Financial Resources	40
4.	013	Building and Maintaining a Sound Behavioral Climate	40
5.	016	Narcotics and Dangerous Drugs Investigations	40
6.	020	Case Preparation and Court Presentation	40
7.	032	Special Tactical Problems	40
8.	036	Injury and Death Investigations	40
9.	047	Interviews and Interrogations	40
10.	050	Stress Management Techniques	40
11.	053	Crisis Intervention	40
12.	057	Discipline and Special Confinement Techniques	40
13.	068	Advanced Report Writing and Review	40
14.	074	Substance Abuse Awareness and Education	40
15.	077	Underwater Police Science and Technology	80
16.	085	Emergency Preparedness for Correctional Officers	40
17.	087	Advanced Traffic Homicide Investigations	80
18.	088	Traffic Crash Reconstruction	80
19.	090	School Resource Officer	40
20.	091	Domestic Intervention and Investigations	40
21.	093	Hostage Negotiation	40

22.	094	Drug Abuse Resistance Education (D.A.R.E.) — FDLE instructed only	80
23.	096	Drug Abuse Resistance Education (D.A.R.E.)	40
24.	094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40
25.	098	Basic Traffic Homicide Investigations	80
26.	100	Crimes Against the Elderly	40
27.	107	Middle Management	40
28.	809	*Field Training Officer Course for Law Enforcement Officers (This course is not mandated for field training officers)	40
29.	1100	*Field Training Officer Course for Correctional Officers (This course is not mandated for field training officers)	40
30.	1151	Conducting Background Investigations	40
31.	1152	Investigation and Supervision of Officer-Involved Deadly Force Incidents	40
32.	1158	Speed Measurement Course	40
33.	1163	Gangs and Security Threat Groups	40
34.	1165	Spanish for Criminal Justice Professionals	40
35.	1166	Advanced Investigative Techniques of Human Trafficking Offenses	40
36.	1137	Violent Crime Investigator Training Course	40
*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.			
Officers who are currently receiving salary incentive payment for completion of the Radar Speed Measurement Training Course for Law Enforcement Officers number 055 and Laser Speed Measurement			

~~Operators Course for Law Enforcement Officers number 095 are not eligible to receive additional salary incentive credit for course number 1158.~~

(2) Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

(3) Officers who are currently receiving salary incentive payment for completion of the Radar Speed Measurement Training Course for Law Enforcement Officers number 055 and Laser Speed Measurement Operators Course for Law Enforcement Officers number 095 are not eligible to receive additional salary incentive credit for course number 1158.

(4)(2) Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E. training school. The Florida certified state D.A.R.E. training school is located within the Florida Department of Law Enforcement. D.A.R.E. course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

(5)(3) Only officers and support personnel who have written approval from their respective agency administrator or designee may attend Advanced Training Program Courses. Applicants shall submit evidence of their agency administrator's approval in a format established and agreed upon by the Local Regional Training Council and training school.

(6)(4) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(7)(5) Training schools shall report the successful completion of Advanced Training Program Courses for officers pursuant to paragraph 11B-35.001(11)(b), F.A.C., if they have received written or electronic authorization from the officer's respective agency for salary incentive credit.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(b) FS. History—New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 9-4-16_.

11B-35.007 Specialized Training Program.

(1) through (2) No change.

(3) The Commission shall designate on the Active CJSTC Curricula web page the active Specialized Instructor Courses and Specialized Training Program Courses. Specialized Instructor Training Courses pursuant to paragraph (1)(b) of this rule section. The following Specialized Instructor Training Courses are developed and approved by the Commission for instructor training and shall be delivered in their entirety by a

~~training school for an individual to qualify to apply as a Commission certified instructor.~~

	Course Number	Course Names	Course Hours
(a)	1115	General Instructor Refresher Course	8
(b)	800	CMS Vehicle Operations Instructor Course	40
(c)	801	CMS Firearms Instructor Course	44
(d)	802	CMS Defensive Tactics Instructor Course	80
(e)	1114	CMS First Aid Instructor Course	40
(f)	1107 1199	Canine Team Training Instructor Course (Retired 11/6/13) Canine Team Training Instructor Course	40 80
(g)	1110	Breath Test Instructor Course	40
(h)	1111	Breath Test Instructor Renewal Course	8
(i)	1159	Speed Measurement Instructor Course	40
(j)	1186	Florida General Instructor Techniques Course	64
(k)	2001	Role play Scenarios for Facilitative Learning	16

(4) Specialized Instructor Training Courses are developed and approved by the Commission for instructor training and have not been designated as Commission approved Advanced Training Program courses. They shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission-certified instructor. Commission approved Specialized Training Program Courses pursuant to paragraph (1)(c) of this rule section. The following Commission approved Specialized Training Program Courses are developed and approved by the Commission and have not been designated as Commission approved Advanced Training Program Courses:

	Course Number	Course Names	Course Hours
(a)	1196	Contraband Forfeiture	16
(b)	1131	Human Diversity In service Training for Discriminatory Profiling and Professional Traffic Stops	4
(c)	1112 1198	Canine Team Training Course (Retired 11/6/13) Canine Team Training Course (Effective 11/7/13)	400 480
(d)	1113	Laser Speed Measurement Device (LSMD) Transition	12

		Operators Course for Radar Operators (Retired 12/31/08)	
(e)	1132	Parking Enforcement Specialist for Civilians	16
(f)	1133	Selective Traffic Enforcement Program for Civilians	80
(g)	732	Traffic Control Officer for Civilians	8
(h)	1134	Criminal Justice Officer Ethics Course	8
(i)	808	CMS Field Training Officer Transition Course (Retired 12/31/08)	8
(j)	1149	Special Populations	32
(k)	1160	Dart Firing Stun Gun	8
(l)	1167	CMS General Instructor Update Course (Retired 12/31/10)	4
(m)	1169	CMS Defensive Tactics and Firearms Instructor Update Course (Retired 12/31/10)	6
(n)	1185	Elder Abuse Investigations	4
(o)	1189	Physical Fitness Trainer Course	32
(p)	1194	Responding to Veterans	16
(q)	1195	Public Safety Telecommunications for Law Enforcement Officers	40
(r)	1197	STEP Course for Red Light Cameras	40
(s)	2002	Property Repossession Processes	2
(t)	2006	Canine Team Training Instructor Update Course	24
(u)	2007	Safe Handling of Firearms	16
(v)	2008	District Courts of Appeal Marshal Minimum Standards Training Program	32
(w)	019	Criminal Law	40
(x)	054	Organized Crime	40
(y)	2009	Diabetic Emergencies and Officer Response	2

(5) Specialized Training Program Courses are developed and approved by the Commission and have not been designated as Commission-approved Advanced Training Program courses. They shall be delivered in their entirety by a training school for an individual to receive Advanced Training Program credit. The following Commission-approved Specialized Training Program Courses are developed and approved by the Commission and have not been designated as Commission-approved Advanced Training Program Courses:

(a)	851	Breath Test Operator Course	16
(b)	951	Breath Test Operator Renewal Course	4
(c)	850	Agency Inspector Course	24
(d)	950	Agency Inspector Renewal Course	6

(6) through (7) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, _____.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (4) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual’s request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Exemption-From-Training, form CJSTC-76, revised August 10, 2017 ~~August 4, 2016~~, effective 7/2017, hereby incorporated by reference https://www.flrules.org/Gateway/reference.asp?No=Ref_08445, for out-of-state, federal, and inactive Florida Officers. Form CJSTC-76 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Supporting documentation verifying the individual’s compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by Section 120.57, F.S.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to Rule 11B-30.0062, F.A.C., and paragraph 11B-30.008, F.A.C. Demonstration of proficiency in the required High-Liability

Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after notification of approval of the Exemption-From-Training form CJSTC-76. Individuals who do not complete the required demonstration of proficiency in the High-Liability Basic Recruit Training Proficiency Skills and achieve a passing score on the State Officer Certification Examination within one year, are permitted to apply for another exemption from training, pursuant to Section 943.131(2), F.S., provided they meet the eligibility requirements outlined in Section 943.131(2), F.S. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised ~~August 10, 2017~~ ~~November 6, 2014~~, effective ~~7/2015~~, hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-05646>~~ and provide a copy to the officer of form CJSTC-76A. Form CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission's ATMS, or submit an updated form CJSTC-67.

(7) through (9) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History--New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, 7-19-17.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:

11C-4.008 Uniform Crime Reports Guide Manual

PURPOSE AND EFFECT: The rule change is requested to reflect the current version of the Uniform Crime Reports Guide Manual.

SUMMARY: The Uniform Crime Reports Guide Manual was recently updated. The change reflects the current version of the manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory cost of the proposed rule did not exceed any of the criteria established in section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 943.03(4), 943.05(2) FS.

LAW IMPLEMENTED: 943.05(2), 943.1702 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: Wednesday, April 11, 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 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 FULL TEXT OF THE PROPOSED RULE IS:

11C-4.008 Uniform Crime Reports Guide Manual.

All state, county, and municipal law enforcement agencies shall submit to the Florida Department of Law Enforcement

uniform crime reports data setting forth their activities in connection with law enforcement as required by law. The form, general content, time, and manner of submission of such reports are set forth in the revised Florida Uniform Crime Reports Guide Manual dated September 2017 ~~January 1, 1996~~ incorporated herein by reference and on file with the Secretary of State.

Rulemaking Authority 943.03(4), 943.05(2) FS. Law Implemented 943.05(2), 943.1702 FS. History—New 10-23-75, Formerly 11-2.01, Amended 7-4-79, Formerly 11C-2.03, Amended 3-11-92, Formerly 11C-2.003, Amended 7-7-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Director Charles Schaeffer
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

DEPARTMENT OF LAW ENFORCEMENT
Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:
 11C-6.004 Procedures for Requesting Criminal History Records
 11C-6.009 Sale and Delivery of Firearms
 11C-6.010 Retention of Applicant Fingerprints
 PURPOSE AND EFFECT: 11C-6.004 The rule change is requested to reflect current methods for requesting a Florida criminal history record check, to correct a statute reference, and reference the current version of the Volunteer and Employee Criminal History System (VECHS) Qualified Entity Application.
 11C-6.009 The rule change is requested to reflect the current ATF 4473 form (10/2016) and expand options for a licensed firearm dealer to pay his or her monthly invoice.
 11C-6.010 The rule change is requested to amend Law Implemented section to add statutes that authorize fingerprint retention.
 SUMMARY: 11C-6.004 The rule is amended to be consistent with current methods of Florida criminal history record check requests and to correct a statute reference. Additionally, the change reflects the current version of the VECHS Qualified Entity Application.
 11C-6.009 The rule is amended to reflect the current ATF 4473 form (10/2016) and expand options for a licensed firearm dealer to pay his or her monthly invoice.
 11C-6.010 The Law Implemented section of the rule is amended to add statutes that authorize fingerprint retention

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory cost of the proposed rule did not exceed any of the criteria established in section 120.541(2)(a), Florida Statutes.

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

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

LAW IMPLEMENTED: 943.053(3), 943.0542, 943.056, 790.065, 435.12, 496.4101(3)(c), 550.105(10)(c), 551.107(7)(c), 559.555(2)(c)3., 560.141(1)(c)3., 744.3135(4)(b), 943.13(5), 985.644(3)(c), 1002.395(6)(b)3., 1002.421(3)(a), 1012.32(3), 1012.465, 1012.467, 1012.56 FS

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: Wednesday, April 11, 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 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 FULL TEXT OF THE PROPOSED RULE IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) Requests for Florida criminal history records contained in the systems of the Florida Department of Law Enforcement are to be requested through electronic means as provided by the Department or directed to the following address:

Florida Department of Law Enforcement
Division of Criminal Justice Information Services
User Services Bureau
Post Office Box 1489
Tallahassee, Florida 32302-1489.

In order for the Department to respond to requests for Florida criminal history information, the person or entity who wishes to review or secure such information shall provide to the Department the subject's full name, race, sex, and date of birth or approximate age. If available, the social security number may be provided.

(2) No change.

(3) Fees.

(a) There shall be no charge for conducting record checks under paragraphs (2)(a) through (c).

(b) As provided in Section 943.053(3)(b)(e), F.S., a processing fee of \$24 shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that the fee for the guardian ad litem program, and vendors of the Department of Children and Families, the Department of Juvenile Justice, the Agency for Persons with Disabilities, and the Department of Elder Affairs shall be \$8 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be \$15 for each name submitted; and the fee for requests under Section 943.0542, F.S., which implements the National Child Protection Act of 1993, shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.

(c) The processing fee charged for each subject inquired upon via the internet shall be the fee authorized for inquiries from persons in the private sector in Section 943.053(3), F.S. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one criminal history record as a result of the prescribed payment. If the customer wants additional criminal history records from the list of persons presented for

this same inquiry, a processing fee of \$24 shall be charged for each additional criminal record.

(d) Payment methods for criminal history record inquiries are as follows:

1. Criminal history record requests submitted in writing shall be payable by cash, check or money order.

2. Criminal history record requests submitted electronically shall be payable by debit or credit card.

3. Agencies or entities invoiced for criminal history record checks shall submit payment for invoices by check, money order or journal transfer.

(4) Entities applying to the Florida Department of Law Enforcement to be qualified to receive criminal history records under the National Child Protection Act of 1993, as amended, must first complete and submit the following documents to the Florida Department of Law Enforcement, in accordance with the instructions provided: VECHS Qualified Entity Application – Volunteer & Employee Criminal History System (NCPA 1; Rev. ~~May 2015~~ May 2017, ~~Eff. September 2016~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07399>). Entities that are qualified through the Florida Department of Law Enforcement to receive criminal history records under the National Child Protection Act must submit fingerprints electronically for each person to the Florida Department of Law Enforcement for each request for a criminal history record check. Qualified entities that release to another qualified entity any criminal history record information received pursuant to the National Child Protection Act must complete and maintain the following document, in accordance with the instructions provided: VECHS Dissemination Log – Volunteer & Employee Criminal History System (NCPA 4, Rev. May 2015, ~~Eff. September, 2016~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07400>). These forms are incorporated by reference.

Rulemaking Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 9-4-16, 7-19-17, _____.

11C-6.009 Sale and Delivery of Firearms.

(1) For a federally licensed firearm dealer (including licensed firearm importers, licensed firearm manufacturers and licensed firearm dealers pursuant to Title 27, C.F.R., Part 178) to complete a firearm transaction to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, a United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms (ATF) form ATF F-4473 [5300.9] Part 1 (10/16) (~~04/12~~, ~~Eff. 09/16~~) (Firearms Transaction Record) incorporated here by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07401>, must be completed. These forms are available from the ATF

Distribution Center, 7943 Angus Court, Springfield, Virginia 22153. The completion of the ATF F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) form must comply with Title 27, C.F.R. Part 178, Section 178.124, and with Section 790.065, F.S.

(2) Section A of the ATF F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) form must be completed by the potential buyer or transferee. The dealer must ensure that ~~items 1-17 are~~ Section A is completed by the buyer prior to the dealer contacting the Florida Department of Law Enforcement (FDLE). In addition to the above requirements, the social security number of the potential buyer or transferee may be recorded in ~~block number~~ & the Social Security Number block of ATF F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) form. The dealer is required to advise the potential buyer that the disclosure of his or her social security number is voluntary, of the authority for the disclosure, and of the use to be made of the number.

(3) through (4) No change.

(5) Using the provided toll-free telephone number or by other electronic means in addition to the telephone, the dealer must contact FDLE immediately prior to each transaction involving the transfer of one or more firearms to obtain an approval number to complete the firearm transaction. The dealer will provide the dealer's identification number and all identification data of the potential buyer/transferee as contained on ATF form F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) to FDLE.

(6) No change.

(7) The dealer will record the decision and number provided by FDLE in ~~box 21b~~ the NICS or State transaction number block and in the box in the top right corner labeled, Transferor's Transaction Serial Number of ATF form F-4473 (5300.9) Part 1 (10/16 ~~04/12~~). When the transaction is approved, the dealer should complete Section B of the ATF form F-4473.

(8) To any potential buyer or transferee intending to formally appeal a non-approval decision, the dealer will provide a Firearm Purchase Program Non-Approval Appeal Form (form number FDLE 40-020, September 2016), incorporated herein by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-08463>, and on file with Secretary of State, that must be completed by the dealer and the potential buyer or transferee. The potential buyer or transferee must take the form to a law enforcement agency, be fingerprinted there, and return the Firearm Purchase Program Non-Approval Appeal form and fingerprints to FDLE within 60 calendar days. Using the procedures as described in Chapter 11C-8, F.A.C., FDLE will process the formal appeal request. A supply of the appeal forms will be provided by FDLE to dealers upon request. Such requests should be directed to:

Florida Department of Law Enforcement
Firearm Purchase Program

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-8139

As an alternative to this procedure, the potential buyer or transferee may at any time appeal his non-approval directly to the FBI, as authorized by Title 28, C.F.R., Section 25.10.

(9) Each month, FDLE will provide the dealer with an invoice of the fees due FDLE. Payment must be made by electronic means or by a business or personal check, money order, or cashier's check payable to FDLE. Payment must include a reference to the invoice number in order to be correctly credited. Payments must be in U.S. dollars only. A business or personal check, money order, or cashier's check payable to FDLE will be accepted and must be returned with the return portion of the invoice in the envelope that is provided. Checks must be in U.S. dollars only.

(10) No change.

(11) Payment Checks or money orders returned for any reason will be subject to the service fee as provided by Section 215.34, F.S. Failure to pay the amount of the ~~check or money order returned payment~~ plus the service fee by the date specified by FDLE will result in the termination of services provided by FDLE, until all outstanding fees are paid in full.

(12) No change.

(13) All records where the transfer was approved must be maintained by dealers for 20 years as required by Title 27, C.F.R., Part 178. All records where the transfer was non-approved must be kept by dealers in a secure area and kept confidential for five (5) years. This would include the dealers's copy of the ATF Form F-4473 [5300.9] Part 1 (10/16 ~~04/12~~) where the transfer of a firearm was non-approved. Records must be made available to federal, state, county and municipal law enforcement agencies in connection with their official duties upon request during business hours or other reasonable times if the dealer has no regular business hours.

(14) through (20) No change.

Rulemaking Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History—New 6-2-91, Amended 7-7-99, 8-22-00, 12-18-00, 11-5-02, 7-29-15, 9-4-16, 7-19-17, _____.

11C-6.010 Retention of Applicant Fingerprints.

(1) through (8) No change.

Rulemaking Authority 943.05(2)(g), (h), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 435.12, 496.4101(3)(c), 550.105(10)(c), 551.107(7)(c), 559.555(2)(c)3., 560.141(1)(c)3., 744.3135(4)(b), 943.13(5), 985.644(3)(c), 1002.395(6)(b)3., 1002.421(3)(a), 1012.32(3), 1012.465, 1012.467, 1012.56, 381.986, 381.988, 493.6105, FS. History—New 11-30-04, Amended 6-9-08, 9-28-09, 5-21-12, 9-4-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Director Charles Schaeffer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:

11C-7.006 Procedures on Court-Ordered Expunctions

11C-7.007 Procedures on Court-Ordered Sealings

PURPOSE AND EFFECT: The rule change is requested to reflect the new types of expunge and seal Certificates of Eligibility and the deletion of an obsolete form.

SUMMARY: FDLE is replacing its Computerized Criminal History (CCH), which involves the replacement of antiquated equipment and the implementation of new streamlined processes. The new system allows FDLE to customize various forms, including the expunge and seal Certificates of Eligibility. The rule is amended to reflect the new expunge and seal Certificates of Eligibility and the deletion of an obsolete form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory cost of the proposed rule did not exceed any of the criteria established in section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 943.03(4), 943.058(2), 943.059(2) FS.

LAW IMPLEMENTED: 943.0585, 943.059 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: Wednesday, April 11, 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 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 FULL TEXT OF THE PROPOSED RULE IS:

11C-7.006 Procedures on Court-Ordered Expunctions.

(1) Prior to petitioning the court to expunge a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application for the certificate of eligibility must include:

(a) A money order, cashier's check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non-refundable, regardless of the results of the certification review. A fee waiver may be granted by the Executive Director of the Department upon submission of a written request and in his determination that the waiver is in the best interests of criminal justice.

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. December 2009), or for Lawful Self-Defense Expunction under Section 943.0585(5), F.S. (form number FDLE 40-026, created. April 2014, effective date July 2015), both of which are hereby incorporated by reference, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850)410-7870
Website: <http://www.fdle.state.fl.us/expunge>

(c) The appropriate state attorney or statewide prosecutor should complete section B of the Application for Certification of Eligibility and have it certified.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) ~~or Fingerprint form 40-024, (rev. February 2008)~~ and incorporated here by reference. The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the “Reason Fingerprinted” section on the card or Fingerprint form “Application For Certification Of Eligibility For Expunction.” The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850)410-7870
Website: <http://www.fdle.state.fl.us/expunge>

(e) A certified copy of the disposition of the charge or charges to which the petition to expunge pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) – (4) No change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE ~~40-023, 40-022, rev. July 2006~~ created October 2017, effective _____), ~~or~~ (form number FDLE 40-027, ~~created October 2014, effective date July 2015 revised October 2017~~), or (form number FDLE 40-030, ~~created October 2017, effective _____~~), all ~~both~~ of which are incorporated here by reference, ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-05634>~~, if the specified criminal history record meets the requirements for expunction. If the specified criminal history record does not meet the requirements for expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No Change.

Rulemaking Authority 943.03(4), 943.058(2) FS. Law Implemented 943.0585 FS. History—New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, 6-3-10, 7-29-15, _____.

11C-7.007 Procedures on Court-Ordered Sealings.

(1) Prior to petitioning the court to seal a criminal history record, the subject must apply to the Department for a certificate of eligibility for sealing. The application for the certificate of eligibility must include:

(a) A money order, cashier’s check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non-refundable, regardless of the results of the certification review. A fee waiver may be

granted by the Executive Director of the Department upon submission of a written request and in his determination that the waiver is in the best interests of criminal justice.

(b) A completed Application for Certification of Eligibility. The subject should complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. December 2009 and incorporated by reference) may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850)410-7870
Website: <http://www.fdle.state.fl.us/expunge>

(c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) ~~or Fingerprint form (40-024, rev. February 2008)~~. The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the “Reason Fingerprinted” section on the card or Fingerprint form: “Application For Certification of Eligibility For Sealing.” The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850)410-7870
Website: <http://www.fdle.state.fl.us/expunge>

(d) A certified copy of the disposition of the charge or charges to which the petition to seal pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) through (4) No change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE 40-022, rev. ~~July 2006~~ October 2017), or (form number FDLE 40-029, ~~created October 2017, effective _____~~), if the specified criminal history record meets the requirements for sealing. If the specified criminal history record does not meet the requirements for sealing, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No change.

Rulemaking Authority 943.03(4), 943.059(2) FS. Law Implemented 943.059 FS. History—New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, 6-3-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Director Charles Schaeffer
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: March 7, 2018
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: October 30, 2017

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NO.: RULE TITLE:

11G-5.002 Establishment of Medical Examiner Districts

11G-5.003 District Medical Examiner Terms of Office

PURPOSE AND EFFECT: Subsection 11G-5.002(9), F.A.C.: Orange and Osceola counties each enacted home rule authority for the appointment of the county’s respective medical examiner, which requires each county to become its own medical examiner district. This revision reflects this distinction by removing Osceola County from the counties covered by district 9.

Subsection 11G-5.002(24), F.A.C.: Punctuation change to add another subsection to the list.

Subsection 11G-5.002(25), F.A.C.: This revision is necessary to add Osceola County as its own medical examiner district.

Section 11G-5.003, F.A.C.: Corrects the number of medical examiner districts from 24 to 25 with the creation of district 25 for Osceola County.

Subsection 11G-5.003(2), F.A.C.: Includes District 25 in the second year term rotations since District 9 and District 25 serve the same constituency and should be surveyed at the same time.
 SUMMARY: Updates the number of medical examiner districts and the counties assigned to each district; and designates the term of office cycle for each medical examiner district.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory cost of the proposed rule did not exceed any of the criteria established in section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 406.04, FS.

LAW IMPLEMENTED: 406.05, 406.06(1)(a), 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: Wednesday, April 11, 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: Vickie Koenig at (850)410-8600, or vickiekoenig@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Medical Examiners Commission, P. O. Box 1489, Tallahassee, Florida 32302-1489.. 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: Vickie Koenig at (850)410-8600, or vickiekoenig@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Medical Examiners Commission, P. O. Box 1489, Tallahassee, Florida 32302-1489.

THE FULL TEXT OF THE PROPOSED RULE IS:

11G-5.002 Establishment of Medical Examiner Districts.

The following districts and counties are designated as Florida’s medical examiner districts:

- (1) through (8) No change.
- (9) District 9 – Orange, ~~Osceola~~;
- (10) through (23) No change.
- (24) District 24 – Seminole;-
- (25) District 25 – Osceola.

Rulemaking Authority 406.04 FS. Law Implemented 406.05 FS. History–New 2-23-93, Amended.

11G-5.003 District Medical Examiner Terms of Office.

The term of office for a district medical examiner appointed by the governor shall be three years. A gubernatorial appointment to fill a vacancy shall be for the unexpired portion of the term. For the purpose of administration, the ~~25~~ 24 district medical examiners serve staggered terms, in accord with the following rotation:

- (1) No change.

(2) Second year – Districts 8 through 14, and 25;

(3) No change.

Rulemaking Authority 406.04 FS. Law Implemented 406.06(1)(a) FS. History–New 2-23-93, Amended 5-21-12;_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vickie Koenig, Chief of Policy and Special Programs
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:
64B2-13.0045 Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation
64B2-13.007 Continuing Education During Initial Licensure Period

PURPOSE AND EFFECT: The purpose of the amendment is to update and clarify the rules to allow the licensees to understand what CE is required during the first year of licensure as well as the statutorily required courses on HIV/AIDS and PME.

SUMMARY: Update and clarify the rules and statutory requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.013, 456.013(3), 456.033, 460.405, 460.408, 460.408(3) FS.

LAW IMPLEMENTED: 456.013, 456.013(3), 456.033, 460.405, 460.408, 460.408(3) 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 Spivey, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257; (850)488-0595.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.0045 Requirement for Continuing Education Courses in HIV/AIDS and Prevention of Medical Errors Required for Initial Licensure, Renewal, or Reactivation.

(1) Continuing Education in HIV/AIDS. Pursuant to section 456.033, F.S., no later than first licensure renewal, each licensee shall complete and ~~No license shall be initially renewed unless the licensee~~ submits confirmation to the Board that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

(a)(2) To receive Board approval, courses on HIV/AIDS shall consist of at least three (3) hours of classroom instruction.

(b)(3) For the purpose of compliance with this rule, a licensee may submit confirmation of having taken an online attendance continuing education course provided such course ~~which~~ complies with the requirements of subsection 64B2-13.004(3), F.A.C.

(c)(4) HIV/AIDS hours completed to satisfy the requirement of this rule may be used by the licensee for purposes of satisfying the forty (40) hour requirement of subsection 64B2-13.004(1), F.A.C.

(2)(5) Continuing Education on Prevention of Medical Errors. Pursuant to section 456.013(7), F.S., as part of the ~~biennial~~ ~~For~~ license renewal process, each licensee shall attend and certify attending a Board-approved two (2) hours continuing education course relating to the prevention of medical errors which shall count toward the total number of continuing education hours required for license renewal.

Rulemaking Authority 456.013, 456.033, 460.408(3) FS. Law Implemented 456.033, 456.013(7) FS. History–New 5-2-89, Amended 1-28-90, Formerly 21D-13.0045, Amended 10-26-93, Formerly 61F2-13.0045, 59N-13.0045, Amended 5-5-02, 2-12-07, 9-8-16.

64B2-13.007 Continuing Education Requirements During Initial Licensure Period.

(1) During the first twelve (12) months after initial licensure, practitioners are required to attend one (1) full day at a Florida Board of Chiropractic Medicine meeting at which

disciplinary hearings are conducted as provided in subsection 64B2-13.004(8), F.A.C. In addition to attendance at a Board meeting, during the first twelve (12) months after initial licensure, Beginning April 1, 2008, practitioners are required to complete a minimum of ~~attend~~ six (6) hours of record keeping/documentation and coding and two (2) hours in the area of ethics and boundaries, as provided in subsection 64B2-13.004(2), F.A.C.

(2) Once the practitioner has certified attendance at a Board meeting, completed the continuing education hours required by subsection (1), and completed the continuing education courses on HIV/AIDS and Prevention of Medical Errors Once the hours required by Rule 64B2-13.0045, F.A.C., have been met, licensed practitioners shall not be required to complete any other continuing education requirements during the biennium in which they receive initial licensure.

(3)(2) Practitioners ~~Initial licensure practitioners~~ who reside out of the state and who obtain an initial license in Florida may defer compliance with subsection (1) until satisfy this requirement within twelve (12) months after commencing treatment of patients in locating to the State of Florida. However, out of state initial these licensees are still required to complete the continuing education hours required by Rule 64B2-13.0045, F.A.C., prior to their first licensure renewal period.

Rulemaking Authority 456.013(6), 460.405, 460.408 FS. Law Implemented 456.013(6), 460.408 FS. History—New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended 11-13-01, 5-4-03, 6-28-04, 11-9-06, 12-4-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2018
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 7, 2018

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:
64E-6.009 Alternative Systems
64E-6.012 Standards for the Construction, Operation and Maintenance of Aerobic Treatment Units

PURPOSE AND EFFECT: The proposed changes to Chapter 64E-6, Florida Administrative Code, incorporate necessary technical changes as well as modifications proposed through the Technical Review and Advisory Panel, and allow for implementation of systems meeting Department of Environmental Protection nitrogen-reduction goals.

SUMMARY: The proposed changes to Chapter 64E-6, Florida Administrative Code, are based on proposals that have been reviewed and recommended for inclusion by the Technical Review and Advisory Panel and incorporate technical changes to the design of alternative systems and allow for the installation of nitrogen-reducing in-ground biofilters and nitrogen-reducing aerobic treatment unit technology.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the SERC checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a), F.S. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 381.011, 381.0065 FS.

LAW IMPLEMENTED: 381.0065, FS.

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

DATE AND TIME: {TBD and will be provided in published notice}

PLACE: {TBD and will be provided in published notice}

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: Dale Holcomb, Environmental Administrator, Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida, 32399-1710 or by email at dale.holcomb@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dale Holcomb, Environmental Administrator, Florida Department of Health, Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710 or by email at dale.holcomb@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-6.009 Alternative Systems.

Introductory paragraph – No change

(1) through (4) No change

(5) Drip irrigation systems – Drip irrigation systems may, at the option of the applicant, be used in lieu of a mineral aggregate drainfield. Drip irrigation systems shall meet all requirements of this chapter except as noted below.

(a) Drip irrigation systems shall receive effluent from an approved aerobic treatment unit or a performance-based treatment system designed to meet at least secondary treatment standards for CBOD₅ and TSS, and shall meet the following requirements:

1. through 19. No change.

20. All onsite sewage treatment and disposal systems that include a drip effluent disposal system and aerobic treatment unit or performance-based treatment system shall have a biennial operating permit, a maintenance contract with an approved ~~aerobic treatment system~~ maintenance entity, and shall be inspected in accordance with the requirements of this chapter.

21. through 25. No change.

26. Except for slopes required to meet the stabilization requirements of paragraph 64E-6.009(3)(f), F.A.C., the area over the drip irrigation drainfield shall be stabilized in the same way or vegetated with plant species specified by the design engineer. The species specified shall not include trees.

27. For drip emitter lines using non-pressure-compensating emitters, the maximum elevation difference shall be four inches between the highest and the lowest emitter in any individual line segment between the supply and the return line. For drip emitter lines using pressure-compensating emitters, there shall be no more than 18 inches of elevation difference between the highest and lowest emitter in any line. Neither property slope nor drip emitter line slope shall result in the depth of cover over the drip emitter lines to be outside of the range permitted in subparagraph 64E-6.009(5)(a)17, F.A.C.

28. The minimum effective soil depth below drip emitter lines shall be 42 inches; however, spodic layers greater than 24 inches below the drip emitter lines may remain in place at the discretion of the design engineer.

(b) No change.

(6) No change.

(7) In-ground Nitrogen-reducing Biofilters (INRB) – Nitrogen-reducing media layers, also referred to as media layers, may be placed beneath the drainfield provided the resulting system meets all requirements of this chapter except as noted in this subsection.

(a) Nitrogen-reducing media layers shall be installed as follows:

1. The drainfield shall be installed over sand fill material that is at least 18 inches thick and conforms to the textures and

colors in subparagraph 10. below and shall extend at least one foot beyond the perimeter of the drainfield. The drainfield shall be centered above the sand fill area.

2. Below the sand fill material layer required in subparagraph 1. above there shall be a media layer that is at least 12 inches thick and extends beneath the entire drainfield absorption surface and extends at least 24 inches beyond the perimeter of any portion of the drainfield absorption surface and any other effluent release point. The media layer shall also extend upward along the boundary of the sand fill material to a point four to six inches below the bottom of the drainfield. The drainfield shall be centered above the media layer. The media layer shall conform with subparagraphs 8. and 11. below. The media layer shall not be installed when the observed water table is at or above the lowest depth of the media layer.

3. The bottom of the media layer shall be at least 6 inches above the wet season water table.

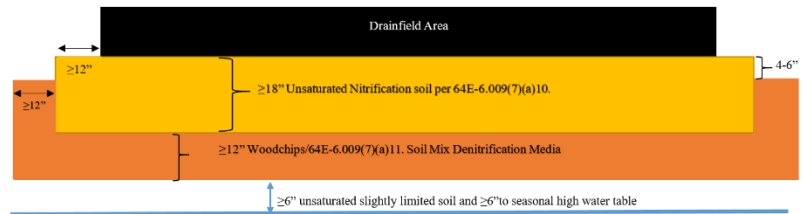


Figure 1. In-ground Nitrogen-reducing Biofilter media layer system

4. While media longevity and nutrient reduction may be enhanced by the use of low-pressure distribution, any Department-approved drainfield effluent distribution method may be used.

5. The natural and existing soil profile throughout the area of the drainfield shall indicate slightly limited soils extending from the ground surface to at least 6 inches below the bottom of the nitrogen-reducing media layer.

6. Only drainfield materials approved per Rule 64E-6.014 or Rule 64E-6.009, F.A.C. shall be used.

7. As measured vertically, no portion of the media layer required in subparagraph 2. above, shall be within 18 inches of the infiltrative surface of the drainfield.

8. An example of nitrogen-reducing media is lignocellulosic material such as chips or shavings of untreated lumber, blended urban waste wood mulch, yellow pine sawdust, or 2-inch to 3-inch wood chips. The nitrogen-reducing media shall be demonstrated in Florida-based studies to be effective at providing a substrate for denitrification.

9. The nitrogen-reducing media shall comply with the provisions of Rule 64E-6.0151, F.A.C.

10. The soil layer between the infiltrative surface of the drainfield and the media layer shall extend beneath the entire drainfield absorption surface and to a point at least one foot

beyond the perimeter of any portion of the drainfield absorption surface and any other effluent release point and shall consist of fine aggregate having a texture of sand or fine sand but excluding:

a. those having color values less than or equal to 4 with chromas less than or equal to 3; or

b. those with colors on the gley charts.

11. The media layer shall be a combination of nitrogen-reducing media and fine aggregate, which shall be composed of 40-60% nitrogen-reducing media by volume, with the remainder to be fine aggregate. The media layer shall not be installed when the observed water table is at or above the lowest depth of the media layer. The fine aggregate to be mixed with the nitrogen-reducing media shall be one or more of the following textures: coarse sandy loam, sandy loam, loamy sand, fine sandy loam, very fine sand, loamy fine sand, and loamy very fine sand; and shall conform to the colors in subparagraph 10. above. The media layer shall be thoroughly mixed while the soil is in a non-plastic state, with the constituents uniformly distributed when installed.

12. Where the system has a total required drainfield size over 1500 square feet, the design engineer shall address the potential for mounding of the effluent between the drainfield and the bottom of the media layer at the estimated sewage flow and will increase the separation between the drainfield and the layer required in subparagraph 2. above, to ensure no less than 18 inches of unsaturated soil beneath the drainfield. A four-inch diameter observation port in the center of the drainfield shall be installed to monitor this parameter. The observation port shall be capped and lockable and installed within a protective surface cover. A toilet flange shall be securely attached to the bottom of the observation port to prevent the port from being inadvertently raised from its installed position. The observation port, including the flange, shall be perforated at the lowest elevation possible to allow accurate measurements. If installed within three feet of the sidewall of a bed or trench, the port shall be grouted to prevent effluent from flowing down the outer surface of the port to the media.

13. Drainfield repair shall not necessitate media replacement provided the media has been in use for less than 10 years or if sampling within the previous 12 months shows denitrification at or above the target level for mean total nitrogen (TN) removal efficiency which shall be a minimum 65%.

14. Setback distances to the denitrification media or soil material directly above denitrification media extending to the infiltrative surface of the drainfield shall be reduced by the following:

a. Except for building foundations, vertical obstructions and pilings for elevated structures, where the required setback is ≤ 5 feet, the setback shall be reduced to one foot.

b. Where the required setback is ≥ 10 feet, the setback shall be reduced by five feet.

c. Setbacks to all other parts of the system shall be in compliance with the requirements in this Chapter and section 381.0065, Florida Statutes.

(b) In addition to the inspections required in Rule 64E-6.003, F.A.C., upon completion of the installation of the media layer but before covering the media layer, a person installing or constructing the system shall notify the Department's county health department office that the media layer has been installed and shall have that portion of the system inspected by the department. If the inspection of the media layer is the initial inspection of the system, the initial inspection fee in Rule 64E-6.030(1)(i), F.A.C., shall be paid. If an initial inspection occurred before the media layer inspection, the reinspection fee in Rule 64E-6.030(1)(j), F.A.C., shall be paid.

(c) Repairs of systems incorporating media layers shall meet the current standard for nitrogen reduction. The provisions of Rule 64E-6.003(3), F.A.C., shall not apply to repair of systems that include media layers, nor shall repairs be allowed per Rule 64E-6.015(3), F.A.C.

(d) Final installation approval shall not be granted until the county health department has confirmed that the property owner has executed and recorded in the public property records at the county courthouse, a written notice that informs all subsequent property owners of the use of the nitrogen-reducing media onsite system that may require special repair or maintenance procedures. The notice shall include the department's construction permit number for the system, and that additional information may be obtained by contacting the local county health department.

(7) through (10) renumbered (8) through (11) No change.

Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.49, Amended 3-17-92, 1-3-95, Formerly 10D-6.049, Amended 11-19-97, 2-3-98, 3-22-00, 4-21-02, 6-18-03, 11-26-06, 6-25-09,_____.

64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units.

When aerobic treatment units are used for treating domestic and commercial sewage waste, each unit shall be installed, operated and maintained in conformance with the following provisions:

(1) Aerobic ~~treatment units systems~~ designed to treat up to 1500 gallons of sewage waste-per day shall be listed by a third party certifying program approved by the State Health Office. Aerobic treatment units shall be in compliance with at least one of the following standards: for Class I systems as defined by ANSI/NSF International Standard/American National Standard (NSF/ANSI) 40-2013, "Residential Wastewater Treatment Systems" Number 40, revised April 2013July 2000, herein incorporated by reference; nitrogen reduction as defined by

NSF/ANSI 245-2013, “Wastewater Treatment Systems – Nitrogen Reduction,” revised April 2013; or onsite residential and commercial water reuse treatment systems as defined by NSF/ANSI 350-2013, “Onsite Residential and Commercial Water Reuse Treatment Systems,” revised December 2012. These NSF/ANSI standards are hereby incorporated by reference, have been deemed copyright protected, and are available for inspection at the Department of Health, Bureau of Environmental Health, 4025 Esplanade Way, Tallahassee, Florida 32399-1710 or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. An approved third party certifying program shall comply with the following provisions in order for units which it has certified to be approved for use in Florida:

(a) through (d) No change

(e) Provide a registered certification mark or seal which must be affixed in a conspicuous location on the units it has certified. This mark or seal will alert persons evaluating or maintaining the unit that the unit is in compliance with the ANSI/NSF/ANSI Standard appropriate for the application 40.

(2) The following additional requirements shall also apply to the construction, design, and operation of aerobic treatment units treating 1500 gallons per day or less:

(a) No change.

(b) A minimum of a 4 inch diameter sampling access port located between the treatment unit tank—outlet and the drainfield.

(c) No change.

(d) Each unit shall be designed or equipped so that regardless of unusual patterns or frequencies of sewage flow into the system effluent discharged to the drainfield will be in compliance with the applicable standards of subsection (1) above Class I effluent quality standards as defined by ANSI/NSF Standard 40.

(e) Minimum required treatment capacities for systems serving any structure, building or group of buildings shall be based on estimated daily sewage flows as determined from Table IV.

TABLE IV
AEROBIC SYSTEMS
PLANT SIZING
RESIDENTIAL:

Number of Bedrooms	Building Area in square feet	Minimum Treatment Capacity per day	Required Capacity gallons
1 or 2	Up to 1200	400	
3	1201-2250	400 500	
4	2251-3300	500 600	

For each additional bedroom or each additional 750 square feet of building area, or fraction thereof, treatment capacity shall be increased by ~~60~~400 gallons.

COMMERCIAL:

Estimated Sewage Flow in gallons per day	Minimum Required Treatment Capacity in gallons per day
0-400	400
401-500	500
501-600	600
601-700	700
701-750	750
751-800	800
801-1000	1000
1001-1200	1200
1201-1500	1500

Footnotes to Table IV

1. through 2. No change.

(f) No change.

(g) Effluent from an aerobic treatment unit shall be disposed of on the owner’s property in conformance with other requirements of this chapter except as provided for in paragraph ~~64E-6.012(2)(f) above, F.A.C.~~ Effluent quality which is found to not meet its Class I standards as specified by ANSI/NSF Standard 40 shall be reported to the maintenance entity for correction within 10 working days.

~~(h) Units meeting Class I Standards as specified by ANSI/NSF Standard 40 shall receive consideration, via the variance review process, for use where daily domestic sewage flow limitations of Rule 64E-6.005, F.A.C., are exceeded or where a high level of sewage treatment is warranted. Also, for Class I units Wwhere slightly limited soil textures exist on a site, the required drainfield size may be reduced by 25 percent from the requirements in Rule subsection 64E-6.008(5) or Rule paragraph 64E-6.009(3)(d), F.A.C.~~

(i) through (n) No change.

(3) An aerobic treatment unit used for treating domestic or commercial sewage flows in excess of 1500 gallons per day, or a combination of aerobic treatment units treating flows according to Rule 64E-6.004(4)(a) or (b), F.A.C. shall be designed and certified by an engineer licensed in the State of Florida. The design shall include an assessment of wastewater strength. The certification shall state that the unit is capable of consistently meeting, at minimum, secondary treatment standards for CBOD₅ and TSS established by ~~DEP~~ in Rule 64E-6.025(12)(a) 62-600.420, F.A.C. In addition, the following requirements shall also be met:

~~(a) The drainfield system shall meet minimum setback and elevation requirements specified by this rule.~~

~~(a)(b)~~ The owner or lessee of a system shall comply with the applicable safety, maintenance and operational requirements of subsection 64E-6.012(2) above, F.A.C. Unless the system owner or lessee is a state licensed wastewater treatment plant operator, the owner or lessee shall be required to have a system maintenance agreement with a permitted aerobic unit maintenance entity which has at least a Class D state certified operator who has been certified under the provisions of Chapter 62-602 61E12-41, F.A.C.

~~(b)(e)~~ A permitted aerobic unit maintenance entity with a minimum Class D certified operator, or a system owner or lessee holding at minimum a Class D certification under the provisions of Chapter 61E12-41, F.A.C., shall collect effluent quality samples and submit the sample analysis reports to the DOH county health department. Effluent quality samples for CBOD₅, and suspended solids and fecal coliform shall be collected at least semi-annually and such samples shall be analyzed by a department-approved laboratory.

~~(c)(d)~~ Written sample analysis reports shall be submitted to the DOH county health department by no later than the 15th of the next month following the semi-annual sampling period. However, if the sample analysis for CBOD₅ or suspended solids exceeds secondary treatment standards by more than 100 percent, the maintenance entity or certified operator shall notify the DOH county health department by telephone or in person within 24 hours after receipt of sample analysis results.

~~(d)(e)~~ The DOH county health department shall monitor the maintenance and performance of aerobic treatments units as required by paragraph 64E-6.012(2)(m) above, F.A.C.

(4) through (6) No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, Part I 386 FS. History—New 3-17-92, Amended 1-3-95, Formerly 10D-6.0541, Amended 11-19-97, 4-21-02, 6-18-03, 5-24-04, 11-26-06, 6-25-09, 4-28-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Holcomb, Environmental Administrator

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, MD, MPH, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 03/09/18

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 02/02/18

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NO.: RULE TITLE:

73C-23.0030 Authority; Incorporation

73C-23.0031 Definitions

73C-23.0035 Eligibility

73C-23.0041 Application Process - General Information

73C-23.0045 Specific Requirements for Neighborhood Revitalization, Commercial Revitalization and Housing Rehabilitation

73C-23.0048 Specific Requirements for Economic Development

73C-23.0049 Funding for Special Economic Development Projects

73C-23.0051 Grant Administration and Project Implementation

73C-23.0061 Emergency Set-aside Assistance

73C-23.0071 Section 108 Loans

73C-23.0081 Nonrecurring CDBG Funding

73C-23.0082 Subgrant Closeout

PURPOSE AND EFFECT: To streamline and clarify rules implementing Sections 290.0401-.048, F.S., the Florida Cities Block Grant Act.

SUMMARY: Sections 290.0401-.048, F.S., enacts the Florida Cities Block Grant Act for the purpose of assisting local governments in undertaking community and economic development programs necessary to preserve, redevelop, and revitalize distressed communities, and includes the application and scoring criteria for disaster relief funding for 2016 Hurricanes Matthew and Hermine.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The agency has previously performed a review of the statutory requirements and determined that rules 73C-230030., .0031, .0035, .0041, .0045, .0048, .0049, .0051, .0061, .0071., 0081, and .0082, F.A.C., have no adverse impact or regulatory costs which exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. These rules are therefore expected to be able to take effect without the need of being ratified by the Legislature.

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: 290.048, FS.

LAW IMPLEMENTED: 290.043, 290.044, 290.0455, 290.046, 290.047, 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: Friday, April 13, 2018, 9:30 a.m.

PLACE: Department of Economic Opportunity, Caldwell Building, 107 E. Madison Street, Tallahassee, Florida 32399, Conference Room 110, and by teleconference by calling: 1(888)670-3525; Passcode: 9633615989 then #.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: M. Linville Atkins, Assistant General Counsel, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399, Linville.atkins@deo.myflorida.com, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

73C-23.0030 Authority; Incorporation

(1) The Florida Small Cities Community Development Block Grant (CDBG) Program is governed by the Housing and Community Development Act of 1974, as amended (2014); Title 2 Code of Federal Regulations (CFR) Part 200 (2 CFR Part 200); 24 CFR Part 8; 24 CFR Part 35, subparts B, J and R; 24 CFR Part 55; 24 CFR Part 58; 24 CFR Part 85; 24 CFR Part 91; 24 CFR Part 92.252; 24 CFR Part 135; 24 CFR Part 570, including Subparts A, C, I, J, K, M and Appendix A; 29 CFR Part 5; 40 CFR Parts 1500 – 1508; and 49 CFR Part 24;

incorporated herein by reference for use throughout this chapter.

(2) The following forms are incorporated herein by reference:

(a) Form SC-49 Household Income Certification Form; and

(b) Form SC-60 Application for Funding Rulemaking Authority 290.044, 290.046, 290.047, 290.048, FS. Law Implemented 290.042, 290.043 FS. History–New .

73C-23.0031 Definitions.

Terms used in this Chapter which are not defined herein have the meanings as set forth in the authority incorporated by reference in 73C-23.0030. Terms defined herein have the following meaning:

(1) “Additional Engineering” includes:

(a) Site surveys for water treatment plants, sewage treatment works, dams, reservoirs, and other similar special surveys as may be required, such as route surveys.

(b) Laboratory tests, well tests, borings, and specialized geological soils, hydraulic, or other studies recommended by the engineer.

(c) Property surveys, detailed description of sites, maps, drawings, or estimates related to them, assistance in negotiating for land and easement rights.

(d) Necessary data and filing maps for water rights.

(e) Redesigns ordered by the owner after final plans have been accepted by the owner and the local government, except redesigns to reduce the project cost to within the funds available and projects which received “readiness to proceed” points or a planning and design grant.

(f) Appearances before courts or boards on matters of litigation or hearings related to the project.

(g) Preparation of environment assessments or environmental impact statements.

(h) Performance of detailed staking necessary for construction of the project in excess of the control staking.

(i) Provision of the operation and maintenance manual for a facility.

(j) Activities required to obtain state and federal regulatory agency construction permits.

(k) Design of hookups.

(l) Cost of engineering specialties such as electrical; hydro-geological services; biologists; and heating, ventilation, and air conditioning (HVAC).

Additional engineering is considered to be services provided in addition to basic architectural and engineering services.

(2) “Addressed Need” means the activities that the Applicant proposes to complete with the funds requested in its

Small Cities Community Development Block Grant Application for Funding.

(3) “Applicant” means a unit of general local government that applies for CDBG funding.

(4) “Application” means the Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, accessible at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-06448>.

(5) “Application Cycle” means the 45-day period during which the Department will accept applications

(6) “Architectural and Engineering Services” means the basic services required to be performed by an architect or engineer licensed by the State of Florida including preliminary engineering, design services, bid management and services during construction.

(7) “Authorized Signature” means the original signature of the Chief Elected Official or the signature of a person designated by charter, resolution, code, ordinance or another official action of the local government to sign CDBG-related documents as demonstrated by submission of authorizing documentation.

(8) “Biddable Construction Plans and Specifications” means construction plans and specifications, dated and sealed by an engineer or architect, that include all addressed need service areas and all addressed need work activities outlined in the application and contain all documents, forms and information necessary for a contractor to submit a bid, except for a wage decision, the CDBG Supplemental Conditions, and the local government’s current Minority and Women Business Enterprises list.

(9) “Business Incubator” is a multi-tenant building that provides affordable, flexible space along with a variety of office and professional services to small and/or new businesses for the purpose of creating an atmosphere conducive to the creation and growth of fledgling businesses.

(10) “CATF” means Citizen’s Advisory Task Force pursuant to Section 290.046(5), F.S. The CATF shall be comprised of at least five residents of the Applicant’s jurisdiction. None of the members shall be an elected official of the Applicant, and no more than one shall be an employee of the local government.

(11) “Complementary Activities” are eligible activities as provided in Section 290.042, F.S., required to support the primary activity or project for which grant funds are being requested, which do not, except for Economic Development projects, exceed 35 percent of the cost of the primary activity or project.

(12) “Completeness Period” means the 21-day period that the Applicant has to respond to any requests for additional information related to its Application for Funding.

(13) “Direct Benefit” is Community Service Block Grant assistance that promotes or enhances individual well-being, such as housing rehabilitation, sewer and water hookups, or job creation by a Participating Party and does not include activities that only meet a national objective through an area-wide benefit.

(14) “Final Closeout” means the written notification to a Recipient by the Department that the final required audit or an attestation statement that a Single Audit is not required for an administratively closed subgrant has been approved by the Department, which starts the six-year records retention period for subgrant files.

(15) “Fundable Range” means the range of the highest scoring applications in each CDBG program category that have allocated funds available for award. To remain in the fundable range, funded applications must retain at least 0.01 points above the highest scoring unfunded application.

(16) “Funding Cycle” means the time period from the starting date of one application cycle through the last day before the starting date of the next application cycle.

(17) “Funding Reservation” means the Department’s reservation of funds made for an applicant’s project when an application is received under the Economic Development program category.

(18) “Household” means all individuals residing in a dwelling unit, regardless of their relationship.

(19) “Household Income” means the income of all individuals aged 18 and above residing in a dwelling.

(20) “Income” means annual income as defined by the U.S. Department of Housing and Urban Development as set forth in 24 CFR 570.3, and incorporated herein.

(21) “Jurisdiction” means the corporate limits of a local government.

(22) “Liquidated damages” are funds paid to a local government by a contractor, vendor, or any other party pursuant to a CDBG-funded contract due to non-performance or failure to perform in accordance with contractual requirements and includes funds withheld by, or repaid or rebated to the local government.

(23) “Minority” means an individual who is Black/African American, American Indian/Alaskan Native, Asian, Native Hawaiian/Pacific Islander or Multi-Racial.

(24) “Notice of Funding Availability” or “NOFA” means the notification released by the Department which announces the availability of federal funds, and which includes the application cycle starting date, the deadline date for application submission, and the allocations amounts for each grant program category.

(25) “Open Subgrant” for the purposes of Applicant eligibility is a CDBG agreement that has not been administratively closed.

(26) “Project Area” means the site or sites upon which all subgrant-related construction activities take place, without respect to funding source.

(27) “Public notice” means an advertisement published in a local newspaper of general circulation at least five days and no more than 30 days prior to the day of the event for which the notice was placed. The calculation of the time period shall include the date of publication of the notice but not the day of the event.

(28) “Recipient” or “Subgrantee” means a unit of local government that has been awarded CDBG funding.

(29) “Readiness to Proceed Points” are points awarded in the Commercial Revitalization and Neighborhood Revitalization categories for projects that have biddable construction plans and specifications completed by the application deadline for all “addressed need” activities requiring plans and specifications and have all required permit applications for infrastructure activities submitted to the proper agencies by the application deadline.

(30) “Recipient” means, for the purposes of Chapter 73C, a unit of general local government that has received an award of funds.

(31) “Section 3” means Section 3 of the Housing and Community Development Act of 1974, as amended, and the implementing regulation, 24 CFR Part 135, relating to employment and other economic opportunities for low- to moderate-income persons, both of which are incorporated by reference.

(32) “Subgrant Agreement” means the contract that is executed between an Applicant and the Department to award CDBG funding for completing the Addressed Need activities that were included in the Applicant’s Small Cities CDBG Application for Funding.

(33) “Unaddressed Need” means the activities that the Applicant listed in its Small Cities CDBG Application for Funding for which funds were not budgeted in the application.

The Florida Small Cities Community Development Block Grant (CDBG) Program is governed by definitions provided in the Housing and Community Development Act of 1974, as amended

(2014); http://www.flrules.org/Gateway/reference.asp?No=Ref_05364; effective date: April, 2015; Title 2 Code of Federal Regulations (CFR) Part 200 (2 CFR Part 200); 24 CFR Part 8; 24 CFR Part 35, subparts B, J and R; 24 CFR Part 55; 24 CFR Part 58; 24 CFR Part 85; 24 CFR Part 91; 24 CFR Part 92.252; 24 CFR Part 135; 24 CFR Part 570, including Subparts A, C, I, J, K, M and Appendix A; 29 CFR Part 5; 40 CFR Parts 1500—1508; and 49 CFR Part 24; http://www.flrules.org/Gateway/reference.asp?No=Ref_05359; effective date: April, 2015, incorporated herein by reference for use throughout this chapter. These and other

~~documents referenced in this rule are available either on the Department’s Small Cities CDBG Program website: www.FloridaJobs.org/CDBGRecipientInfo, on the U.S. Government Printing Office website: www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR, or upon request from the CDBG program office. The following additional definitions are provided for clarification:~~

~~(1) “Addressed need” means the activities that the Applicant proposes to complete with the funds requested in its Small Cities Community Development Block Grant Application for Funding.~~

~~(2) “Administrative closeout” means the written notification to a Recipient by the Department that all applicable administrative actions and all required work of a subgrant have been completed, with the exception of the submission and approval of the final audit required under 2 CFR Part 200.~~

~~(3) “Administrative costs” include all costs of administration as defined in Section 290.042(2), F.S., including general administration, planning and urban design, and project administration costs. Excluded from administrative costs are:~~

~~(a) Architectural, engineering and associated construction observation;~~

~~(b) Force account crews performing construction work;~~

~~(c) Title searches, appraisals and costs of surveys for acquisition activities.~~

~~(4) “Application cycle” means the 45 day period during which applications will be accepted by the Department for competitive scoring for a specified federal fiscal year’s funds. The application cycle is announced in the Notice of Funding Availability for each federal fiscal year.~~

~~(5) “Applicant” means a unit of local government that applies for CDBG funding.~~

~~(6) “Architectural and engineering services” means the “basic services” required to be performed by an architect or engineer licensed by the State of Florida including preliminary engineering, design services and services during construction. The following are considered “additional engineering services:”~~

~~(a) Site surveys for water treatment plants, sewage treatment works, dams, reservoirs, and other similar special surveys as may be required, such as route surveys.~~

~~(b) Laboratory tests, well tests, borings, and specialized geological soils, hydraulic, or other studies recommended by the engineer.~~

~~(c) Property surveys, detailed description of sites, maps, drawings, or estimates related to them, assistance in negotiating for land and easement rights.~~

~~(d) Necessary data and filing maps for water rights.~~

~~(e) Redesigns ordered by the owner after final plans have been accepted by the owner and the local government, except redesigns to reduce the project cost to within the funds available~~

and projects which received “readiness to proceed” points or a planning and design grant.

(f) ~~Appearances before courts or boards on matters of litigation or hearings related to the project.~~

(g) ~~Preparation of environment assessments or environmental impact statements.~~

(h) ~~Performance of detailed staking necessary for construction of the project in excess of the control staking.~~

(i) ~~Provision of the operation and maintenance manual for a facility.~~

(j) ~~Activities required to obtain state and federal regulatory agency construction permits.~~

(k) ~~Design of hookups.~~

(l) ~~Cost of engineering specialties such as electrical; hydro-geological services; biologists; and heating, ventilation, and air conditioning (HVAC).~~

(7) ~~“Authorized signature” means the original signature of the Chief Elected Official or a person designated by charter, resolution, code, ordinance or another official action of the local government to sign CDBG related documents. If a signature other than that of the Chief Elected Official is submitted, a copy of the authorizing document must accompany the signature.~~

(8) ~~“Biddable construction plans and specifications” means construction plans and specifications, certified by an engineer or architect as complete, that include all addressed need service areas and all addressed need work activities outlined in the application. Biddable construction plans and specifications that are submitted with the application must contain all of the documents, forms and information that a contractor needs to submit a bid, except for a wage decision and the CDBG Supplemental Conditions. These documents must be consistent with the project description in the application and the proposed budget and scope of work.~~

(9) ~~“Business incubator” is a multi tenant building that provides affordable, flexible space along with a variety of office and professional services to small and/or new businesses. The purpose of an incubator is to create an atmosphere conducive to the creation and growth of fledgling businesses.~~

(10) ~~“CATF” means Citizen’s Advisory Task Force pursuant to Section 290.046(5), F.S. The CATF shall be comprised of at least five residents of the Applicant’s jurisdiction. None of the members shall be an elected official of the Applicant, and no more than one shall be an employee of the local government. The purpose of the CATF is to provide recommendations on all phases of the local CDBG program.~~

(11) ~~“Complementary activities” are eligible activities, as provided in Section 290.042, F.S., required by the primary activity or project scored in the CDBG application for which grant funds are being requested and which do not, except for Economic Development projects, exceed 35 percent of the cost of the primary activity or project.~~

(12) ~~“Completeness letter” means the letter that the Department sends an Applicant following a site visit. The letter either states that the application is complete or lists the additional documentation that is needed to make the application eligible for funding.~~

(13) ~~“Completeness period” means the 21 day period that the Applicant has to respond to any requests for additional information related to its Application for Funding. The 21 day period starts on the day that the Applicant receives its Certified Mail, Return Receipt Requested Completeness Letter from the Department.~~

(14) ~~“Concern” means an issue that, if not addressed or corrected, may result in a finding in a Department monitoring report.~~

(15) ~~“Department” means the Florida Department of Economic Opportunity, whose address is 107 East Madison Street, Tallahassee, Florida 32399.~~

(16) ~~“Direct Benefit” is CDBG assistance that promotes or enhances individual well being, such as housing rehabilitation, sewer and water hookups, or job creation by a Participating Party. Activities that only meet a national objective through an area wide benefit do not confer direct benefit.~~

(17) ~~“Engineer” means a person meeting the qualifications in Section 471.005(5), F.S.~~

(18) ~~“Final Closeout” means the written notification to a Recipient by the Department that the final required audit or an attestation statement that a Single Audit is not required for an administratively closed subgrant has been approved by the Department. The date that the Department issues the notice of subgrant final closeout starts the six year records retention period for subgrant files.~~

(19) ~~“Finding” means a specific issue of noncompliance with federal or state regulatory requirements, including the CDBG subgrant contract provisions, that is identified in a monitoring report produced by the Department.~~

(20) ~~“Fundable range” means the range of application scores in the Economic Development, Neighborhood Revitalization, Housing Rehabilitation and Commercial Revitalization categories from the top application score in each category to the score of the highest ranked application in each category for which funds are not available plus 0.01 points. For example, if the top application score in the Neighborhood Revitalization category is 724.15 and the score of the highest ranked unfunded Neighborhood Revitalization application is 624.15, then the fundable range for Neighborhood Revitalization applications would be 724.15-624.16.~~

(21) ~~“Funding cycle” means the time period from the starting date of one application cycle through the last day before the starting date of the next application cycle.~~

(22) ~~“Household” means all individuals residing in a dwelling unit, regardless of their relationship.~~

~~(23) “Household Income” means the income of all individuals aged 18 and above residing in a dwelling.~~

~~(24) “Income” means annual income as defined by the U.S. Department of Housing and Urban Development as set forth in 24 CFR 570.3, as incorporated in Rule 73C-23.0031, F.A.C.~~

~~(25) “Job creation location” means the geographic location in the project area where job creation activities of the Participating Party and expenditure of non public funds will occur.~~

~~(26) “Jobs created” means non public sector jobs created in Florida that were not in existence prior to the provision of the CDBG assistance and which would not be created without CDBG assistance. In cases where an employer both creates and eliminates jobs, “jobs created” means the difference between the new jobs created and the old jobs eliminated.~~

~~(27) “Jobs permanent” means full time jobs (2,000 hours annually) or full time equivalent jobs (2,000 hours annually) as set forth in the application which are necessary to the overall goals and objectives of a business and which have no known end.~~

~~(28) “Jobs retained” means jobs that without CDBG assistance, would be abolished by layoffs, plant closing, or other severe economic or natural conditions or as otherwise clarified in 24 CFR 570.483(b)(4), as incorporated in Rule 73C-23.0031, F.A.C.~~

~~(29) “Jurisdiction” means the corporate limits of a local government.~~

~~(30) “Leverage” includes local government funds, non-CDBG grants and loans to the local government, funds expended by other entities for the project (including by a Participating Party in an Economic Development project), fee waivers, or donated land required for the project. Special CDBG allocations awarded separately from the annual allocation, such as disaster recovery funding, may be used as leverage. Leverage funds must be spent on activities that are eligible for CDBG reimbursement in the program category that is being funded to receive leverage points for the respective application.~~

~~(31) “Liquidated damages” are funds paid to a local government by a contractor, vendor, or any other party pursuant to a CDBG funded contract when such payment is triggered by non performance or failure to perform in accordance with contractual requirements. This definition is applicable whether such funds are withheld by the local government or repaid or rebated to the local government by the contractor, vendor or third party.~~

~~(32) “Local government” means a unit of general purpose local government, such as county governments and municipal governments (incorporated cities, towns and villages) within the State of Florida.~~

~~(33) “Low and moderate income (LMI) household” means a household whose annual income does not exceed 80 percent of the median income for the area as most recently determined by HUD.~~

~~(34) “Low and moderate income persons” means members of low and moderate income households.~~

~~(35) “Low income (LI) household” means a household whose annual income does not exceed 50 percent of the median income for the area as most recently determined by HUD.~~

~~(36) “Microenterprise” is a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise.~~

~~(37) “Minority” means an individual who is Black/African American, American Indian/Alaskan Native, Asian, Native Hawaiian/Pacific Islander or Multi Racial.~~

~~(38) “One hundred year floodplain” or “100 year floodplain” means the area subject to a one percent or greater chance of flooding in any given year as specified in 24 CFR Part 55.2(b)(1), as incorporated in Rule 73C-23.0031, F.A.C.~~

~~(39) “On schedule” means the local government’s performance on an open CDBG subgrant agreement is in accordance with the expenditure rates and accomplishments described in the contract’s Activity Work Plan. Expenditures shall be considered “on schedule” if the local government has received at least 90 percent of the amount projected in the work plan’s schedule of expenditures. Accomplishments shall be considered “on schedule” if an activity identified in the work plan is not more than two months past the scheduled completion date.~~

~~(40) “On time performance” means the local government has not received one or more extensions to the subgrant agreement period totalling 12 months or more, except for time extensions required for an Economic Development project to track additional job creation when contractual job creation commitments have been met, but the cost per job exceeds \$10,000. An Economic Development project that is generating program income and has met all contractual obligations shall be considered on time if it is extended more than 12 months solely to expend the program income. For a subgrant initially funded only for planning and design, the subgrant shall be considered on time unless it is extended more than 24 months from the effective date of the modification which provides the construction phase funding.~~

~~(41) “Open subgrant” for the purposes of Applicant eligibility is a CDBG agreement that has not been administratively closed.~~

~~(42) “Participating Party” means a private, for profit business or non governmental private not for profit entity responsible for creating or retaining permanent jobs as part of a proposed Economic Development project. A governmental entity cannot be a Participating Party.~~

(43) “Program income” means gross income received by a unit of local government that was generated from the use of CDBG funds.

(44) “Project area” means the site or sites upon which all subgrant related construction activities take place, without respect to funding source.

(45) “Public notice” is an advertisement published in a local newspaper of general circulation at least five days and no more than 20 days prior to the day of the event for which the notice was placed. The calculation of the time period shall include the date of publication of the notice but not the day of the event.

(46) “Recipient” or “Subgrantee” means a unit of local government that has been awarded CDBG funding.

(47) “Readiness to Proceed Points” are awarded in the Commercial Revitalization and Neighborhood Revitalization categories for projects that have biddable construction plans and specifications completed by the application deadline for all “addressed need” activities that require plans and specifications. All required permit applications for infrastructure activities must also have been submitted to the proper agencies by the application deadline.

(48) “Section 3” means Section 3 of the Housing and Community Development Act of 1974, as amended, as incorporated in Rule 73C-23.0031, F.A.C., and the implementing regulation, 24 CFR Part 135, as incorporated in Rule 73C-23.0031, F.A.C., relating to employment and other economic opportunities for low to moderate income persons.

(49) “Service area” means the total geographic area to be directly or indirectly served by a subgrant project that addresses the Low and Moderate Income National Objective, where at least 51 percent of the residents are low and moderate income persons. A service area must include all, and only those, beneficiaries who are reasonably served or would be reasonably served by an activity.

(50) “Subgrant Agreement” means the contract that is executed between an Applicant and the Department to award CDBG funding for completing the Addressed Need activities that were included in the Applicant’s Small Cities CDBG Application for Funding. When an Applicant submits their Subgrant Agreement to the Department, the Applicant must also submit the following:

(a) Small Cities CDBG Program Information Sheet, DEO Form ~~SC-30~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05331>; effective date: April, 2015, which is hereby adopted and incorporated by reference.

(b) Civil Rights Profile Sheet, DEO Form ~~SC-31~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05332>; effective date: April, 2015, which is hereby adopted and incorporated by reference.

(c) Applicant/Recipient Disclosure/Update Report, HUD Form 2880; effective date: March 2013, which is incorporated by ~~reference~~ and is available at <http://portal.hud.gov/hudportal/documents/huddoc?id=2880.pdf>.

(51) “Time period” or “days” means calendar days. All time periods specified in this rule, the application, the agreement and all correspondence to and from the Department refer to calendar days unless otherwise specified.

(52) “Unaddressed need” means the activities that the Applicant listed in its Small Cities CDBG Application for Funding for which funds were not budgeted in the application. Unaddressed need activities can be added to a subgrant agreement through the modification process if CDBG funds are available after all addressed need activities have been procured. All addressed need activities must be completed before a local government can be reimbursed for unaddressed need activities.

(53) “Very low income (VLI) household” is a household whose annual income does not exceed 30 percent of the median income for the area as most recently determined by HUD. Rulemaking Authority 290.048 FS. Law Implemented 290.042, 290.043 FS. History—New 5-23-06, Amended 6-6-10, Formerly 9B-43.0031, Amended 4-21-15, _____.

73C-23.0035 Eligibility.

Rulemaking Authority 290.048 FS. Law Implemented 290.043, 290.044 FS. History—New 4-21-15, Repealed _____.

73C-23.0041 Application Process —~~General Information.~~

(1) Applicant Notice Requirements.

(a) The Applicant shall provide public notice of all public hearings in accordance with subsection 73C-23.0031(27), F.A.C. All public hearings must be conducted by a member of the Applicant’s governing body or the Applicant’s duly authorized representative at a time and place convenient to potential beneficiaries.

(b) The Applicant shall hold at least one public hearing before drafting the application. The notice of public hearing shall include:

(i) The date, time, and address of the hearing;

(ii) the federal fiscal year for which an application is being considered;

(iii) the range of activities for which CDBG funding may be used; and

(iv) the amount for which the community can apply.

(c) The Applicant shall hold at least one public hearing after the Application has been drafted. The public hearing on the draft application must be conducted before the application cycle closes. The Applicant must include an opportunity for public comment at this hearing, and must document the comments received. The notice of public hearing shall include:

(i) a summary of the draft application to include:

1. the federal fiscal year for which an application is being considered;

2. a description of the activities that will be undertaken with CDBG funding;

3. a budget that lists the specific CDBG dollar amounts that will be allocated for each activity;

4. The National Objective that will be met by each activity, except administration and engineering; and,

5. for Neighborhood Revitalization, Commercial Revitalization and Economic Development projects, the locations of the proposed activities, including street names or road numbers (e.g., County Road 50).

(ii) the website or physical location where a copy of the draft application can be obtained.

(iii) information describing where written comments may be submitted and the deadline for submission.

(iv) the date, time, and address of the hearing.

(1) Application Cycle.

~~(a) Unless otherwise directed by budgetary or administrative constraints, the Florida Department of Economic Opportunity shall annually initiate an application cycle to receive applications for Community Development Block Grant assistance from “non entitlement” units of local government that are eligible to apply for funding. This 45 day cycle is the time period during which the Department will accept applications for all program areas for competitive scoring for the annual federal fiscal year allocation. If the 45th day of the cycle falls on a weekend or state holiday, the cycle shall be extended to the next regular business day.~~

~~(b) An annual application cycle will be announced for each federal award. The Department shall publish a Notice of Funding Availability (NOFA), which announces the starting date and the deadline date and time for submission of applications. The NOFA shall list the allocations for each funding category from the Annual Action Plan submitted to HUD. The NOFA shall be published in the Florida Administrative Register at least 30 days in advance of the starting date of the cycle.~~

(2) Funding Ceilings.

(a) Population calculations for county government applications may be based only on populations in the unincorporated areas of the county.

(b) Limits on the amount of funds that may be requested per application are established as set forth below, using the most current U.S. Census of Population data:

<u>LMI Population Funding Ceiling</u>	
<u>1 – 499</u>	<u>\$600,000</u>
<u>500 – 1,249</u>	<u>\$650,000</u>
<u>1,250 – 3,999</u>	<u>\$700,000</u>
<u>4,000 +</u>	<u>\$750,000</u>

(c) The maximum amount that may be requested for an Economic Development subgrant is \$1,500,000. The funding limit calculation must be based on the number of jobs to be created or retained by the participating parties, multiplied by \$34,999 for each full time equivalent job to be created or retained.

(2) Funding Categories.

(a) The Department provides funding opportunities in the following program areas:

1. Economic Development.

2. Neighborhood Revitalization.

3. Commercial Revitalization.

4. Housing Rehabilitation.

~~(b) Funding levels for each category are determined annually based on the allocation that the Department receives from HUD. These levels are included in the Annual Action Plan that is submitted to HUD and in the NOFA.~~

~~(c) If funding allows, the Department may include funding for planning and design activities in the Annual Action Plan for the Neighborhood Revitalization funding category. Upon successful completion of the planning and design phase, the Department shall modify the award to provide construction funding, not to exceed the ceiling amount for which the Recipient is eligible, as soon as funds are available.~~

(3) Application Cycle and Submission

(a) The Department will announce an Application Cycle for a federal award by publishing a NOFA in the Florida Administrative Register thirty days before the Application Cycle begins.

(b) Each Applicant must use the Department’s Application form SC-60 to apply for any CDBG funds. No other form of application will be accepted.

(c) Applications for Neighborhood Revitalization, Housing Rehabilitation, and Commercial Revitalization must be received by the Department by 5:00 p.m. (Eastern Time) on the last day of the Application Cycle. Late Applications will not be accepted.

(d) Applications for Economic Development must be received by the Department by 5:00 p.m. (Eastern Time) on the last day of the Application Cycle. Late applications will not be accepted, unless initial application requests do not meet or exceed the funds available for Economic Development.

(e) Applications may only be amended or supplemented during the Completeness Period. Applications which are incomplete or inaccurate after the Completeness Period will be denied.

(f) By the application deadline, one copy of Part 2 and Part 3 from the Small Cities CDBG Application for Funding shall be sent to the Regional Planning Council that serves the Applicant. If the Department’s review of the application determines that Parts 2 and 3 were not submitted to the Regional

Planning Council by the application deadline, the applicant will directed be to submit Parts 2 and 3 to the Regional Planning Council and to provide documentation confirming that the action has been undertaken no later than the end of the Completeness Period.

(g) The application must include affirmations from all jurisdictions in which activities will take place that the proposed activities are not inconsistent with the applicable elements of the adopted local comprehensive plan.

(3) Subgrant Ceilings.

(a) The Department shall establish limits on the amount of funds that may be requested in an application.

(b) The limits for Neighborhood Revitalization, Commercial Revitalization and Housing Rehabilitation subgrants shall be based on the most recently available U.S. Census of Population data. In the case of county government Applicants, the population shall include only the unincorporated areas of the county. Population groupings are based on HUD modified census figures summarizing low and moderate income population as the following chart shows:

LMI Population Subgrant Ceiling

<u>1-499</u>	<u>\$600,000</u>
<u>500-1,249</u>	<u>\$650,000</u>
<u>1,250-3,999</u>	<u>\$700,000</u>
<u>4,000 and above</u>	<u>\$750,000</u>

(c) The funding limit for Economic Development subgrants shall be based on the number of jobs to be created or retained by the participating parties. The maximum subgrant amount shall be \$1,500,000. No more than \$34,999 may be requested for each full time equivalent job to be created or retained.

(d) A Neighborhood Revitalization subgrant, initially awarded for Planning and Design costs only, shall not exceed \$70,000.

(4) Application Review.

(a) Prior to reviewing the Applications, the Department will publish a listing of all Applications received during the application cycle on its website. The listing will include the Applicants' self-scores.

(b) The Department will review for completeness and accuracy. Based on the contents of the Application, the Department will verify the self-score of the Applicant, and will adjust or correct the self-score if the contents of the Application demonstrate that the self-score was calculated in error, or if the application failed to account for eligibility of special designation and/or grant history.

(c) Applications must demonstrate that the proposed activities meet the national objectives criteria for compliance as set forth in 24 CFR 570.483 and the public benefit standards set forth in 24 CFR 570.482(f).

(d) Eligibility documentation shall include third party documentation of household income and source(s) regardless of the value of the direct benefit and may not be established earlier than one year before the work is performed.

(4) Eligible Applicants.

(a) Non-entitlement local governments that do not have an open Small Cities CDBG subgrant are eligible to apply for Housing Rehabilitation, Neighborhood Revitalization, Commercial Revitalization or Economic Development funding.

(b) Non-entitlement local governments that do not have an open Housing Rehabilitation, Neighborhood Revitalization, or Commercial Revitalization subgrant are eligible to apply for Housing Rehabilitation, Neighborhood Revitalization, or Commercial Revitalization funding.

(c) To be eligible to apply for a Housing Rehabilitation, Neighborhood Revitalization, or Commercial Revitalization subgrant, a non-entitlement local government with an open but completed Housing Rehabilitation, Neighborhood Revitalization, or Commercial Revitalization subgrant shall submit an administrative closeout package which must be received by the Department no later than 5:00 p.m. (Eastern Time) on the business day prior to the advertised opening of the application cycle. The Department will respond to the closeout request by either:

1. Approving the closeout request and mailing an administrative closeout notification, or

2. If there are unresolved issues with the subgrant, a Notice of Outstanding Closeout Issues (NOCISS) letter will be sent to the local government within 21 days of receiving the closeout package. If the local government receives a NOCISS letter, it must respond to the issues, and the response must be received by the Department at least 10 days before the application cycle deadline. If the response clears the issues in the NOCISS letter, the local government shall be eligible to apply for funding.

(d) Non-entitlement local governments with an open Housing Rehabilitation, Neighborhood Revitalization, or Commercial Revitalization subgrant, whose activities and expenditures are on schedule and on time, are eligible to apply for an Economic Development subgrant, but not for a Housing Rehabilitation, Neighborhood Revitalization, or Commercial Revitalization subgrant.

(e) Non-entitlement local governments with only an open Economic Development subgrant whose activities and expenditures are on schedule and on time as of the opening of the application cycle are eligible to apply for a Housing Rehabilitation, Neighborhood Revitalization, or Commercial Revitalization subgrant.

(f) Non-entitlement local governments with an open Economic Development subgrant from a previous funding cycle whose activities and expenditures are on schedule and on

~~time are eligible to apply for an additional Economic Development subgrant in each subsequent funding cycle.~~

~~(g) Non-entitlement local governments with an open Economic Development subgrant whose activities or expenditures are not on schedule or not on time shall be ineligible to apply for another CDBG subgrant until the Department has received the administrative closeout package for the subgrant.~~

~~(h) A non-entitlement local government whose initial Economic Development application is rejected or loses its funding reservation may submit up to two additional Economic Development applications during a funding cycle. The local government may resubmit the initial application or submit an application for a different Economic Development project. Local governments may only receive one Economic Development subgrant per funding cycle.~~

(5) Application Scoring.

(a) Applications are scored for the program category in which funds are sought. Applicants in each program category will receive funding based on the Applicant's scores, with the highest scores receiving funding until all funds are awarded.

(b) If two or more applications receive the same final score, the application addressing the highest State priority goal as reflected by the goal points for application activities shall receive first consideration. If a tie still exists, then the Applicant with the highest CWNS shall receive first consideration.

(c) If the Applicant seeks points for leveraged funds in its Application, then the Applicant must provide documentation that leveraged funds were committed to the project prior to the application deadline, and the Applicant must certify that leveraged funds will be expended after the site visit and before submission of the administrative closeout.

(d) If the Applicant is awarded Readiness to Proceed Points in its Application then CDBG subgrant funds for engineering costs shall not include preliminary engineering and shall not exceed \$10,000 plus the percentage in the fee schedule as set forth in form SC-60 (Table IA, Table IIA), or a prorated amount of both tables for projects involving activities included in both tables.

(e) The maximum score possible in each category is 1,000 points. These points shall be divided among three program factors as specified below.

1. Community-wide needs: 250 points;

2. Program impact: 660 points; and

3. Outstanding performance in equal opportunity employment and fair housing: 90 points.

(f) Community-Wide Need Scores (CWNS) for All Categories. The Department shall calculate the CWNS from the most recent and uniformly available Federal and State data for all jurisdictions eligible to apply. Current decennial U.S. Census data shall be used unless otherwise noted.

(g) The Department may partially fund the highest scoring non-funded Applicant if insufficient funds are available to fully fund the Applicant's request provided that all of the beneficiaries in the application can be served. If additional funds become available after a partial funding is awarded, the Applicant can request a modification to fully fund the project.

(5) Citizen Participation Requirements.

~~(a) The Applicant shall adopt a Citizen Participation Plan that complies with the requirements found in 24 CFR 570.486(a), as incorporated in Rule 73C 23.0031, F.A.C. The plan shall include a Citizen Complaint Policy which provides citizens the address, phone number, and times for submitting complaints and grievances, and provides for timely written answers to written complaints and grievances within 15 working days where practicable, as required by 24 CFR 570.486(a)(7), and as incorporated in Rule 73C 23.0031, F.A.C.~~

~~(b) The local government must inform and involve its citizens in the project planning and selection, and decision-making process regarding all CDBG funded projects. Each Applicant shall certify that it is following its Citizen Participation Plan and the citizen participation requirements of this rule. The Applicant shall document that the citizen participation requirements outlined in 24 CFR 570.486(a), this rule, and Section 290.046(4), F.S., have been satisfied, with public notice provided in accordance with subsection 73C 23.0031(45), F.A.C.~~

(c) Citizen participation shall include the following:

1. At least one public hearing shall be held within the 12 month period prior to the date that the application cycle closes to obtain citizens' views regarding community development needs prior to an Application for Funding being drafted. This shall be known as the First Public Hearing. A public notice shall be published in a local newspaper at least five days and no more than 20 days before the day of the hearing as defined in subsection 73C 23.0031(45), F.A.C. of this rule. The notice shall include the federal fiscal year (FFY) for which an application is being considered, the range of activities that may be undertaken with CDBG funding and the amount for which the community can apply.

The public hearing must be conducted by a member of the governing body of the applying local government or by a duly authorized employee of that local government at a time and location convenient to potential beneficiaries. Citizens shall be allowed to comment at the hearing as required by 24 CFR 570.486(a)(5), and the citizen input from this hearing should be considered when the application is being prepared. The local government must document all citizen participation at the hearing. If the documentation shows that the application was drafted prior to the First Public Hearing, the application shall be rejected.

~~2. After an Application for Funding has been drafted, citizens shall be given the opportunity to express their views regarding the proposed application. This opportunity shall include the following:~~

~~a. A notice for a second public hearing shall be published in a local newspaper at least five days prior to and no more than 20 days before the date of the second public hearing. The notice shall include a summary of the draft application and the date, time and address of a public hearing on the draft application. The summary shall include the following:~~

~~(I) A description of the activities that will be undertaken with CDBG funding;~~

~~(II) A budget that lists the specific CDBG dollar amounts that will be allocated for each activity;~~

~~(III) The National Objective that will be met by each activity, except administration and engineering; and,~~

~~(IV) For Neighborhood Revitalization, Commercial Revitalization and Economic Development projects, the specific locations of the proposed activities, including street names or road numbers (e.g., County Road 50).~~

~~The notice shall also state where and when, other than at the public hearing, a copy of the draft application will be available for citizen review and how citizens can submit written comments on the draft application. Failure to include all of the required information in the public hearing notice shall result in the application being rejected as provided in Section 290.0475(6), F.S.~~

~~b. If the notice for the second public hearing is published before the first public hearing is conducted, the application shall be rejected.~~

~~c. The public hearing on the draft application must be conducted within the 12 month period prior to the date that the application cycle closes by a member of the governing body of the Applicant or by a duly authorized employee of that local government at a time and location convenient to potential beneficiaries. This shall be known as the Second Public Hearing. Citizens shall be allowed to comment on the draft application at the hearing, and the citizen input from this hearing should be considered before the application is finalized and submitted to the Department. The local government must document all citizen participation at the hearing.~~

~~d. Copies of the public notices, affidavits of publication, certified minutes and sign in sheets/speaker cards for both public hearings shall be included in Part 9, Appendix D, of the Application for Funding, Form SC 60, which is further described in paragraph (6)(a) below. The application shall be rejected if the affidavit of publication or certified minutes for either public hearing are not provided by the end of the Completeness Period.~~

~~(d) The Applicant may appoint a Citizens Advisory Task Force (CATF) to make recommendations on community needs~~

~~prior to drafting an Application for Funding and to provide input during the implementation of any subgrants that the Applicant receives. An Applicant can claim up to 10 points on its Application for Funding if it has an active CATF. To claim points for having CATF participation in the application process, the following conditions must be met:~~

~~1. The task force shall be comprised of at least five residents of the Applicant's jurisdiction, and at least 51% of the members must be from low to moderate income households.~~

~~2. No more than one employee of the Applicant can serve on the CATF, and no elected officials of the Applicant can serve as members of the task force.~~

~~3. The CATF shall conduct at least one meeting prior to an Application for Funding being drafted and prior to the notice for the second public hearing being published to discuss community needs and to provide recommendations to the local governing body. The meeting shall be advertised in accordance with subsection 73C-23.0031(45), F.A.C. A minimum of 51% of the members must participate in the meeting.~~

~~If the Applicant is claiming points for having an active CATF, copies of the public notice, affidavit of publication, meeting minutes and sign in sheet shall be included in Part 9, Appendix D, of the Application for Funding, Form SC 60, which is further described in paragraph (6)(a), below. If the affidavit is not available by the application deadline, it must be provided by the end of the "completeness period" to retain the points.~~

~~(6) Completeness Period Review~~

~~(a) After the Department reviews and scores the Applications, the Department will notify the Applicants which potentially may receive funding. The notification will include any conditions which must be met to cure Application issues and complete the Application during the Completeness Period, as well as actions including required policy updates.~~

~~(b) Receipt of funding is contingent upon the Applicant successfully addressing the issues and providing the documentation set forth in the notification. This excludes policy updates which can be incorporated as special condition(s) to the subgrant agreement and cured during the contract period. If the Applicant does not satisfy the Department's application-related issues set forth in the notification, the application will be rescored as appropriate; and if the application does not comply with program requirements the Applicant shall not receive funding.~~

~~(6) Applications:~~

~~(a) Application Form. The Florida Small Cities Community Development Block Grant Application for Funding, Form SC 60, <http://www.flrules.org/Gateway/reference.asp?No=Ref-06448>; effective date: February, 2016, which is hereby adopted and incorporated by reference. The application form has nine~~

parts, and these parts include scoring guidelines and documentation requirements for the CDBG application. Parts 1-9 of the application are available for download on the Department's website: www.FloridaJobs.org/CDBGApplicantInfo. Copies of the electronic form will be made available upon request by contacting the Department by email at edbg@deo.myflorida.com.

(b) During each application cycle, "non-entitlement" local governments that are eligible to apply can submit applications in the following categories:

1. One application in either Housing Rehabilitation, Neighborhood Revitalization or Commercial Revitalization. If an Applicant submits more than one Application for Funding in these categories, only the first application logged in by the Department will be scored. The other application(s) will be rejected; and,

2. One application in Economic Development. If an Economic Development application is rejected or withdrawn, the local government can submit another Economic Development application. A maximum of three Economic Development applications can be submitted during a funding cycle.

(c) An Applicant cannot be awarded more than one subgrant in any funding cycle from the following categories: Housing Rehabilitation, Neighborhood Revitalization, or Commercial Revitalization. An Applicant cannot be awarded more than one Economic Development subgrant in any funding cycle.

(d) Architectural and Engineering Costs.

1. The maximum percentage of CDBG funds that may be spent on architectural and engineering design costs, excluding additional engineering services, shall be based on the total initial construction budget for eligible subgrant activities, which require architectural and engineering design. These costs shall not exceed the Rural Development/Rural Utility Service (RD/RUS) fee schedule in Florida or RUS Bulletin 1780-9 (rev. 10/2009), both of which can be found in Part 9 of the Application for Funding, Form SC 60. Architectural and engineering inspection services during construction shall not exceed the RD/RUS fee schedule in Florida and RUS Bulletin 1780-9 (rev. 6/2007), both of which can be found in Part 9 of the Application for Funding, Form SC 60.

a. If more than one design professional is needed for an activity or activities (i.e., a landscape architect in addition to an engineer for sidewalk construction in a commercial revitalization project), the local government shall not exceed the appropriate RD/RUS fee curve for each activity covered by each design professional negotiated separately.

b. For projects involving both Table I and II activities, engineering costs shall be pro-rated appropriately.

c. For each additional engineering service as defined in subsection 73C 23.0031(6), F.A.C., and for preliminary engineering, the local government shall negotiate a reasonable fee for the service following procurement procedures in 24 CFR section 85.36, as incorporated in Rule 73C 23.0031, F.A.C.

d. Preliminary engineering costs not to exceed one half of one percent of the estimated construction cost may be paid with CDBG funds over and above the amounts included the RD/RUS fee schedule.

e. If "Readiness to Proceed" points are part of the final application score, then CDBG subgrant funds for engineering costs shall not include preliminary engineering and shall not exceed \$10,000 plus the percentage in the fee schedule for Table IA, Table IIA, or a prorated amount of both tables for projects involving activities included in both tables. Also, CDBG funds shall not be used to fund any additional design or redesign costs, even if the "Readiness to Proceed" points are subsequently removed from the application after a subgrant award.

(e) Administrative Costs.

1. For Commercial Revitalization, Economic Development and Neighborhood Revitalization applications, administrative costs to be reimbursed by the subgrant cannot exceed eight percent of the total CDBG funds requested.

2. For Housing Rehabilitation projects, administrative costs to be reimbursed by the subgrant cannot exceed 15 percent of the total CDBG funds requested.

(f) Consistency with Local Comprehensive Plan.

1. The application shall include affirmations from all jurisdictions in which activities will take place that the proposed activities are not inconsistent with the applicable elements of the adopted local comprehensive plan.

2. If the Department determines that an application is inconsistent with the adopted local comprehensive plan, the Applicant shall be advised of that determination in the completeness review letter. If after review of the Applicant's response the Department reaffirms its determination of inconsistency, the application shall be rejected.

(g) Readiness to Proceed.

Points for "Readiness to Proceed" can be claimed for Commercial Revitalization and Neighborhood Revitalization projects if the following are submitted with the Application for Funding before 5:00 p.m. on the final day of the application cycle:

1. Biddable construction plans and specifications as defined in subsection 73C 23.0031(8), F.A.C. The plans must be signed and sealed by the engineer responsible for developing them.

2. Documentation that all required permit applications for infrastructure activities were submitted to the applicable agencies prior to the CDBG application deadline. If the only

agency that must issue permits for the activities is the Applicant, then documentation to that effect must be included in the application; and,

3. A written certification from the engineer or architect who prepared the plans and specifications to the Chief Elected Official of the Applicant. The certification must list the date that the biddable construction documents were completed and state that all required permit applications for all infrastructure activities have been submitted to the applicable agencies. If the Applicant is the only permitting agency, this fact must be included in the certification.

Deficiencies with the readiness to proceed documentation cannot be cured after the application deadline for the purpose of getting the points. The Department will review the plans and specifications for completeness during the application review process, but the plans and specifications cannot be accepted by the Department until the Applicant has been issued the environmental release of funds for the project.

(h) Application Submission.

1. Applications shall be received by the Department in Tallahassee by 5:00 p.m. (Eastern Time), on the date specified in the NOFA. Except as noted in paragraph 73C-23.0048(2)(b), F.A.C., applications received after the specified deadline shall not be considered.

2. By the application deadline, one copy of Part 2 and Part 3 from the Small Cities CDBG Application for Funding shall be sent to the Regional Planning Council that serves the Applicant.

(7) National Objective and Public Benefit Documentation.

(a) Achievement of national objectives. Applications must demonstrate that the proposed activities meet the criteria specified in 24 CFR 570.483, as incorporated in Rule 73C-23.0031, F.A.C., for complying with a national objective and meeting public benefit standards and that they address community need as outlined in Sections 290.046(3)(a) (c), F.S.

(b) Public Benefit Achievement. Determination of benefit to persons of low to moderate income is established through the following methods:

1. HUD Census Data—LMI benefit can be documented by using HUD provided Census Data where the service area geographically corresponds with block groups, census tracts, or local government geographical limits. A jurisdiction wide activity using census data rather than a survey to establish the national objective of benefit primarily to low and moderate income persons can score VLI points by calculating a percentage of VLI benefit using census data. VLI beneficiaries are calculated by totaling, for each block group in each census tract, the numbers shown in the PVLOW column. The total of VLI beneficiaries is divided by the total beneficiaries in the LOWMODUNIV column to establish the VLI percentage for scoring the appropriate VLI beneficiary points.

If a service area contains an entire block group or census tract and portions of other groups or tracts, the data from the block group or tract that is contained entirely in the service area can be used, but the remaining portion(s) of the service area must be surveyed to get LMI and VLI data.

2. Random Sample Survey Methodology—A sample based survey of the beneficiaries must use the Household Income Certification Form, Form SC-49, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05340>; effective date: April, 2015, which is hereby adopted and incorporated by reference, and also is available on the CDBG website: www.FloridaJobs.org/CDBGApplicantInfo.com. The survey methodology must correspond with the random sampling requirements established by HUD in Notice CPD 14-013, issued on September 23, 2014, and which can be found at: www.FloridaJobs.org/CDBGApplicantInfo.com, incorporated herein by reference. The survey methodology must include a confidence level of 95%.

a. The survey process must verify eligibility of any proposed direct benefit activities, certify the number of projected very low, low and moderate income households and beneficiaries, and the total number of beneficiaries.

b. When the sample based survey results appear to substantially overstate the proportion of persons with low or moderate income in a service area when compared to census data, the Department will require the local government to provide supporting evidence substantiating the survey data. If the survey results are found to be inaccurate, the application shall be rejected.

c. Section III of Form SC-49 does not have to be completed if the Applicant is using the survey for scoring purposes only and plans to use census data for reporting the racial makeup of beneficiaries upon completion of the project.

3. Small Service Area Survey Methodology—For surveys of service areas with fewer than 50 households, all households must be surveyed using Form SC-49.

a. Any non-responding household must be assumed to be above income.

b. Section III of Form SC-49 shall be completed for reporting the racial makeup of beneficiaries in a small service area.

4. The number of household members for non-responding households in a survey shall be based on the average household size for all responding households.

5. A survey approved by the Department for a funded CDBG application remains valid for the same geographic service area for up to five years from the date the survey was completed.

6. A survey that was submitted as part of a previous CDBG application that was not funded can be submitted as part of a new application package if the survey was completed less than

5 years prior to the application submission date. The survey will be subject to Department review and approval. If the survey is found to be inaccurate or does not document that a national benefit will be met, the application shall be rejected.

7. Only the methods of LMI benefit determination provided for in this rule shall be used.

(8) Beneficiaries of Public Improvements.

(a) For activities where hookups or connections are required for beneficiary access to the CDBG funded improvement, low and moderate income benefit shall be determined by the number of low and moderate income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout. The percentage of low and moderate income benefit shall be calculated by dividing the number of LMI persons connected to the CDBG funded infrastructure by the total number of persons who could be connected to it.

(b) CDBG funded activities may not extend beyond the location of the last LMI beneficiary, except where it is required for sound engineering, operation, or design reasons as certified by a licensed engineer.

(c) For activities where hookups or connections are required as a condition for beneficiary access to a CDBG funded public improvement, hookup or connection fees shall not be charged to very low, low or moderate income beneficiaries. Further, none of the project construction costs shall be charged to very low, low or moderate income beneficiaries. All very low, low and moderate income beneficiaries in a Neighborhood Revitalization project service area with hookups as an activity shall be hooked up unless they, or the property owner in the case of rental property, provide written notice that they do not desire a hookup. If such written notice cannot be obtained, the Household Income Certification Form, Form SC 49, as incorporated above, shall note such refusal to provide written notice.

(d) Where non LMI beneficiaries will have to pay a one-time fee (i.e., assessment, impact fee) to connect to or access the CDBG funded public improvement, and where a periodic service fee (i.e., water bill, sewer bill) will be charged, the proposed non LMI beneficiaries will be advised of the estimated cost of the one time fee and all beneficiaries will be advised of the estimated amount of any periodic service fee. The application narrative and budget must outline the estimated costs to be paid by non LMI beneficiaries.

(e) Surveyed beneficiaries shall be advised of both fees in writing with signature acknowledgement of receipt and understanding prior to application submission. If census data is used, a random sample representing ten percent of the beneficiaries must be advised in writing with signature acknowledgement of receipt and understanding prior to application submission. If a household refuses to provide

signature acknowledgement, the refusal shall be noted on the form.

(9) Interlocal Agreements for Applicants with Activities Outside Their Jurisdiction.

(a) Prior to application submission, a written interlocal agreement shall be executed by all local governments in whose jurisdictions the CDBG activities will be undertaken. The interlocal agreement must authorize the applying local government to undertake the activities outside its jurisdiction, giving the concurrence of the other local government(s) with the activity and committing resources by one or more local governments, or some other entity which has provided written assurance, to maintain the activity. Such an interlocal agreement must be submitted with the Application for Funding.

(b) Each local government signing an interlocal agreement shall affirm that all activities, project areas, service areas, and job creation locations are not inconsistent with its comprehensive plan.

(c) The application shall contain excerpts of the comprehensive plans of all local governments in whose jurisdiction activities will take place. The excerpts must document that the activities, project areas, service areas, and job creation locations are not inconsistent with the local government's comprehensive land use plan.

(d) An eligible Applicant's activities can extend beyond its jurisdiction, provided the areas outside its jurisdiction are eligible. The Applicant must have legal authority to provide such services or undertake such activities and be supported by a signed interlocal agreement executed by both eligible local governments. Except for Economic Development projects, no more than 25 percent of the service area beneficiaries may reside outside the Applicant's jurisdiction unless all CDBG funded work is taking place within the Applicant's jurisdiction or on property owned by the Applicant. When all work will take place within the Applicant's jurisdiction or on property owned by the Applicant, up to 50 percent of the beneficiaries may reside outside the Applicant's jurisdiction.

(e) Pursuant to 24 CFR 570.486(b), an eligible individual Applicant may apply to undertake a portion of an eligible Neighborhood Revitalization activity in an otherwise eligible location outside its jurisdiction or service area, if it can provide written documentation that the activity is required by an engineer or by a state or federal agency having regulatory authority over the activities. Any benefit to persons outside the jurisdiction or service area must not be a Direct Benefit and may only be incidental to the activity undertaken within the jurisdiction or service area.

(10) Application Reviews.

(a) Prior to reviewing the applications, the Department will publish on its website a listing of all Neighborhood Revitalization, Housing Rehabilitation, and Commercial

Revitalization applications received during the open application cycle. The listing will include the Applicants' self scores. If the Department receives Economic Development funding requests equal to or in excess of available funding, those self scores shall also be published.

(b) The Department will complete a threshold review on all applications to determine that the local government, the application, and all proposed activities are eligible to receive funding.

(c) The Department will undertake a completeness review of all applications that it deems likely to be in the fundable range. The review will determine if the application is mathematically correct and contains all required documentation. This review will generate a list of issues to be addressed at site visit. If an application drops out of the fundable range as a result of a completeness review, the highest ranking application outside of the fundable range will be added to those receiving a completeness review.

(d) Except for the Community Wide Needs Score, any scoring item left blank in Parts 2-7 of the Application for Funding will be scored as zero. This zero score cannot be changed because of information contained elsewhere in the application or as a result of documentation presented at a site visit. The Department shall correct mathematical errors made by the Applicant. The Department shall adjust scores claimed in Parts 2-7 of the Application for Funding if the documentation provided in the application does not support the points claimed. In instances where the Department has corrected mathematical errors or adjusted scores in Parts 2-7, the Department shall adjust the corresponding scores on the Application Scoring Summary page in Part 8. In instances where the Applicant claimed points in Parts 2-7 but failed to transfer the points to the Application Scoring Summary, the Department shall insert the points and adjust the score accordingly.

(11) Application Site Visits and Completeness Letters.

(a) The Department shall conduct site visits to communities whose applications are in the fundable range after the applications have been reviewed.

(b) The Department shall notify the Chief Elected Official in writing of the date and time that the site visit will take place. The letter shall include a list of application support documents and CDBG required policies that will be reviewed at the site visit.

(c) At the site visit, the Department shall examine all documentation referenced in the Application for Funding and listed in the site visit letter. If an Applicant that is selected for funding has not adopted a required CDBG policy by the site visit, the Department will add a special condition to the Applicant's subgrant agreement requiring that the policy be adopted within a specified time period after the award.

(d) For Commercial Revitalization, Housing Rehabilitation and Neighborhood Revitalization applications, the Department shall request in writing by return receipt mail corrected copies of all application support documentation found to be unavailable or inadequate at the site visit. This request shall be referred to as the "completeness letter." Applicants shall have 21 days from the date that the completeness letter is received to provide the requested information to the Department. Responses to completeness letters must be received by the Department no later than 5:00 p.m. (Eastern Time) of the 21st day. If the response to a completeness letter is received late or does not resolve an issue, the following points shall be deducted from the Applicant's total score:

1. Revisions that were requested to any of the required maps were not submitted or were incomplete—250 points;
2. A required interlocal agreement is incomplete or not in compliance—250 points; and,
3. Points claimed in the Application for Funding for which adequate documentation was not provided to prove that the Applicant was entitled to the points.

(12) Application Scoring.

(a) Once an application is submitted to the Department, a local government shall not amend its application to add activities or beneficiaries for the purpose of improving the score or broadening the scope of the project, except as allowed in subparagraph 73C 23.0051(4)(a)2., F.A.C.

(b) The maximum score possible in each category is 1,000 points. These points shall be divided among three program factors as specified below:

1. Community wide needs: 250 points,
2. Program impact: 660 points,
3. Outstanding performance in equal opportunity employment and fair housing: 90 points.

(c) Community Wide Need Scores (CWNS) for All Categories. The Department shall calculate the CWNS from the most recent and uniformly available Federal and State data for all jurisdictions eligible to apply. Current decennial U.S. Census data shall be used unless otherwise noted. Data shall be further defined as:

1. For municipal government Applicants, the data relevant for the entire incorporated area shall be used,
2. For county government Applicants, the data relevant for only the unincorporated areas within the county shall be used,
3. For municipalities incorporated since the most recent census, the block group or census tract data for the area that was incorporated shall be used where available; otherwise a proportion of the county's census data shall be used to calculate the CWNS.

4. Factors. Three factors shall be used to determine the CWNS with the following maximum points available for each:

- a. Poverty Level.

~~(I) Number of persons below poverty level according to the latest HUD census figures: 50 points.~~

~~(II) Percentage of persons below poverty level according to the latest HUD census figures: 50 points.~~

~~b. Number of year round housing units with 1.01 or more persons per room according to the latest HUD census: 50 points; and,~~

~~c. LMI Population.~~

~~(I) Number of persons in the low and moderate income population according to the latest HUD census figures: 50 points.~~

~~(II) Percentage of persons in the low and moderate income population according to the latest HUD census figures: 50 points.~~

~~5. Method of Calculation.~~

~~a. Prior to calculating actual CWNS, the Department prepares a spreadsheet that reflects the above information (number and percentage of persons below poverty, number of housing units with 1.01+ persons per room and LMI population and percentage of population that is LMI) for each non-entitlement local government.~~

~~Each non entitlement local government is first compared with all other non entitlement governments in their LMI population group using the three above factors.~~

~~LMI Population:~~

~~1—499~~

~~500—1,249~~

~~1,250—3,999~~

~~4,000—10,549~~

~~10,550 and above~~

~~Population groupings are based on HUD modified census figures summarizing low and moderate income population.~~

~~Calculating each Applicant's score includes the following steps:~~

~~The highest statistic in each population group for each factor is the basis for relative comparison of all other eligible local governments in the population group. For each eligible local government, the percentage calculated is then multiplied by the maximum number of points available for that particular factor. The score for factors are summed for each eligible local government to determine the CWNS.~~

~~b. For each eligible local government, the percentage calculated shall then be multiplied by the maximum number of points available for that particular factor.~~

~~percent x maximum points available = score for eligible local government on factor.~~

~~c. The CWNS factors shall be summed for each eligible local government for the overall CWNS. Each local government awarded subgrant funds shall have its CWNS reduced by one point for every \$20,000 or fraction thereof, of contracted funding. If \$20,000 or more in funding is~~

~~deobligated at the time the administrative closeout is approved by the Department, the CWNS will be increased by one point for each \$20,000 deobligated.~~

~~No funding related adjustments shall be made to the Community Wide Need Scores during the first application cycle in which the new census data is used to update the CWNS. All adjustments for subgrant funds received shall be based on subgrants received in all application cycles after the most recent census data was first used. This calculation shall be based on all funds contracted as of the end of the month prior to the opening date of the application cycle. The adjusted CWNS cannot be less than zero. No deduction shall be made to the CWNS for Emergency Set Aside funding.~~

~~(d) Further point breakdowns for Program Impact, Equal Opportunity and Fair Housing are found in the rule or in the appropriate section of the Florida Small Cities Community Development Block Grant Application for Funding, Form SC-60, as incorporated in paragraph 73C-23.0041(6)(a), F.A.C.~~

~~(e) Applications with scores in the fundable range following appeals and that meet all other requirements contained herein shall be awarded funds for eligible activities. The Department shall not award funds for ineligible activities.~~

~~(f) In the event that two or more applications receive the same final score, the application addressing the highest State priority goal as reflected by the goal points for application activities shall receive first consideration. If a tie still exists, then the Applicant with the highest CWNS shall receive first consideration.~~

~~(g) The Department may offer partial funding to the highest scoring non funded Applicant when insufficient funds are available to fully fund the Applicant's request provided that all of the beneficiaries in the application can be served. If additional funds become available after a partial funding is awarded, the Applicant can request a modification to fully fund the project.~~

~~If partial funding has not been offered and additional funds become available to fully fund a project, the highest scoring non funded Applicant will be awarded a subgrant.~~

~~(h) Leverage. For scoring purposes, the Applicant must certify that leveraged funds shall be expended after the date of site visit and prior to submission of the administrative closeout. The Applicant also must provide documentation that leveraged funds were committed to the project prior to the application deadline.~~

~~(i) Penalty Points for Past Performance. A penalty shall be assessed against future subgrant applications based on prior contractual performance on subgrant agreements, including those subgrants which have submitted an administrative closeout prior to application deadline. This penalty will apply regardless of whether the subgrant has been amended to permit the reduction in accomplishments. If the subgrant is terminated~~

~~with no expenditures or is terminated with expenditures for administration and/or engineering only, no penalty shall be assessed. This penalty expires two years from the date of administrative closeout. The penalty points in effect on the date of the application deadline will be subtracted from the Applicant's score found on the Application Scoring Summary.~~

~~1. In the Housing Rehabilitation category, a penalty of five points per housing unit shall be assessed for failure to rehabilitate or address any low or moderate income housing units scored in the original application. The penalty shall be 10 points per unit for failure to address any very low income housing unit scored in the original application. The maximum penalty shall be 50 points.~~

~~2. A penalty of five points per low and moderate income household not served or business facade not addressed as geographically displayed on the original application maps (as modified, if necessary, during the completeness process) in the Neighborhood Revitalization or the Commercial Revitalization categories up to a maximum of 50 points. All direct benefit proposed in the application (i.e., water hookups) must be completed to avoid this penalty per house or facade. No penalty shall be assessed for failure to provide a water or sewer hookup if the hookup is not possible because the home is vacant or became damaged or destroyed after application submission, the homeowner refused the hookup or became non LMI after the survey, and there are no other homes in the service area identified in the application which can qualify for a hookup.~~

~~3. The Department will waive these penalties if the local government is unable to meet subgrant requirements due solely to a state or federally declared natural disaster or emergency.~~

~~(13) Application Rejection.~~

~~(a) Applications that do not meet the minimum requirements as outlined in Section 290.0475, F.S. shall be rejected.~~

~~(b) An application shall be rejected if survey results included in the application are inaccurate or cannot be substantiated.~~

~~Rulemaking Authority 290.044, 290.046, 290.047, 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 5-23-06, Amended 2-26-07, 6-6-10, Formerly 9B-43.0041, Amended 4-21-15, 3-1-16,_____.~~

~~73C-23.0045 Specific Requirements for Neighborhood Revitalization, Commercial Revitalization and Housing Rehabilitation.~~

~~Rulemaking Authority 290.048 FS. Law Implemented 290.043, 290.044, 290.046, 290.047 FS. History—New 6-6-10, Formerly 9B-43.0045, Amended 4-21-15, Repealed_____.~~

~~73C-23.0048 Specific Requirements for Economic Development.~~

(1) Funding under the Small Cities CDBG Economic Development category that can be utilized as:

(a) Grant for public minimum infrastructure necessary for job creation or retention;

(b) Low interest loan to an entity that will create or retain jobs; or

(c) Grant to construct local government owned building that will be leased at fair market rent rates to an entity creating or retaining jobs.

(1) Applications submitted under this category shall be for the following:

(a) The creation or retention of jobs, of which at least 51 percent are for low and moderate income persons;

(b) The creation of jobs that are presumed to be low and moderate income under 24 CFR 570.483(b)(4)(iv) and (v), as incorporated in Rule 73C 23.0031, F.A.C., or

(c) To assist a business that provides goods or services to low and moderate income persons in accordance with 24 CFR 570.482(f)(2)(ii), as incorporated in Rule 73C 23.0031, F.A.C.

(2) Application Submission and Funding Reservation for Economic Development Projects.

(a) The Florida Small Cities Community Development Block Grant Application for Funding, Form SC 60, as incorporated in Rule 73C 23.0041, F.A.C., may be submitted when the annual application cycle opens. Applications received by the application deadline will be scored and ranked if the total dollars requested exceeds the amount available in the category. If successful, they will be awarded until all available funds are committed.

(b) If initial application requests not exceed the available funds, any Application for Funding received after the application deadline will be reviewed and awarded on a first come, first served basis until all funds are committed.

(c) These funds shall include the annual Economic Development allocation and may include program income and deobligated funds from previous Economic Development subgrants, in accordance with the Annual Action Plan.

(d) A local government may apply up to three times in an annual funding cycle.

(e) A local government cannot submit an additional Economic Development Application for Funding in an annual funding cycle until any previously submitted Economic Development application for that annual funding cycle has been rejected by the Department, has lost its funding reservation, or has been withdrawn in writing by the Chief Elected Official or his or her designee.

(f) Economic Development applications will be date stamped upon receipt by the Department's Community Development Block Grant Section. The date stamp and time received by the Section shall establish the date and time for funding reservation purposes. Date stamps from any other

~~section of the Department shall not establish a funding reservation. Funds will be reserved in the order that the applications are received by date and time.~~

~~(g) Once the Application for Funding is received, the local government will not be allowed to provide new documentation from a Participating Party to meet the initial Participating Party requirements in the application.~~

~~(h) If sufficient funds are available to fully fund an application, that amount is reserved for the Applicant upon receipt of the Application for Funding. The application continues to have those funds reserved until a subgrant is executed or until there is a loss of funding reservation.~~

~~(i) If insufficient funds are available to fully or partially fund applications with a funding reservation, those applications shall retain a position in the funding reservation line. The applications may be funded if additional funds are made available by additional allocations or by a loss of funding reservation by another Economic Development Applicant.~~

~~(j) If partial funding is available, the Department may offer to partially fund an eligible application and will continue with the application review and scoring for partial funding. If the application remains eligible after review and scoring based on available funding, the Department will offer to partially fund it. There is no guarantee of full funding in such an offer, but a partially funded subgrant will be considered first if additional funds become available. The local government has the option of declining a partially funded offer.~~

~~(k) The review and offer of funding will then be made to the next eligible pending application. If there are no other applications pending or if the amount of the funds available is too small for reasonable consideration, the partial funds can be held until additional funds are available.~~

~~(2)(3) Prohibited Uses of Funds.~~

~~(a) Funds shall not be used for working capital, inventory or supplies.~~

~~(b) Direct assistance to a non-public entity shall not be in the form of a grant.~~

~~(c) Funds cannot be used to purchase assets from any entity if any corporate officer(s) or principal(s) of the Participating Party owns an interest in that entity.~~

~~(d) Funds cannot be used to build or develop infrastructure beyond that which is required as a prerequisite for the job creation by the Participating Party.~~

~~(e) Funds shall not be used to refinance existing debt.~~

~~(f) Funds cannot be used for a loan to a non-public entity which is determined not to be appropriate as defined in 24 CFR 570.482(e), as incorporated in Rule 73C-23.0031, F.A.C.~~

~~(3)(4) Economic Development Activity Outside the Applicant's Jurisdiction.~~

(a) The Applicant can undertake activities outside its jurisdiction provided an interlocal agreement exists with the affected jurisdiction(s); and,

1. The activity involves installing new infrastructure or connecting to existing infrastructure that is located outside the Applicant's jurisdiction and may be owned and operated by the Applicant, or another public or private entity, but the job creation site is located within the Applicant's jurisdiction,

2. The job creation site is located outside the Applicant's jurisdiction, but the activity involves connecting to infrastructure owned by the Applicant, or

3. The job creation site is located outside the Applicant's jurisdiction, but it is located in an Applicant-owned industrial/commercial site.

(b) Liability for CDBG performance and compliance with all applicable rules and regulations rests with the Applicant.

~~(4)(5) Eligibility Requirements for Loans.~~

(a) Determining eligibility for loans to non-public entities. All Economic Development applications submitted to the Department shall be screened to determine if the amount of any loan assistance to a private, for-profit entity; a private, non-profit entity; a neighborhood based organization; a local development organization; or other non-profit entities is appropriate to carry out the Economic Development project. A financial underwriting analysis of the project shall be conducted to determine that the minimum amount of assistance is being requested, that the terms and interest rates are appropriate given the entity's debt service capacity, and that the entity has the ability to meet the proposed debt service, given historical financial statements, as well as data and reasonable projections of revenues and operating expenses, if applicable.

(b) Applications which do not contain justification of the appropriateness of the assistance being requested shall be ineligible in accordance with federal law and federal guidelines found in 24 CFR Part 570, including Appendix A, as incorporated in Rule 73C-23.0031, F.A.C., and shall be ineligible for scoring as provided in Section 290.0475, F.S.

(c) If the Department's review of the financial underwriting analysis for the assistance determines that the funds requested exceed the funds necessary, the funding request shall be reduced by the Department.

(d) The local government shall provide a financial underwriting analysis and other Participating Party documentation to the Department that was not required at the time of application. The underwriting analysis must meet the requirements of 24 CFR 570.482(e), and Appendix A of 24 CFR 570, as incorporated in Rule 73C-23.0031, F.A.C. The underwriting analysis must be prepared by a certified public accountant, a commercial lending underwriter, a financial professional employed by the local government or a certified economic development finance professional approved by the

Department. The underwriter shall not be approved if the State of Florida or the federal government has placed the underwriter on a list that prohibits them from working on state or federal contracts or if the Department determines that a conflict of interest exists. The underwriting analysis shall verify:

1. That all project costs are reasonable based upon industry standards and as determined by a financial underwriter;
2. That all sources of funding included in the application document their commitment to the project through written offers to fund with all contingencies stated;
3. That to the extent practicable, CDBG funds are not substituted for readily available non-federal financial support;
4. That the project is financially feasible;
5. That to the extent practicable, the return on owner's equity investment shall not be unreasonably high; and,
6. That to the extent practicable, CDBG funds will be disbursed on a pro-rata basis with other finances provided to the project.

(e) Once this financial underwriting analysis and other required documentation has been provided by the local government, any change which affects the underwriter's conclusions, including changes in corporate or ownership structure, which affects the underlying assumptions upon which the local government relied will require that the analysis be re-evaluated by the local government and any assistance requested for the Participating Party must be adjusted if such a change has occurred.

(f) For CDBG loans only, CDBG funds may be used to fund up to 50 percent of the cost of eligible activities at the job creation location. The administrative cost shall not be included in this calculation. Applications which do not meet this requirement shall lose their funding reservation.

(6) Eligibility Requirements for Infrastructure Projects.

(a) The eligibility for infrastructure projects shall be determined by:

1. The type of activities proposed; and,
2. Evidence that the activities will benefit primarily low- and moderate-income persons.

(b) Applications shall also document that the entity proposing to create jobs is financially viable based on accepted industry standards.

(c) The application shall include a letter from an engineer certifying that the route, scope, cost, and size of the components of the proposed infrastructure are the minimum necessary to provide for the needs of a Participating Party at a job creation location. The Applicant cannot request a modification to decrease the size of the proposed minimum infrastructure because of price or change in needs after an agreement is awarded. Any increase in cost shall be paid either by the Applicant or the Participating Party.

(d) Job Commitment. Applicants shall document that the Participating Party has the financial capacity to meet its commitment to provide or retain the jobs specified in the application. Applications which do not contain evidence of the capacity to provide jobs shall lose their funding reservation.

(e) Job Creation or Retention. At least one full-time equivalent job must be created or retained for each \$34,999 in CDBG funds requested. Applications which do not meet the cost-per-job requirements shall lose their funding reservation.

(f) Leveraging of CDBG Dollars. Non-CDBG public funds directly linked to the proposed project may be included for scoring purposes. Applicants shall include documentation that all funds to be used for leverage are available and committed to the project and will be in the form of cash, loans, or grants. For CDBG loans, funds expended on assets purchased prior to the date of the site visit shall not be counted to meet the 50 percent non-CDBG investment portion of the project costs. Leverage is not required for infrastructure-only projects. In order to be eligible for scoring, leveraged funds must be expended after the date of the site visit and prior to the date of the submission of administrative closeout. The cost of CDBG application preparation paid by the local government is an exception to this provision.

(7) National Objective and Public Benefit Documentation.

(a) An Applicant for an Economic Development project must meet a national objective by:

1. Creating or retaining jobs of which at least 51 percent are for persons from low to moderate income households or which meet the criteria contained in 24 CFR 570.483(b)(4)(iv) and (v); or
2. Providing goods and services to an area with a primarily low to moderate income clientele.

(b) An Applicant for an Economic Development project must provide a public benefit by:

1. Creating or retaining full-time equivalent jobs at a CDBG-funded cost per job of \$34,999 or less; or
2. Providing goods and services to low to moderate-income persons at a cost of no more than \$350 per LMI beneficiary served.

(c) In determining whether an activity will benefit low- and moderate-income persons, the net effect of the completed activity shall be considered. In the Economic Development category, each activity shall meet a national objective pursuant to 24 CFR 570.483(b)(4).

(d) If job creation or retention is used to meet the national objective, a Pre-Employment Household Income Certification Form, DEO Form SC-50, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05341>; effective date: April, 2015, which is hereby adopted and incorporated by reference, must be completed for each employee hired or retained.

~~1. New jobs. The determination of actual benefit to low and moderate income persons shall be made based on the number and percent of persons who, at the time they were hired, were low and moderate income persons as defined in Rule 73C 23.0031, F.A.C.~~

~~2. Retained jobs. The determination of actual benefit to low and moderate income persons shall be made based on the number of low and moderate income employed in the jobs that would actually be lost to the labor market or the jobs that would reasonably be expected to turn over within the following two years and filled with LMI persons upon turn over. The calculation of jobs shall be determined as of the date the application is submitted.~~

~~3. Where job creation is the method of meeting a national objective for construction of a public improvement or facility, all jobs created or retained as a direct result of the construction of the public improvement or facility shall be considered. However, if the costs per job and the time period specified in 24 CFR 570.483(b)(4)(vi)(F)(2), are attained, only those jobs created by businesses included in the application must be counted for the purpose of meeting a national objective.~~

~~(d) Determination of Availability of Jobs to Low and Moderate Income Persons. To determine that the created or retained jobs will be made available to low and moderate income persons, the local government or Participating Party shall ensure that:~~

~~1. Jobs will be created which do not require special skills that can only be acquired with substantial work experience, education beyond high school, or specialized work experience;~~

~~2. Training is provided to members of families of low and moderate income as necessary to equip them with the skills required to obtain and retain the job to be created and/or retained. Such training shall be provided at no cost to LMI persons; and;~~

~~3. The advertising and recruiting efforts are directed toward low and moderate income persons.~~

~~(e) If a national objective is attained under the provisions of 24 CFR 570.483(b)(4)(iv) or (v), as incorporated in Rule 73C 23.0031, F.A.C., demographic and/or census documentation must be provided with the application.~~

~~(f) Public improvement activities are also subject to the requirements of 24 CFR 570.483(e)(1). Activities to address the needs of those beneficiaries listed in 24 CFR 570.483(b)(2)(ii)(A), will be presumed to meet the national objective of benefit to low and moderate income persons if they are directly related to the job creation or retention activities.~~

~~(8) Program Impact Criteria for the Economic Development Category.~~

~~Program Impact Criteria for Economic Development shall be based on a maximum of 660 points.~~

~~(9) Site Visits and Completeness Letters for Economic Development Applications.~~

~~(a) The Department shall conduct site visits to communities that submit economic development applications throughout the funding cycle as long as funds remain available for award.~~

~~(b) The Department shall notify the Chief Elected Officer in writing of the date and time that the site visit will take place. The letter shall include a list of application support documents and CDBG related policies that will be reviewed at the site visit. It shall also discuss any issues that were noted during the application review process that need to be addressed.~~

~~(c) At the site visit, the Department shall examine all documentation referenced in the Application for Funding and listed in the site visit letter and, if applicable, review the Applicant's response to the issues that were noted during the application review process.~~

~~(d) The Participating Party(ies) must participate in the site visit, or the Participating Party(ies) must come to Tallahassee to meet with Department staff within 30 days after the site visit. Should a Participating Party fail to meet with Department staff, the application must be withdrawn by the Applicant or the application will lose its funding reservation.~~

~~(e) If the application remains eligible for funding following the site visit, the Department will notify the Applicant and provide a subgrant agreement electronically to the Applicant for execution.~~

~~(f) If issues were generated during the site visit that were not resolved before the "Award and Offer to Contract Letter" was prepared, a list of additional questions or requests for information will be included with the letter. The Department will add special conditions to the Applicant's subgrant agreement, if necessary, to resolve the issues.~~

~~(g) Within 60 calendar days of the Applicant's receipt of the "Award and Offer to Contract Letter" (the 60 day period), the Department must receive all documentation referenced in the letter, two copies of the signed subgrant agreement, and copies of the documents listed in the instructions for Part 5 of the application under the heading Award and Offer to Contract Documentation.~~

~~(h) Two copies of the signed subgrant agreement and all required documentation must be received by the Department on or before 5:00 p.m. (Eastern Time), of the 60th day. The day that the "Award and Offer to Contract Letter" is received by the local government shall not be included in the 60 day completeness period. All documents, except for the two copies of the subgrant agreement, may be submitted electronically to meet the 60 day requirement.~~

~~(i) If all program requirements have been met, the Department will execute and return a signed copy of the subgrant agreement to the local government.~~

~~(j) If CDBG Economic Development funds are unavailable, the eligible applications will be held in the order of their funding reservation as established in this section should additional funds become available.~~

~~(10) Administrative Costs.~~

~~Applicants under the Economic Development category shall utilize no more than eight percent of the total eligible subgrant amount for administrative costs to a maximum of \$120,000.~~

~~(5)(11) Loss of Funding Reservation for Economic Development Applications:~~

~~An Economic Development application shall lose its funding reservation if:~~

~~(a) The Applicant is not eligible pursuant to section 290.046, F.S., and Rule subsection 73C-23.0041(4), F.A.C.~~

~~(b) All activities are found to be ineligible. However, if not all activities are found to be ineligible, the funding reservation will be reduced. Only the funding for the eligible activities will be retained.~~

~~(c) The application is missing a required item that is specified in the "Documentation Requirements" section of the application.~~

~~(d) The local government withdraws the application in a letter signed by the Chief Elected Officer.~~

~~(e) The Department does not receive all required documentation and the subgrant signed by the Chief Elected Officer or his or her designee within 60 days of the applying local government's receipt of the award and offer to contract letter. If the local government submits the required documentation and signed subgrant after the 60-day period has expired, the date that the subgrant and all required documents are received by the Department becomes the new funding reservation date. If the documentation is adequate and unreserved funds are available to fund the application, a subgrant will be executed by the Department.~~

~~(f) A Participating Party withdraws prior to the execution of the subgrant by the Department, unless the subgrant remains within the fundable range with the remaining Participating Parties. Increasing the job creation numbers or leverage of the remaining Participating Parties beyond that referenced in the application shall not be allowed. Replacement of Participating Parties shall not be allowed without withdrawal and resubmission of the application.~~

~~(6) Partial Funding~~

~~If all activities are not found to be ineligible, funding will be reduced accordingly for the eligible activities.~~

~~(12) Change in Participating Party after Award.~~

~~If an Economic Development contract must be modified because of withdrawal of a Participating Party or a reduction in leverage or job numbers, the local government must amend the contract and remain within the fundable range. Substitution of~~

~~Participating Parties will be allowed only if the substitute is a business desiring to locate at the proposed job creation location or a location that will use the same infrastructure proposed in the application. The substitute Participating Party shall sign a Participating Party agreement which includes an obligation to create the same number of jobs. If the application was scored and ranked, it must remain in the fundable range.~~

~~Rulemaking Authority 290.048 FS. Law Implemented 290.043, 290.044, 290.046, 290.047 FS. History—New 4-21-15, Amended _____.~~

~~73C-23.0049 Funding for Special Economic Development Projects.~~

~~(1) Special economic development projects must be designed to provide job creation opportunities for "non-entitlement" local governments' jurisdictions, and may ~~can~~ include the following:~~

- ~~(a) Business Incubators;~~
- ~~(b) Microenterprises; ~~and~~~~
- ~~(c) Revolving loan funds; ~~or~~~~
- ~~(d) Job training and placement.~~

~~(2) Request for Proposals.~~

~~If funding for special economic development projects is allocated, the Department shall issue a NOFA announcing the funding availability through a Request for Proposals (RFP). The Department shall accept proposals from "non-entitlement" local governments during the time period listed in the NOFA.~~

~~(2) Maximum Funding for Special Economic Development Projects.~~

~~The maximum amount that the Department may allocate annually for special economic development projects is \$750,000. Special economic development projects must be designed to provide job creation opportunities for "non-entitlement" local governments. The allocation shall be included in the Annual Action Plan submitted to HUD.~~

~~(3) Review and Award.~~

~~The Department will review all proposals that are received during the advertised time period based on the criteria contained in the RFP, and funding will be awarded to the highest scoring proposal(s) until funds run out.~~

~~(3) Request for Proposals.~~

~~If funding for special economic development projects is allocated, the Department shall issue a NOFA announcing the funding availability through a Request for Proposals (RFP). The Department shall accept proposals from "non-entitlement" local governments during the time period listed in the NOFA.~~

~~(4) Review and Award.~~

~~The Department will review all proposals that are received during the advertised time period based on the criteria contained in the RFP, and funding will be awarded to the highest scoring proposal(s) until funds run out.~~

Rulemaking Authority 290.048 FS. Law Implemented 290.043, 290.044, 290.046 FS. History—New 4-21-15, Amended _____.

73C-23.0051 Grant Administration and Project Implementation.

(1) Subgrant Agreement

(a) After the Department approves an application the Recipient shall enter into a subgrant agreement with the Department. The Recipient shall not receive any funds until a subgrant agreement is entered into between the Department and the Recipient.

(b) If a Recipient’s proposed modification to the subgrant agreement will result in a reduction of the number of beneficiaries or accomplishments listed in the original Application for Funding, then the Recipient shall conduct a public hearing on the proposed changes prior to submitting the modification request. The hearing must be noticed as set forth in subsection 73C-23.0031(27), F.A.C.

(c) Subgrant Recipients shall monitor project activities to ensure compliance with time schedules, milestones, and other performance goals set forth in the Activity Work Plan of the subgrant agreements.

(2)(1) Financial Management.

(a) CDBG subgrant Recipients shall establish a financial management system for administering subgrant funds that complies with Section 218.33, F.S., and 2 CFR 200.302, as incorporated in Rule 73C-23.0031, F.A.C.

(b) The Department shall not pay a Request for Funds for an amount less than \$5,000, unless it is a Recipient’s final Request for Funds prior to administrative closeout.

(c) If the Recipient makes a change in either person authorized in the Subgrant Agreement to submit a Request for Funds, it shall submit an eCDBG Access Authorization Update, DEO Form SC-55, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05346>; effective date: April, 2015, which is hereby adopted and incorporated by reference.

(d) If the Office of the Governor has determined that a Recipient is in a State of Financial Emergency as defined in Section 218.503, F.S., the Recipient shall provide the documentation listed in the Special Conditions section of the subgrant agreement with each Request for Funds to justify payment.

(e) If a Recipient needs to remit funds to the Department, including reimbursement of grant funds, program income or interest income paid on CDBG funds, it shall submit a copy of the Return of Funds Form, DEO Form SC-68, <http://www.flrules.org/Gateway/reference.asp?No=Ref-06449>; effective date: February, 2016, which is hereby adopted and incorporated by reference.

(3)(2) Environmental Review.

(a) CDBG subgrant Recipients must comply with the procedures set forth in 24 CFR Part 58, Environmental Review Procedures for Title I Community Development Block Grant Programs, and 40 CFR 1500-1508, National Environmental Policy Act Regulations, as incorporated in Rule ~~73C-23.0030~~73C-23.0031, F.A.C.

~~(b) For Commercial Revitalization, Economic Development, and Neighborhood Revitalization subgrants, Recipients shall submit four copies of the required environmental documents to the Florida State Clearinghouse before initiating any construction work. Along with the documents required by the federal regulations listed in paragraph (a) above, four copies of the following application documents shall be sent to the State Clearinghouse:~~

- ~~1. Part 2: Application Profile and General Scoring Criteria;~~
- ~~2. Part 3: Sources and Uses of Non-CDBG Funds (Leverage), if applicable;~~
- ~~3. Form C-1 from Part 4 (Commercial), Form E-2 from Part 5 (Economic Development) or Form N-1 from Part 7 (Neighborhood);~~
- ~~4. Part 9: Appendix A: Maps; and,~~
- ~~5. Part 9: Appendix D: Historic Preservation Documents, if applicable.~~

The address for the State Clearinghouse is:

Florida State Clearinghouse
 Florida Department of Environmental Protection
 3900 Commonwealth Blvd., M.S. #47
 Tallahassee, Florida 32399-3000

~~(c) One copy of the environmental documents shall be sent to the regional planning council that serves the Recipient’s jurisdiction, and one copy of the documents shall be sent to the Department along with HUD Form 7015.15 (Request for Release of Funds and Certification; effective date: January 1999), <http://www.flrules.org/Gateway/reference.asp?No=Ref-05360>; effective date: April, 2015, which is incorporated herein by reference and available at http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12557.pdf.~~

~~(d) After receiving comments from the State Clearinghouse and the regional planning council, the Department will compile the comments and send them to the Recipient to address any unresolved issues. If there are no unresolved issues, the Department will issue HUD Form 7015.16 (Authority to Use Grant Funds; effective date: February 1994), <http://www.flrules.org/Gateway/reference.asp?No=Ref-05360>; effective date: April, 2015, which is incorporated herein by reference and available at <http://www.hud.gov/offices/adm/hudclips/forms/files/7015-16.pdf>, to the Recipient.~~

~~(e) For Housing Rehabilitation subgrants, the Recipient shall submit environmental documentation for each house that~~

will be rehabilitated to the State Historic Preservation Officer before initiating any construction work on the respective house. The environmental documents shall be submitted to the address below, either individually for each unit or combined into one submittal package:

State Historic Preservation Officer
Attn: Compliance Review
500 South Bronough Street
Tallahassee, Florida 32399-0250

Rehabilitation work cannot be initiated on a housing unit until the Department issues an environmental release for the housing unit.

~~(4)(3)~~ Procurement.

(a) Procurement Policy. Each subgrant Recipient shall adopt a and follow a local CDBG Procurement Policy that complies with the provisions of 2 CFR 200.317 – 200.326, as incorporated in Rule 73C 23.0031, F.A.C. For covered professional services contracts, the policy shall also comply with Section 287.055, F.S. (Consultants—Competitive Negotiation Act). The policy shall also comply with Section 255.0525, F.S., when advertising for competitive bids or proposals for construction projects.

1. ~~The Department must approve the policy before the Recipient can request reimbursement of administrative costs exceeding \$5,000 or any construction costs. CDBG funds shall be used to obtain commodities and services only in accordance with the approved policy.~~

2. ~~The Recipient shall submit procurements being paid with CDBG funds to the Department for desk monitoring. Submission shall be made in accordance with the requirements outlined in the Recipient's subgrant agreement.~~

3. ~~No firm shall be precluded from submitting a bid or proposal for any work funded partially or wholly with CDBG funds based on a minimum experience requirement. A firm's experience can be addressed as an evaluation factor in the ranking for professional services and is a consideration in determining the "responsibility" of a firm when the determining the "low, responsive, responsible bidder" for services procured through bids, as required by 2 CFR 200.319(a).~~

(b) Public Notice. Any procurement which requires public notice in a newspaper based on the local CDBG procurement policy, shall be published in a newspaper of general circulation in the county where the Recipient is located. The following public notice criteria apply for the procurement process to be approved:

1. ~~If the newspaper is located in an Office of Management and Budget (OMB) designated metropolitan statistical area (MSA) as designated by the Office of Management and Budget, only one responsible and responsive bid or proposal is needed to complete the process.~~

2. ~~If the newspaper is not located in a MSA, at least three responsible and responsive bids or proposals must be received by the local government.~~

3. ~~Recipients, whose newspaper of general circulation is not located in a MSA, may advertise in both the local newspaper and a newspaper in a nearby MSA. Only one responsible and responsive bid or proposal would be needed to complete the process.~~

4. ~~The procurement policy shall require at least 12 days for receipt of the proposals or bids after the date of publishing. For construction activities, the policy shall conform to Section 255.0525, F.S. with regard to the numbers of days between publishing the notice and bid opening.~~

5. ~~Nothing in subparagraphs (3)(b)1., 2. or 3., shall preclude a local government from using other media to solicit bids related to procurement of professional services and construction activities.~~

~~(c) Professional Services.~~

1. ~~A separate professional services contract must be procured and executed between the local government and any professional services consultant for each CDBG subgrant, except as provided in subsection (3) below. Each advertisement for procurement of CDBG professional services, except for application preparation, must identify either the CDBG funding cycle or the CDBG subgrant number. In the absence of any identifier, the procurement will be presumed to be for the CDBG funding cycle closest to the publication date of the advertisement or, if there is no advertisement, the date of receipt for proposals.~~

2. ~~In procuring services for subgrant administration, the Recipient shall publish a Request for Proposals that includes all of the criteria that will be used to evaluate and score the proposals. Any firm that assists the Recipient in developing or drafting criteria used in the Request for Proposals shall be excluded from competing for the procurement as required by 2 CFR 200.319(a). The Recipient does not have to publish a Request for Proposals if it decides to use its Regional Planning Council for subgrant administration.~~

3. ~~Under Section 290.047(5), F.S., a local government is permitted to contract with the same entity for more than one service, provided that the local government can document that the entity is either (i) the sole source or (ii) was determined, through the Request for Proposals process, to be the proposer most advantageous to the local government. Different services, such as, program administration, and engineering services, shall not be combined in a single contract except for design-build contracts procured in accordance with Section 287.055, F.S. If separate procurements result in one firm selected for application and administration services, those services may be combined into one contract provided there are separate scopes of work and a separate fee for each service.~~

4. All contracts for professional services shall conform to the following:

a. Any Request for Proposals which includes more than one service shall provide that:

(I) Proposals may be submitted for one or more of the services;

(II) Qualifications and proposals shall be separately stated for each service; and,

(III) The evaluation of the proposals shall be separate for each service.

b. A written evaluation, such as a ranking sheet or narrative, shall be prepared for each proposal, ranking or comparing each proposal to the criteria in the published Request for Proposals. Based on those criteria, the written evaluation will document why the successful proposal was selected.

5. Each professional services contract must identify the CDBG contract number to which it is applicable.

6. Engineering and Administration Services:

a. If the procurement for administration or engineering services for a subgrant initially funded only for planning and design was accepted by the Department and the public notice or Request for Proposals stated that the firm awarded a contract for planning and design services would also, at the discretion of the local government, provide additional services during project construction, then a procurement for those services during construction is not required. If the Request for Proposals specifically included services during construction in the scope of work, then no additional procurement is required for those services.

b. A Recipient whose application received "Readiness to Proceed" points may use the design engineer for services during construction if the Department determines that the procurement for design services was competitive and the Request for Proposals specifically included services during construction in the scope of work.

(d) Construction Contracts.

1. Prior to procuring construction activities, the Recipient shall request a wage decision for each funded activity that is covered by the Davis Bacon Act, which is available at www.dol.gov/whd/regs/statutes/dbra.htm, using the Wage Decision Request, DEO Form SC-56, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05347>; effective date: April, 2015, which is hereby adopted and incorporated by reference.

2. If fewer than three responsible and responsive bids are received and the notice was not published in a MSA newspaper as described in paragraph (3)(b) above, the procurement must be readvertised.

3. If CDBG and other sources of funding are jointly used to fund activities under a single contract, the activities to be paid for with CDBG funds must be shown separately so that the bid

proposal identifies the CDBG activities and the amount of a contract to be paid from CDBG.

4. If after applying any specified deductive alternates, construction bids exceed available funds, the local government shall not negotiate with the low bidder unless there is only one bidder or unless all bidders are allowed to submit revised bids for the revised project. If the construction cost can be reduced by deleting entire bid line items or reducing quantities based on unit prices identified in the bid, the effect of such deletions or reduction on all bidders' prices shall be determined. Contract award shall be made to the low, responsive and responsible bidder for the revised project.

5. All contracts in excess of \$100,000 covered by Section 3 regulations shall contain the language required in 24 CFR 135.38, incorporated by reference in Rule 73C 23.0031, F.A.C., and in CDBG Supplemental Conditions for Construction Contracts, DEO Form SC-66, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05353>; effective date: April, 2015, which is hereby adopted and incorporated by reference.

6. The Recipient shall have all contractors and subcontractors complete all of the following Forms that are applicable:

a. Section 3 Participation Report (Construction Prime Contractor), DEO Form SC-52, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05343>; effective date: April, 2015, which is hereby adopted and incorporated by reference.

b. Section 3 Participation Report (Construction Subcontractor), DEO Form SC-53, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05344>; effective date: April, 2015, which is hereby adopted and incorporated by reference.

c. Documentation for Business Claiming Section 3 Status, DEO Form SC-54, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05345>; effective date: April, 2015, which is hereby adopted and incorporated by reference.

7. All contracts in excess of the Simplified Acquisition Threshold as listed in 2 CFR 200.88, which can be found at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol11/xml/CFR-2014-title2-vol11-subtitleA-chapII.xml>, shall include the following:

a. A performance bond on the part of the contractor for 100 percent of the contract price; and,

b. A payment bond on the part of the contractor for 100 percent of the contract price.

8. All contracts shall include liquidated damages clause establishing a predetermined amount that must be paid if the contractor fails to perform as promised.

9. The following forms shall be included with construction procurement documentation:

a. ~~Bidding Information and Contractor Eligibility, DEO Form SC-~~

~~51, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05342>; effective date: April, 2015, which is hereby adopted and incorporated by reference;~~

b. ~~Certification Regarding Debarment, Suspension, and Other Responsibility Matters (Primary Covered Transactions), DEO Form SC-~~

~~37, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05335>; effective date: April, 2015, which is hereby adopted and incorporated by reference; and,~~

c. ~~Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion (Subcontractor), DEO Form SC-~~

~~38, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05336>; effective date: April, 2015, which is hereby adopted and incorporated by reference.~~

10. If it is determined that the Davis Bacon Act wage decision that was previously obtained from the Department does not contain a job classification needed to complete a construction activity, the Recipient shall request an additional classification using the following forms:

a. ~~Employee/Employer Wage Scale Agreement, DEO Form SC-~~

~~57, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05348>; effective date: April, 2015, which is hereby adopted and incorporated by reference; and,~~

b. ~~U.S. Department of Housing and Urban Development Report of Additional Classification and Rate, HUD Form 4230A; <http://www.flrules.org/Gateway/reference.asp?No=Ref-05360>; effective date: August 2003, which is incorporated herein by reference and is available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud4.~~

~~(e) The provisions of this subsection shall not be construed to conflict with or supersede the requirements of Section 287.055, F.S., or any other applicable State or federal law.~~

~~(4) Modifications.~~

~~(a) All proposed modifications to the subgrant agreement must be approved by the Department.~~

A Recipient shall not request a modification to add activities that would broaden the scope of the project beyond what was included in the original Florida Small Cities Community Development Block Grant Application for Funding, Form SC 60, as incorporated in Rule 73C 23.0041, F.A.C., except as allowed below. Unaddressed need activities that were included in the Application for Funding can be added to the subgrant agreement through a modification request if all addressed need activities have been procured and funds are

available to complete the unaddressed need activities. Replacing a participating party that has withdrawn from an economic development project is not considered an activity.

If a modification request involves a reduction in the number of beneficiaries or accomplishments listed in the original Application for Funding, the Recipient shall conduct a public hearing to discuss the changes prior to submitting the modification request. The hearing must be noticed as defined in subsection 73C 23.0031(45), F.A.C. of this rule.

A modification request shall be denied if:

1. The modification would result in the application score dropping below the fundable range for applications submitted in the same program category during the same application cycle, or

2. The modification request contains an activity that was not included in the Recipient's original Application for Funding. The only exception shall be that an activity designed to address Americans with Disabilities Act (ADA) violations that were discovered during Department monitoring can be approved provided funds are available after all bids related to addressed need have been procured.

(b) ~~Documentation Required.~~ Requests for modification shall include the following written documentation for review by the Department:

1. A cover letter signed by the Chief Elected Officer or his or her designee which describes the need for the proposed changes and the effect of the changes upon the approved project. If the modification involves an extension of time, the Recipient must provide a justification for the extension.

2. Two copies of the Modification to the Subgrant Agreement, Form SC-44, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05337>; effective date: April, 2015, which is hereby adopted and incorporated by reference, signed by the Chief Elected Officer or person designated by resolution to sign modifications.

3. If applicable, copies of all revised application pages that would be changed if the proposed modification is approved showing the changes.

4. If applicable, a revised Activity Work Plan.

5. If there are changes to the subgrant budget, including CDBG or leverage funds, beneficiaries or accomplishments, a signed copy of the Request for Amendment, Form SC-35, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05333>; effective date: April, 2015, which is hereby adopted and incorporated by reference, that shows current and proposed numbers. If funds are being moved between activities, a copy of Sources and Uses of Funds, DEO Form SC-36, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05334>; effective date: April, 2015, which is hereby adopted and incorporated by reference. The grant manager will prepare a

revised Project Budget based on the information on Form SC-35 and include it with the modification package.

6. If there is a change in activity location, a map indicating the proposed changes.

7. If applicable, a copy of the public notice for the public hearing at which the modification was approved, documenting compliance with subsection 73C 23.0031(45), F.A.C. and a copy of the minutes from the hearing.

(c) To allow the Department adequate time to process a modification before the contract end date, modification requests shall be received by the Department at least 45 calendar days prior to the contract end date. If a modification is received less than 45 calendar days before the contract end date, the following penalty points shall be assessed on future Small Cities CDBG applications:

1. For modification requests received 35-44 days before the contract end date, a 5 point penalty shall be assessed for two years from the date that the administrative closeout request is received by the Department;

2. For modification requests received 25-34 days before the contract end date, a 10 point penalty shall be assessed for two years from the date that the administrative closeout request is received by the Department;

3. For modification requests received 10-24 days before the contract end date, a 15 point penalty shall be assessed for two years from the date that the administrative closeout request is received by the Department;

4. For modification requests received 10-24 days before the contract end date that include a request to extend the contract period, a 20 point penalty shall be assessed for two years from the date that the administrative closeout request is received by the Department;

5. For modification requests received less than 10 days before the contract end date, a 25 point penalty shall be assessed for three years from the date that the administrative closeout request is received by the Department;

6. For modification requests received less than 10 days before the contract end date that include a request to extend the contract period, a 30 point penalty shall be assessed for three years from the date that the administrative closeout request is received by the Department;

7. If a modification request is received after the contract end date, a 40 point penalty shall be assessed for four years from the date that the administrative closeout request is received by the Department if the reinstatement is approved. A reinstatement shall only be approved if the Recipient can show that it will be able to complete any unfinished work before the new end date being requested and that all National Objective and Public Benefit requirements, which are included in the Recipient's Application for Funding, Form SC 60, and the

Subgrant Agreement executed between the Recipient and the Department, will be met.

8. If a Recipient requests more than one modification with less than 45 days remaining before the contract end date, the penalty points shall be cumulative.

(d) The Department shall approve or reject a modification request in writing within 45 days of the Department's receipt of the Recipient's request. If the Department requests additional information needed to process the modification, the Department shall approve or reject the modification request within 45 days of receipt of the additional information.

(e) Any necessary modifications must be received and approved by the Department prior to the local government submitting its administrative closeout package.

(5) Subgrant Agreement Closeout.

(a) The Recipient must submit a subgrant agreement closeout package to the Department within 45 days of the contract termination of the contract or within 45 days of the completion of all activities, including job creation for economic development projects. Recipients with an economic development project shall not submit an administrative closeout package until the cost per job is less than \$10,000 or until one year after the date that all CDBG funded activities were completed, whichever comes first.

(b) Recipients of economic development projects may not submit an administrative closeout package until the earlier of:

1. the cost per job is less than \$10,000; or
2. one year after the date that all CDBG-funded activities were completed.

(b) All funds drawn from the Department and not expended must be returned to the Department prior to submission of the closeout.

(c) Upon completion of the activities contained in the local government's CDBG subgrant, including any amendments, the local government shall submit to the Department a closeout report and documentation which includes:

1. The final statement of costs and copies of the final construction invoices;
2. Certification that all construction has been completed, inspected and approved by all parties prior to the subgrant end date and submission of the administrative closeout;
3. Photos of project activities, maps, and documentation of fair housing activities and resolution of citizen complaints and outstanding monitoring issues;
4. Certification that all costs except those reflected on the closeout report have been paid;
5. Documentation of the expenditure of any leverage;
6. A report of final beneficiary data and final accomplishments;
7. A list of the homes receiving direct benefit; and,

8. Certification that each housing unit assisted was within the local government's jurisdiction for Housing Rehabilitation.

(d) The closeout report must contain original signatures. Facsimile (FAX) and electronic submissions are not acceptable to meet submission requirements.

(e) The Department will respond to a closeout request by notifying the requester by mail and identifying all issues that must be resolved before the Department can approve the closeout or by mailing a Notice of Administrative Closeout.

(f) If a Recipient fails to meet contractual requirements on time, the Department shall require that a Recipient financially (not administratively) close out a subgrant to meet federal requirements for the timely distribution of funds set by HUD.

(g) If an audit report is past due, the subgrant cannot be administratively closed until the past due audit is received. If an audit report is owed but not past due, the administrative closeout can proceed. Final closeout shall not occur until all required audits are received.

(6) Performance.

(a) Reporting. The local government shall provide the Department with:

1. By the dates listed in the Subgrant Agreement, a Quarterly Progress Report, DEO Form SC-65, http://www.flrules.org/Gateway/reference.asp?No=Ref_06449; effective date: February, 2016, which is hereby adopted and incorporated by reference.

2. An annual HUD-60002 form, effective date: June 2001, Section 3 Summary Report, http://www.flrules.org/Gateway/reference.asp?No=Ref_05360; effective date: April, 2015, which is incorporated herein by reference and submitted through the Department's Electronic CDBG reporting system at <https://www.deoecdbg.com/Default.aspx>.

3. A HUD 2516 form, effective date: August 1998, Semi-Annual Minority/Woman Business Enterprise report, http://www.flrules.org/Gateway/reference.asp?No=Ref_05360; effective date: April, 2015, which is incorporated herein by reference and submitted through the Department's Electronic CDBG reporting system at <https://www.deoecdbg.com/Default.aspx>; and,

4. An Administrative Closeout Report, DEO Form SC-62, http://www.flrules.org/Gateway/reference.asp?No=Ref_05351; effective date: April, 2015, which is hereby adopted and incorporated by reference.

(b) Monitoring by the Recipient. Each subgrant Recipient shall constantly monitor its own performance of project activities to ensure that time schedules are met, projected milestones are accomplished, and other performance goals are achieved in accordance with the Activity Work Plan of the subgrant agreement.

1. If the Recipient determines that a contractor or subcontractor has paid an employee less than the Davis Bacon Act required wage, it shall take action to see that the employee is paid restitution. If the total restitution due to one or more employees exceeds \$50, the Recipient shall complete a Wage Restitution Enforcement Report, DEO Form SC-46, http://www.flrules.org/Gateway/reference.asp?No=Ref_05338; effective date: April, 2015, which is hereby adopted and incorporated by reference.

(c) Monitoring by the Department. The Department shall periodically review the Recipient's implementation of the project to ensure compliance with the approved application, the subgrant agreement, the requirements of Sections 290.0401-.048, F.S., this rule, and other applicable State laws and federal regulations.

1. Recipients shall supply data and make records available as necessary for the Department to complete an accurate evaluation of contracted activities. Recipients shall respond to any monitoring finding or concern that requires a response, within 45 days of the Recipient's receipt of the Department's monitoring report. The Department will reject any Request for Funds when a response to a monitoring report is late.

2. If the Department must take formal action under the terms of the subgrant to terminate it for cause following a monitoring, the Recipient will be assessed 150 penalty points against the score of future applications. This penalty expires two years from final closeout (not administrative closeout) of the terminated grant.

(d) Remedies. When the Department determines on the basis of a review of the Recipient's performance that the terms of the subgrant are not being met, the Department shall:

1. Initiate actions as prescribed in the subgrant agreement.

2. The Department shall unilaterally modify the agreement to delete an ineligible activity and deobligate any unencumbered funds if at any time after the effective date of a subgrant the Department determines that a funded activity is not eligible pursuant to 24 CFR Part 570.

(e) Submission of inaccurate information in monitoring report responses; audit or audit finding responses; quarterly, closeout, program income, or other reports; or Requests for Funds shall result in penalties if this inaccuracy results in subsequent official Department action (such as the granting of administrative or final closeout status, releasing funds, or clearance of findings).

1. In the case of inaccurate monitoring or audit responses, the closeout status, audit clearance, and/or monitoring report clearance shall be revoked.

2. If a penalty was avoided as a result of inaccurate information being reported, the penalty will be assessed.

3. If the subgrant was administratively closed as a result of inaccurate information, the subgrant shall be reopened and the

Recipient shall be ineligible to apply for and receive additional CDBG funding in accordance with Section 290.046(2)(c)1., F.S. If a subgrant is reopened, the Department shall cancel any subsequently awarded subgrant and the Recipient shall repay any CDBG funds drawn under the nullified subgrant.

~~(7) Audit Requirements.~~

~~A Single Audit under 2 CFR Part 200 or an attestation statement that a Single Audit is not required, using the Audit Certification Memo, DEO Form SC-47, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05339>; effective date: April, 2015, which is hereby adopted and incorporated by reference, must be received from each Recipient with either an open or administratively closed contract by June 30 following the end of each Recipient fiscal year in which subgrant funds were expended or a penalty will be assessed. A 25 point penalty will be assessed for audits not received by the June 30 deadline. A 10 point penalty will be assessed for attestation statements not received by the June 30 deadline. The penalty will expire two years from the date that the audit report or attestation statement was received by the Department.~~

~~(a) The annual audit report shall be accompanied by management letters and the Recipient's response to all findings, including corrective actions to be taken.~~

~~(b) The annual financial audit report shall include a schedule of financial assistance specifically identifying all agreement and grant revenue by sponsoring department and agreement number.~~

~~(c) The complete financial audit report, including all items specified in paragraph (7)(a) or (b) above, shall be sent directly to the addresses specified in the subgrant agreement.~~

~~(d) If the audit shows that the entire funds, or any portion thereof, were not spent in accordance with the conditions of a CDBG subgrant or this rule, the Recipient shall be held liable for reimbursement to the Department of all funds not spent in accordance with applicable regulations and subgrant provisions within thirty (30) days after the Department has notified the Recipient of such noncompliance.~~

~~(e) The Recipient shall retain all financial records, supporting documents, statistical records, and any other documents pertinent to a CDBG subgrant for a period of six years after receipt of final closeout notification from the Department. However, if litigation or an audit has been initiated prior to the expiration of the six year period, the records shall be retained until the litigation or audit findings have been resolved.~~

~~(f) The Recipient shall have all audits completed by an independent certified public accountant (ICPA) who shall either be a certified public accountant or a public accountant licensed under Chapter 473, F.S. The ICPA shall state that the audit complied with the applicable provisions noted above.~~

~~(8) Displacement and Relocation.~~

~~(a) Recipients are required to develop a written plan for assisting persons or businesses that may be displaced as a result of activities assisted with CDBG funds. The plan shall include actions that the Recipient shall take to mitigate any adverse effects resulting from CDBG funded activities that may cause such displacement. This plan shall be in accordance with Section 104(d) of Title I of the Housing and Community Development Act of 1974, as amended and as incorporated in Rule 73C-23.0031, F.A.C., and is required even if displacement is not anticipated.~~

~~(b) If the CDBG project involves the acquisition of real property by the local government, regardless of whether such acquisition is funded from the CDBG grant, or causes displacement of persons or businesses, the local government shall comply with 49 CFR Part 24 (the implementing regulation of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970), as incorporated in Rule 73C-23.0031, F.A.C. For activities resulting in displacement of persons or businesses that do not involve the acquisition of real property, and thus not subject to the "Uniform Act," the local government's local written policy shall identify the assistance it elects to provide for such persons or businesses.~~

~~(c) The Recipient shall make its displacement and relocation policy available to the public.~~

~~(9) Records.~~

~~The local government shall maintain all subgrant files and records within a readily accessible site within its jurisdiction and under its control at all times until six years after receipt of final closeout notification from the Department. The local government shall provide all interested citizens with reasonable access to the subgrant records during normal business hours.~~

~~(6)(10) Program and Non-Program Income.~~

~~(a) Liquidated damages, rebates, refunds, or any other "non-program income" received by the Recipient from any party previously paid (or from whom payment was withheld) shall be used to conduct additional eligible activities or returned to the Department. Additional direct and quantifiable costs (i.e., legal fees, court costs, engineering fees or administrative fees as defined in this rule) generated by the incident creating the liquidated damages may be deducted from the total liquidated damages prior to undertaking additional activities or returning funds to the Department. Use of the funds for additional eligible CDBG activities must be preceded by an amendment to the CDBG subgrant detailing their use.~~

~~(b) Program income generated after closeout of the subgrant producing the program income shall be returned to the Department unless the local government has another open CDBG subgrant and can demonstrate that: Program income generated prior to closeout of a subgrant shall be returned to the Department unless:~~

1. The program income is used to fund ~~additional units of~~ CDBG activities referenced in the open subgrant under which the program income was generated; and,

2. The funds are to be expended pursuant to the provisions of 24 CFR 570, Sections 290.046-.048, F.S., and as set forth herein. ~~The Recipient amends the subgrant to encompass expenditure of the program income prior to administrative closeout;~~ and,

3. ~~The funds are to be expended pursuant to the provisions of 24 CFR 570, Sections 290.046-.048, F.S., and this rule.~~

(c) Program income generated prior to closeout of a subgrant shall be returned to the Department unless:

1. The program income is used to fund additional units of CDBG activities referenced in the subgrant under which the program income was generated;

2. The Recipient amends the subgrant to encompass expenditure of the program income prior to administrative closeout; and,

3. The funds are to be expended pursuant to the provisions of 24 CFR 570, Sections 290.046-.048, F.S., and as set forth herein.

(7) Conflict of Interest.

No CDBG funds may be expended to assist or benefit any person with a conflict of interest as set forth in 24 CFR 570.489(h), or Section 112.3143, F.S., unless a waiver has been approved by the Department pursuant to 24 CFR 570.489(h)(4). Any funds to be expended without prior Departmental approval must be repaid by the Recipient.

(8) Architectural and Engineering Costs.

The maximum percentage of CDBG funds that may be spent on architectural and engineering design costs, excluding additional engineering services, shall be based on the total initial construction budget for eligible subgrant activities, which require architectural and engineering design. These costs shall not exceed the Rural Development/Rural Utility Service (RD/RUS) fee schedule in Florida or RUS Bulletin 1780-9 (rev. 10/2009). Architectural and engineering inspection services during construction shall not exceed the RD/RUS fee schedule in Florida and RUS Bulletin 1780-9 (rev. 6/2007), as set forth in Form SC-60.

(a) If more than one design professional is needed for an activity or activities (i.e., a landscape architect in addition to an engineer for sidewalk construction in a commercial revitalization project), the local government shall not exceed the appropriate RD/RUS fee curve for each activity covered by each design professional negotiated separately.

(b) For projects involving both Table I and II activities, engineering costs shall be pro-rated appropriately.

(c) For each additional engineering service and for preliminary engineering, the local government shall negotiate a reasonable fee for the service following procurement

procedures in 2 CFR section 200, as incorporated in Rule 73C-23.0031, F.A.C.

(d) Preliminary engineering costs not to exceed one-half of one percent of the estimated construction cost may be paid with CDBG funds over and above the amounts included the RD/RUS fee schedule.

(9) National Objective and Public Benefit Documentation.

(a) Achievement of national objectives. Applications must demonstrate that the proposed activities meet the national objectives criteria for compliance as set forth in 24 CFR 570.483, as incorporated in Rule 73C-23.0031, F.A.C., for complying with a national objective and the meeting public benefit standards set forth in 24 CFR 570.482(f) and that they address community need as outlined in Sections 290.046(3)(a)-(c), F.S.

(b) Public Benefit Achievement. Determination of benefit to persons of low- to moderate-income is established through the following methods:

1. HUD Census Data – LMI benefit can be documented by using HUD-provided Census Data where the service area geographically corresponds with block groups, census tracts, or local government geographical limits. A jurisdiction-wide activity using census data rather than a survey to establish the national objective of benefit primarily to low- and moderate-income persons can score VLI points by calculating a percentage of VLI benefit using census data. VLI beneficiaries are calculated by totaling, for each block group in each census tract, the numbers shown in the PVLOW column. The total of VLI beneficiaries is divided by the total beneficiaries in the LOWMODUNIV column to establish the VLI percentage for scoring the appropriate VLI beneficiary points.

If a service area contains an entire block group or census tract and portions of other groups or tracts, the data from the block group or tract that is contained entirely in the service area can be used, but the remaining portion(s) of the service area must be surveyed to get LMI and VLI data.

2. Random Sample Survey Methodology – A sample-based survey of the beneficiaries must use the Household Income Certification Form, Form SC-49, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05340>; effective date: April, 2015, which is hereby adopted and incorporated by reference, and also is available on the CDBG website: www.FloridaJobs.org/CDBGApplicantInfo. The survey methodology must correspond with the random sampling requirements established by HUD in Notice CPD-14-013, issued on September 23, 2014, and which can be found at: www.FloridaJobs.org/CDBGApplicantInfo, incorporated herein by reference. The survey methodology must include a confidence level of 95%.

a. The survey process must verify eligibility of any proposed direct benefit activities, certify the number of

projected very low, low- and moderate-income households and beneficiaries, and the total number of beneficiaries.

b. Section III of Form SC-49 does not have to be completed if the Applicant is using the survey for scoring purposes only and plans to use census data for reporting the racial makeup of beneficiaries upon completion of the project.

3. Small Service Area Survey Methodology – For surveys of service areas with fewer than 50 households, all households must be surveyed using Form SC-49.

a. Section III of Form SC-49 shall be completed for reporting the racial makeup of beneficiaries in a small service area.

b. Any non-responding household must be assumed to be above income.

c. Section III of Form SC-49 shall be completed for reporting the racial makeup of beneficiaries in a small service area.

4. The number of household members for non-responding households in a survey shall be based on the average household size for all responding households.

5. A survey approved by the Department for a funded CDBG application remains valid for the same geographic service area for up to five years from the date the survey was completed and can be resubmitted.

6. A survey that was submitted as part of a previous CDBG application that was not funded can be submitted as part of a new application package if the survey was completed less than 5 years prior to the application submission date. The survey will be subject to Department review and approval. If the survey is found to be inaccurate or does not document that a national benefit will be met, the application shall be rejected.

7. Only the methods of LMI benefit determination provided for in this rule shall be used.

(10) Beneficiaries of Public Improvements.

(a) CDBG-funded activities may not extend beyond the location of the last LMI beneficiary, except where it is required for sound engineering, operation, or design reasons as certified by a licensed engineer.

(b) Where hookups or connections are required as a condition for beneficiary access to a CDBG funded public improvement, fees shall not be charged to very low-, low- or moderate-income beneficiaries. Very low, low, and moderate-income beneficiaries in Neighborhood Revitalization project service areas with hookups as an activity shall be hooked up unless the beneficiary, or property owner in cases of rental property, provides written refusals. If written notice of refusal cannot be obtained, it must be noted on the Household Income Certification Form, Form SC-49.

(c) For non-LMI beneficiaries required to pay a one-time fee (i.e., assessment, impact fee) for connection or access to the CDBG funded public improvement, and charged a periodic

service fee (i.e., water bill, sewer bill), the proposed non-LMI beneficiaries will be advised of the estimated cost of the one-time fee. The Recipient shall notify all beneficiaries in writing of the estimated amount of any periodic service fee. The application narrative must outline the estimated costs to be paid by non-LMI beneficiaries.

(d) Surveyed beneficiaries shall be advised of both fees in writing prior to application submission. If census data is used, a random sample representing ten percent of the beneficiaries must be advised in writing prior to application submission.

Rulemaking Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 5-23-06, Amended 2-26-07, 6-6-10, Formerly 9B-43.0051, Amended 4-21-15, 3-1-16, _____.

73C-23.0061 Emergency Set-aside Assistance.

(1) Funding criteria for applicants.

The Department shall award Emergency set-aside funds based on the following eligibility criteria:

Applications will be accepted for the Emergency Assistance Set aside in accordance with Section 290.044(5), F.S., and the following criteria:

(a) Applications will only be accepted from eligible local governments as defined in Section 290.042(5), F.S., and shall include local governments with open subgrants.

(1) The maximum funds available under this set aside from each federal fiscal year's allocation shall be five percent of the funds and shall be available through March 31 of the following calendar year.

(b)(2) The funds shall be to meet Applicant local governments must demonstrate serious, urgent community needs of low- and moderate-income residents resulting from a natural disaster in an. The area that has must have been declared to be in a state of emergency by executive order of the Governor. As provided under Section 252.36, F.S. The National Objective to be met shall be Urgent Need or Low and Moderate Income benefit, as found in subsection 73C-23.0035(3), F.A.C.

(c)(3) If more than one county with eligible local governments meets criteria in subsection (b), is declared to be in a state of emergency as the result of a natural disaster, the Department shall rank the counties using damage estimates from the Federal Emergency Management Agency and/or the Florida Division of Emergency Management. A The Department shall issue a Notice of Funding Availability NOFA (NOFA) shall be issued for those eligible local governments communities in the county that incurred the highest estimated damage amount.

(4) Applications will only be accepted from eligible local governments, as defined in Section 290.042(5), F.S., from the county listed in the NOFA. A local government with an open subgrant in any other category is not precluded from applying

~~for or receiving Emergency Set aside funds because of the open subgrant or its status.~~

~~(d)(5) Applicants must provide sufficient documentation must be provided to show that the activities for which funding is being requested are directly related to the natural disaster specific event covered by the Governor's executive order. The amount of funds requested shall be limited to that amount necessary to address the emergency need. As stated in Section 290.044(5), F.S., Emergency Set aside funds may only be provided to a local government to fund eligible emergency related activities for which no other source of federal, state, or local disaster funds is available.~~

~~(e) No other source of federal, state, or local disaster funds are available to the local government to fund the activities for which funding is requested.~~

~~(2) Funding Awards~~

~~(a) The Department shall allocate funds proportionately among all Applicants with eligible activities, not to exceed the amount available.~~

~~(b) If any funds remain after the awards are made to all of the communities in the county with the highest estimated damage amount, a NOFA shall be issued for the communities in the county that incurred the second highest estimated damages and remaining funds shall be allocated proportionately.~~

~~(3) Notification to applicants. A NOFA will be issued to eligible applicants with the highest estimated damage amount.~~

~~(4) All other provisions of this rule chapter shall apply to the Emergency Set-Aside unless otherwise stated in the NOFA.~~

~~(6) All other provisions of this rule chapter shall apply to the Emergency Assistance Set aside unless otherwise stated in the NOFA.~~

~~(7) If the total requests for funding from the eligible communities in the county determined to have incurred the highest estimated damage exceed the amount of available funds, the Department shall allocate funds proportionately among all Applicants with eligible activities, not to exceed the amount available.~~

~~(8) If an Applicant chooses not to accept the amount offered, that amount shall be redistributed to other eligible Applicants.~~

~~(9) If any funds remain after the awards are made to all of the communities in the county with the highest estimated damage amount, a NOFA shall be issued for the communities in the county that incurred the second highest estimated damage amount. The remaining funds shall be allocated proportionately between the communities that apply.~~

~~(10) If a state of emergency is not declared before March 31 of a state fiscal year, the emergency set aside funds for that~~

~~time period shall be reallocated in accordance with Section 290.044(5), F.S.~~

~~Rulemaking Authority 290.044 FS. Law Implemented 290.044 FS. History—New 5-23-06, Amended 6-6-10, Formerly 9B-43.0061, Amended 4-21-15, Amended _____.~~

~~73C-23.0071 Section 108 Loans.~~

~~(~~

~~Rulemaking Authority 290.048 FS. Law Implemented 290.045 FS. History—New 5-23-06, Amended 6-6-10, Formerly 9B-43.0071, Amended 4-21-15, Repealed _____.~~

~~73C-23.0081 Nonrecurring CDBG Funding.~~

~~(1) Funding~~

~~When nonrecurring CDBG funds are awarded to the State of Florida by the U.S. Department of Housing and Urban Development (HUD), the Department shall: to address disaster recovery needs in Presidentially declared disaster areas, the Department will adhere to the following process:~~

~~(a) Submit an Action Plan to HUD which describes the proposed use of the funds.~~

~~(a)(b) Notify eligible units of local government Applicants of the availability of the funds, the eligible uses, and the manner in which they can be accessed.~~

~~(b)(e) Evaluate local government applications proposals for the use of the funds and make on-site visits to ensure compliance with federal guidelines.~~

~~(c)(d) Enter into Execute subgrant agreements with the local governments prior to the disbursement of funds.~~

~~(2) Nonrecurring CDBG Funding Awarded for Disaster Recovery. Rule 73C-23.0051(1) and (3), F.A.C. (Selected portions of Grant Administration and Project Implementation) will apply to CDBG disaster recovery funding. All other portions of Rule Chapter 73C-23, F.A.C., are waived.~~

~~(2) Objective.~~

~~The objective of nonrecurring disaster funding is to address disaster relief, long term recovery, to restore housing and infrastructure, and other activities allowed under the applicable Federal Register notice, particularly that which affects persons who are of low and moderate income that suffered damage or loss as a result of the disaster. Funds may be made available to both Urban Entitlements and participants of the Florida Small Cities CDBG Program, federally designated Indian Tribes and nonprofit organizations.~~

~~(3) Nonrecurring CDBG Funding Awarded for Other Uses. The Rules applicable to annual awards of CDBG funds apply for all other nonrecurring CDBG Funds awarded for other uses. Rule 73C 23.0031, F.A.C. (Definitions, except the definitions of "application cycle," "business incubator," "fundable range" "funding cycle," "microenterprise" and "service area") and subsections 73C 23.0051(1), (3) and (9),~~

~~F.A.C. (Selected portions of Grant Administration and Project Implementation) will apply to CDBG disaster recovery funding. All other portions of Rule Chapter 73C-23, F.A.C., are waived.~~

(4) Hurricanes Hermine and Matthew Disaster Recovery Funding

(a) The Department is the recipient of HUD funding as set forth in 81 Fed.Reg.224 (November 21, 2016); 82 Fed. Reg. 11 (January 18, 2017); and 82 Fed. Reg. 150 (August 7, 2017), which are hereby incorporated by reference.

(b) The Department will accept applications from units of local government in counties designated as eligible pursuant to Hurricane Hermine Disaster Declaration 4280 and Hurricane Matthew Disaster Declaration 4283. These Disaster Declarations can be viewed at and www.fema.gov/disaster/4283, and are hereby incorporated by reference.

(c) Applications can be accessed online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> or by contacting the Department's CDBG Disaster Recovery (CDBG-DR) Program at (850) 717-8475.

(d) The Department will score eligible applicants whose applications meet the national objectives set forth in Federal Register Volume 81, No. 224; 82, No. 11; 82, No. 150 based on the following Scoring Criteria:

1. Management Capacity: Subrecipient, program manager and/or developer presents depth of program or project, case and compliance management capacity to deliver services on-time and on-budget. Citizen Complaint Policy is in place. (35 points);

2. Readiness to Proceed and Viable Production Plan: Applicant must show evidence for how proposed program or project will mobilize and operate in a timely manner. (25 points);

3. Proposes Cost Reasonable Budget: Proposal budgets reflect cost reasonableness and affirmative efforts to leverage CDBG-DR funds with additional funding to address unmet needs. Budget narrative reflects research, quotes and/or contracted pricing. (25 points); and

4. Storm Resilience: In addition to addressing unmet needs, program or project proposals need to show how they make investments that improve resilience to future storm-related damage. (15 points).

5. Overall Low-to-Moderate -Income Benefit – applications with higher LMI benefit receives a higher percentage ranking (50 points);

6. Overall Housing Eligible Activities – applications with programs and projects for housing related eligible activities receive higher percentage ranking (30 points); and

7. Vulnerable Populations – applications that address the following vulnerable populations will receive higher percentage rankings (20 points).

(i) the transitional housing, permanent supportive housing, and permanent housing needs of individuals and families that are homeless and at-risk of homelessness;

(ii) the prevention of low-income individuals and families with children (especially those with incomes below 30 percent of the area median) from becoming homeless; and

(iii) the special needs of persons who are not homeless but require supportive housing (e.g., elderly, persons with disabilities, persons with alcohol or other drug addiction, persons with HIV/AIDS and their families, and public housing residents, as identified in 24 CFR 91.315(e).

(5)(4) Service area.

“Service area” for purposes of this rule means is defined as the total geographical area to be served by an activity and Encompasses A service area will encompass all beneficiaries who are reasonably served or would be reasonably served by an activity.

(6)(5) Interlocal Agreements.

Eligible Applicants proposing eligible activities in other eligible jurisdictions will enter into an Interlocal Agreement with the following provisions or submit documentation of an established relationship between eligible jurisdictions which includes the following provisions:

(a) Includes as parties all local governments whose jurisdictions are included in the project and/or service area(s);

(b) Authorizes the Applicant to undertake the activities in all jurisdictions included in the interlocal agreement; and,

(c) Affirms that all activities are consistent with each local government's comprehensive plan and provides applicable excerpts of each local government's comprehensive plan in the supporting documentation section of the application.

(6) Administrative Costs.

The State's Action Plan will limit the amount of funds that local governments may use for the administrative costs specified in 24 CFR 570.206 and as directed by the Federal Register Notice(s). This does not include staff and administrative costs directly related to carrying out activities eligible under 24 CFR 570 since those costs are eligible as part of those activities.

(7) Program Income.

Any program income earned as a result of activities funded under a CDBG disaster recovery subgrant must be reported to the Department, but may be retained for the life of the subgrant by the local government and used to continue the activities from which the funds were generated. Any program income generated or received after expiration or termination of the subgrant agreement must be returned to the

~~Department. Contractual agreements will provide additional guidelines for utilization of program income funds.~~

~~(8) Other Funds.~~

~~Applicants and/or beneficiaries must provide documentation of funds received from other sources which were applied toward the costs of the project funded by CDBG disaster recovery funds.~~

~~(9) Beneficiaries of Public Improvements.~~

~~For activities where hookups or connections are required for beneficiary access to CDBG funded infrastructure, low and moderate income benefit shall be determined by the number of low and moderate income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout. For activities where hookups or connections are required as a condition for beneficiary access to a CDBG funded infrastructure, no hookup or connection fees and no project construction costs shall be charged to very low-, low- or moderate-income beneficiaries. Further, no portion of the project construction costs shall be charged to very low-, low- or moderate income beneficiaries.~~

~~(10) Modifications.~~

~~All proposed modifications to the subgrant agreement must be approved by the Department.~~

~~(a) Documentation Required. All requests for modifications shall include the following written documentation for review by the Department:~~

- ~~1. A cover letter signed by the Chief Elected Officer or their designee which describes the need for the proposed changes and their effect upon the approved project.~~
- ~~2. All application forms that would be changed by the proposed modification.~~
- ~~3. If applicable, a revised Activity Work Plan.~~
- ~~4. If applicable, a revised budget showing the current and amended budget.~~
- ~~5. If there is a change in activity location, a legible map which indicates the proposed change.~~
- ~~6. A copy of the minutes of the meeting at which the modification was approved.~~

~~(b) The modification must be received by the Department at least 45 days prior to the end of the subgrant agreement. If the modification is extending the subgrant agreement period, it must be received by the Department at least 90 days prior to the end of the subgrant agreement.~~

~~(c) If the local government requests administrative closeout prior to the termination date of the subgrant agreement, any modification affecting closeout and requiring Department approval must be included with the closeout.~~

~~(d) Time Extensions to Subgrant Agreements. Any proposed modification extending the termination date of the subgrant agreement must be approved by the Department. The~~

~~local government must explain any delay affecting project completion and must justify the need for the extension.~~

~~(11) Subgrant Closeout.~~

~~(a) At the time of submission of the closeout report form, the local government must have available documentation which verifies its certification that all construction has been completed, inspected and approved by all parties prior to the subgrant agreement end date and submission of the administrative closeout.~~

~~(b) An administrative closeout may be submitted only when the local government has no funds on hand. All funds drawn from the Department and not expended must be returned to the Department prior to, or with, the submission of the closeout documents.~~

~~(c) Upon completion of the activities contained in the local government's CDBG subgrant agreement (including any modifications), the local government shall submit to the Department a closeout package which gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, certifies that all costs except those reflected on the closeout forms have been paid and reports demographics of the program's beneficiaries.~~

~~(d) If any change has been made since the application map or the last map amendment, the closeout documents shall also contain a revised map of the activities completed during the term of the CDBG contract.~~

~~(e) When housing assistance is provided, the closeout documents must include a list of the households assisted by the contract. Additional information required by HUD may be requested by the Department at any time.~~

~~(f) For activities where hookups or connections are required for beneficiary access to the public improvement, evidence at the time of closeout must show:~~

- ~~1. The total number of persons in all households in the service area;~~
- ~~2. The number of low and moderate income persons in households connected to the infrastructure; and,~~
- ~~3. Projects required to meet the LMI national objective must document that the number of LMI persons in households connected to the infrastructure divided by the total number of beneficiaries in the service area equals at least 51 percent or higher or the percentage required by HUD at the time of the application.~~

~~(g) The closeout documents must contain original signatures. Facsimile (FAX) submissions are not acceptable.~~

~~(h) If a local government fails to meet contractual requirements as listed in the subgrant agreement's Activity Work Plan, the Department reserves the right to require that a local government financially (not administratively) close out a subgrant agreement in order to meet federal requirements for the timely distribution of funds set by HUD.~~

(i) All closeout documentation is due within 45 days after expiration or termination of the subgrant agreement.
Rulemaking Authority 290.046(2)(b)2., 290.48 FS. Law Implemented 290.043 FS. History—New 6-6-10, Formerly 9B-43.0081, Amended 4-21-15., Amended _____.

73C-23.0082 Subgrant Closeout.

(a) At the time of submission of the closeout report form, the local government must have available documentation which verifies its certification that all construction has been completed, inspected and approved by all parties prior to the subgrant agreement end date and submission of the administrative closeout.

(b) An administrative closeout may be submitted only when the local government has no funds on hand. All funds drawn from the Department and not expended must be returned to the Department prior to, or with, the submission of the closeout documents.

(c) Upon completion of the activities contained in the local government’s CDBG subgrant agreement (including any modifications), the local government shall submit to the Department a closeout package which gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, certifies that all costs except those reflected on the closeout forms have been paid and reports demographics of the program’s beneficiaries.

(d) If any change has been made since the application map or the last map amendment, the closeout documents shall also contain a revised map of the activities completed during the term of the CDBG contract.

(e) When housing assistance is provided, the closeout documents must include a list of the households assisted by the contract. Additional information required by HUD may be requested by the Department at any time.

(f) For activities where hookups or connections are required for beneficiary access to the public improvement, evidence at the time of closeout must show:

1. The total number of persons in all households in the service area;
2. The number of low- and moderate-income persons in households connected to the infrastructure; and,
3. Projects required to meet the LMI national objective must document that the number of LMI persons in households connected to the infrastructure divided by the total number of beneficiaries in the service area equals at least 51 percent or higher or the percentage required by HUD at the time of the application.

(g) The closeout documents must contain original signatures.

(h) If a local government fails to meet contractual requirements as listed in the subgrant agreement’s Activity

Work Plan, the Department reserves the right to require that a local government financially (not administratively) close out a subgrant agreement in order to meet federal requirements for the timely distribution of funds set by HUD.

(i) All closeout documentation is due within 45 days after expiration or termination of the subgrant agreement.

(j) The administrative closeout package which must be received by the Department no later than 5:00 p.m. (Eastern Time) on the business day prior to the advertised opening of the application cycle. The Department will respond to the closeout request by either:

1. Approving the closeout request and mailing an administrative closeout notification, or

2. If there are unresolved issues with the subgrant, a Notice of Outstanding Closeout Issues (NOCISS) letter will be sent to the local government within 21 days of receiving the closeout package. If the local government receives a NOCISS letter, it must respond to the issues, and the response must be received by the Department at least 10 days before the application cycle deadline. If the response resolves the issues in the NOCISS letter, the local government shall be eligible to apply for funding.

Rulemaking Authority 290.048, FS. Law Implemented 290.046, FS. History- New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: M. Linville Atkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cissy Proctor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 2/21/2018

Section III
Notice of Changes, Corrections and Withdrawals

FLORIDA COMMISSION ON OFFENDER REVIEW

RULE NO.: RULE TITLE:
23-21.002: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 44 No. 56, March 21, 2018 issue of the Florida Administrative Register has been withdrawn.

FLORIDA COMMISSION ON OFFENDER REVIEW

RULE NO.: RULE TITLE:
23-21.015 Effective Parole Release Date Interview

Procedure
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 44 No. 56, March 21, 2018 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Investigative and Forensic Services

RULE NO.: RULE TITLE:

69D-2.003 Insurer SIUs

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. 7, January 10, 2018 issue of the Florida Administrative Register.

69D-2.003 Insurer Anti-Fraud Plans; Mandatory Reporting of Suspected Fraudulent Acts.

(1) An insurer subject to subsection 626.9891(2), F.S., shall file with the Division a completed insurer anti-fraud plan and shall submit the plan electronically via the Division’s website at www.myfloridacfo.com. The completed plan shall be submitted on Form DFS-L1-1689, Anti-Fraud Plan (Rev. ~~03/18~~ 4/17), which is hereby incorporated by reference and available on the Division’s website. The insurer’s filing of the information required on Form DFS-L1-1689 shall constitute an adequately detailed description of its designated anti-fraud unit as required by subsection 626.9891(2), F.S. An insurer that elects to contract with others to investigate and report possible fraudulent insurance acts pursuant to subparagraph 626.9891(2)(a)2., F.S., shall also electronically file a copy of the executed contract with the Division.

(2)(a) Insurers or other entities or persons subject to mandatory reporting requirements of subsection 626.989(6), F.S., shall report suspected fraudulent acts electronically on Form DFS-L1-1691, Suspected Fraud Referral Form (Rev. 03/18), on the Division’s website at www.myfloridacfo.com or via an electronic reporting interface that is linked to the Division (e.g. the National Insurance Crime Bureau or ISO sites). Form DFS-L1-1691 is hereby incorporated by reference and available on the Division’s website. Insurers shall electronically provide the following with regard to reporting suspected fraudulent activity:

~~(2) The following information must be included in the insurer’s anti-fraud plan:~~

1. An acknowledgment that all reports of suspected insurance fraud shall contain information that clearly defines and supports the allegation of suspicious activity.

2. An acknowledgment that the insurer or anti-fraud investigative unit shall record the date that suspected fraudulent activity is detected, and shall record the date that reports of such suspected insurance fraud are sent directly to the Division.

(b) Insurers shall include the acknowledgements set forth in subparagraphs (2)(a) 1. and 2. electronically on Form DFS-L1-1689, the Anti-Fraud Plan.

~~(3) Nothing in this rule shall require that an SIU utilize all established criteria in every circumstance.~~

~~(3)(4)~~ The filing of the information required herein is not intended to constitute a waiver of an insurer’s privilege, trade secret, confidentiality or any proprietary interest in its anti-fraud investigative unit, its anti-fraud investigative unit description, or its anti-fraud investigative unit policies and procedures.

A change was made to the Anti-Fraud Plan Form by moving the Nos. 7 and 8 acknowledgments to the end of the form as Nos. 9 and 10 under a new heading of “Insurance Fraud Reporting.”

**Section IV
Emergency Rules**

NONE

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-6.011: Policy and Purpose

NOTICE IS HEREBY GIVEN that on March 19, 2018, the South Florida Water Management District (District) received a petition for waiver from Jimmy Osceola, (Application No. 14-0710-3) for utilization of Works or Lands of the District known as the L-29 Canal for an existing fence, chickee hut, two signs and shed, which are above-ground facilities located within 40 feet of top of the canal bank within the District’s north right of way of the L-29 Canal; Section 21, Township 54 South, Range 36 East, Miami-Dade County. The petition also includes a request for a waiver of the low member elevation of the existing dock that does not meet District criteria and approval of an existing concrete sidewalk and asphalt driveway. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(3)(j), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground structures within 40 feet of top of canal bank and structures that do not meet or are contrary to the District’s criteria within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Russell, (561)682-6268,

jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attention: Juli Russell, Office of Counsel.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on March 16, 2018, the Board of Massage Therapy received a petition for Kim Forehand-van der Linde seeking a variance or waiver of Rule 64B7-32.003, F.A.C. regarding the physical presence of a member of the faculty during student participation in coursework. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3258, (850)245-4162, kama.monroe@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072: Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On March 16, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(4)(c) and subsection (21), F.A.C., from Dunbar Improvement Association, Inc., allowing the RFA 2015-102 EHCL loan closing deadline to be extended until October 31, 2018, and allowing the RFA 2016-108 EHCL firm loan commitment issuance deadline to be extended until October 31, 2018. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on February 28, 2018, and notice of the receipt of petition was published on March 1, 2018 in Volume 44, Number 42, F.A.R.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072: Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice:

On March 16, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(21)(b), F.A.C., to Edward Waters College Senior Citizens Home, Inc., extending the Firm Loan Commitment Issuance deadline until September 27, 2018. Petitioner was also put on notice that Florida Housing does not anticipate granting any further time extensions absent a showing of extraordinary circumstances. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on February 26, 2018, and notice of the receipt of petition was published on February 27, 2018 in Volume 44, Number 40, F.A.R.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072: Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On March 16, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(4)(c), F.A.C., to West Lake I, Ltd., extending the consolidated Loan Closing Deadline to May 20, 2018. Petitioner's request for a waiver of the extension fee was denied as moot. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on February 22, 2018, and notice of the receipt of petition was published on February 23, 2018 in Volume 44, Number 38, F.A.R.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072: Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On March 16, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(4)(c), F.A.C., to Amelia Court at Creative Village Partners, Ltd., extending the SAIL loan closing deadline to September 30, 2018. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on February 14, 2018, and notice of the receipt of petition was published on February 16, 2018 in Volume 44, Number 33, F.A.R.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072: Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On March 16, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(21)(b), F.A.C., to Spinal Cord Living-Assistance Development, Inc. (SCLAD), extending the SAIL and ELI loan closing deadlines to September 14, 2018. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on February 12, 2018, and notice of the receipt of petition was published on February 14, 2018 in Vol. 44, No. 31, F.A.R.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072: Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On March 16, 2018, the Florida Housing Finance Corporation issued an order granting waiver of paragraph 67-48.0072(4)(c), F.A.C., to Gainesville Housing Development and Management Corporation, extending the EHCL loan closing deadline to March 24, 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on February 2, 2018, and notice of the receipt of petition was published on February 6, 2018 in Vol. 44, No. 25, F.A.R.

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

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

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

DATE AND TIME: April 12, 2018, 4:00 p.m.

PLACE: R.A. Gray Building, 500 S. Bronough Street, Room 428, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, Florida Statutes, a proposal opening is hereby noticed for the following Request for Proposal Number: DOS RFP 09/17-09, titled, Collections Management Database Software. The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and need not re-advertise notice in the Florida Administrative Register. Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting Christina Harrell, (850)245-6595, christina.harrell@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 Christina Harrell, (850)245-6595, christina.harrell@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 Christina Harrell, (850)245-6595, christina.harrell@dos.myflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

The Division of Plant Industry announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2018, 10:00 a.m. – 12:00 Noon

PLACE: Doyle Conner Building Auditorium, 1911 SW 34th Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Noxious Weed and Invasive Plant Review Committee meeting; general committee meeting to include discussion on inclusion of Cat's Claw (*Dolichandra unguis-cati*) and Japanese honeysuckle (*Lonicera japonica*) to the noxious weed list.

A copy of the agenda may be obtained by contacting Greg Hodges, Division of Plant Industry, (352)395-4700, or at www.FreshFromFlorida.com/News-Events/Events-Calendar.

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 2 days before the workshop/meeting by contacting Greg Hodges, Division of Plant Industry, (352)395-4700. 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 EDUCATION

University of South Florida

The Louis De La Parte Florida Mental Health Institute at the University of South Florida announces a public meeting to which all persons are invited.

DATE AND TIME: April 7, 2018, 9:00 a.m.

PLACE: USF Main Campus (MHC 1503), 13301 Bruce B Downs Blvd., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The University of South Florida Louis De La Parte Florida Mental Health Institute announces The Florida Medicaid Drug Therapy Management Program for Behavioral Health Meeting to explore the role of pharmacists in improving adherence to psychotherapeutic medications and the use of E.FORCSE.

A copy of the agenda may be obtained by contacting Sabrina Singh, (813)974-9879, sabrinasingh@usf.edu.

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 Sabrina Singh, Health Policy and Law, 13301 Bruce B Downs Blvd., Tampa, FL 33612, (813)974-9879, sabrinasingh@usf.edu. 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 Sabrina Singh at (813)974-9879 or sabrinasingh@usf.edu.

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, April 11, 2018 9:00 a.m.; Thursday, April 12, 2018, 9:00 a.m.; Wednesday, April 18, 2018, 9:00 a.m.; Thursday, April 19, 2018, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting Florida Commission on Offender Review, (850)488-1293.

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

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

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

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

DATES AND TIMES: April 12, 2018, 9:30 a.m.; April 12, 2018, 1:30 p.m.; April 13, 2018, 10:00 a.m.

PLACE: DoubleTree by Hilton St. Augustine Historic District, The Anastasia Ballroom, 116 San Marco Avenue St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Training Task Force Meeting (TTF) will be held on Thursday, April 12, 2018 at 9:30 a.m., the Local Emergency Planning Committee (LEPC) will be held on Thursday, April 12, 2018 at 1:30 p.m., and the State Emergency Response Commission (SERC) will be held on Friday April 13, 2018 at 10:00 a.m.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)413-9970.

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 calling (850)413-9970. 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

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 2018, 9:30 a.m.

PLACE: Indian River State College - Chastain Campus, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, Florida 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Treasure Coast Regional Planning Council will hold its monthly Council meeting.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060 or lgulick@tcrpc.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 48 hours before the workshop/meeting by contacting Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 10, 2018; 1:30 p.m.

PLACE: 4480 County Line Road, Ruskin, FL 34221

GENERAL SUBJECT MATTER TO BE CONSIDERED: Environmental Advisory Committee will tour the Rock Ponds Ecosystem Restoration Project to learn about the largest coastal habitat restoration project done in Tampa Bay.

A copy of the agenda may be obtained by contacting WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting SWFWMD Human Resources Office Chief at 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact Kelly.schwegel@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4605 (Ad Order EXE0613).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

The Board of Pilot Commissioners announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2018, 8:00 a.m.

PLACE: Hyatt Place Orlando Airport, 5435 Forbes Place, Orlando, Florida 32812, (407)816-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel, if required (portions of which may be closed to the public) will convene at 8:00 a.m. The General Board business meeting will commence at 9:00 a.m. The Pilotage Rate Review Committee Meeting will follow the General Board meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 2601 Blair Stone Road., Tallahassee, FL 32399, (850)717-1982.

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 Board of Pilot Commissioners, 2601 Blair Stone Road., Tallahassee, FL 32399, (850)717-1982. 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 Pilot Commissioners, 2601 Blair Stone Road., Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: Friday, April 6, 2018, 9:30 a.m.

PLACE: Palmetto Branch Library Auditorium, 923 6th Street West, Palmetto, Florida 34221

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting of the Manatee River Fecal Indicator Bacteria Basin Management Action Plan. Meeting items will include a review of water quality, stakeholder provided updates, source identification efforts, and new annual reporting requirements.

A copy of the agenda may be obtained by contacting Anita Nash, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, Anita.Nash@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Anita Nash at (850)245-8545. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: Thursday, April 5, 2018, 2:00 p.m.

PLACE: Florida Department of Environmental Protection Southwest District Office, Main Conference Room, 13051 North Telecom Parkway, Temple Terrace, Florida 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a joint annual public meeting of the Alafia River and Hillsborough River Fecal Indicator Bacteria Basin Management Action Plans. Meeting items will include a review of water quality, stakeholder provided updates, source identification efforts, and new annual reporting requirements.

A copy of the agenda may be obtained by contacting: Anita Nash, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, Anita.Nash@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Anita Nash at (850)245-8545. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Dentistry

The Board of Dentistry announces a workshop to which all persons are invited.

DATE AND TIME: May 4, 2018, 9:00 a.m. ET

PLACE: Florida Department of Health, 4042 Bald Cypress Way, Room 310S, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: New Member Orientation.

A copy of the agenda may be obtained at www.floridasdentistry.gov. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact the Board of Dentistry Office at (850)245-4474.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Department of Health, Board of Pharmacy Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: April 3, 2018, 9:00 a.m.

PLACE: Residence Inn Tallahassee Universities at the Capitol, 600 West Gaines Street, Tallahassee, Florida 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is an update to Notice #20147596. General business meeting involving discussion and actions regarding current and proposed rules.

A copy of the agenda may be obtained by contacting C. Erica White, Executive Director, (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting C. Erica White, Executive Director, (850)245-4292. If you are hearing or speech impaired, please contact the agency

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

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

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Department of Health, Board of Pharmacy Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2018, 1:00 p.m.

PLACE: Residence Inn Tallahassee Universities at the Capitol, 600 West Gaines Street, Tallahassee, Florida 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is an update to Notice # 20148275.

General business meeting involving discussion and actions regarding current and proposed legislation.

A copy of the agenda may be obtained by contacting C. Erica White, Executive Director, (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting C. Erica White, Executive Director, (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact C. Erica White, Executive Director, (850)245-4292.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Department of Health The Board of Pharmacy Compounding Committee Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: April 3, 2018, 10:00 a.m.

PLACE: Residence Inn Tallahassee Universities at the Capitol, 600 West Gaines Street, Tallahassee, Florida 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is an update to Notice # 20148081. General business meeting regarding discussion and actions regarding current and proposed rules.

A copy of the agenda may be obtained by contacting C. Erica White, Executive Director, (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting C. Erica White, Executive Director, (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact C. Erica White, Executive Director, (850)245-4292.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Department of Health The Board of Pharmacy Controlled Substance Standards Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2018, 3:00 p.m.

PLACE: Residence Inn Tallahassee Universities at the Capitol, 600 West Gaines Street, Tallahassee, Florida 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is an update to Notice # 20147887. General committee business and discussion of research.

A copy of the agenda may be obtained by contacting: C. Erica White, Executive Director, (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: C. Erica White, Executive Director, (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: C. Erica White, Executive Director, (850)245-4292.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Department of Health Board of Pharmacy Meeting announces public meetings to which all persons are invited.

DATES AND TIMES: April 3, 2018, 1:00 p.m.; April 4, 2018, 9:00 a.m.

PLACE: Residence Inn Tallahassee Universities at the Capitol, 600 West Gaines Street, Tallahassee, Florida 32304, (850)329-9080

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is an update to Notice# 20149730. General board business and disciplinary matters.

A copy of the agenda may be obtained by contacting C. Erica White, Executive Director, (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting C. Erica White, Executive Director, (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact C. Erica White, Executive Director, (850)245-4292.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-6.008: Minimum Standards of Practice for Dry Needling in the Practice of Physical Therapy

The Board of Physical Therapy Practice announces a public hearing, pursuant to Section 120.54(3)(c), FS, to which all persons are invited.

DATE AND TIME: Thursday, May 3, 2018, 6:30 p.m.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: Physical Therapy Rule 64B17-6.008, FAC.

A copy of the rule may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255, Allen.Hall@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public hearing is asked to advise the agency at least five days before the hearing by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice.

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).

Infinite Source Communications Group, LLC

The Florida Department of Transportation (FDOT), District Four, announces a Public Information Workshop to which all persons are invited.

DATE AND TIME: Thursday, April 5, 2018, 6:00 p.m.; if the workshop cannot be held on Thursday, April 5, 2018 due to severe weather or other unforeseen conditions, it will be held at a later time and place.

PLACE: ArtServe-Ft. Lauderdale, 1350 E Sunrise Boulevard, Ft. Lauderdale, FL 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District Four will be conducting a Public Information Workshop regarding the Intersection Safety Improvements Project along State Road (SR) 838/Sunrise Boulevard from NW 15 Avenue to North Flagler Drive in Broward County. The purpose of this project includes the installation of a pedestrian signal at the intersection of SR 838/Sunrise Boulevard and NW 5 Avenue, repaving and restriping the area, upgrading lighting at various intersections along SR 838/Sunrise Boulevard, and removing existing pedestrian mid-block crossing at SR 838/Sunrise Boulevard between NW 1 Avenue and NW 2 Avenue. (Financial Project ID Number: 437708-1). The Public Information Workshop will be conducted as an informal open house from 6:00 p.m. to 8:00 p.m., with representatives offering pertinent information and answering questions. Design plans will be available for public viewing. A copy of the agenda may be obtained by contacting Anson Sonnett, PE, Project Manager, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4474; toll-free, 1(866)336-8435, ext. 4474; email anson.sonnett@dot.state.fl.us.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Pursuant to the provisions of the Americans with Disabilities Act of 1990, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven (7) days before the Public Workshop by contacting: Anson Sonnett, PE, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4474; toll-free 1(866)336-8435, ext: 4474; anson.sonnett@dot.state.fl.us.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). Any persons who require translation services (free of charge) should also contact Anson Sonnett, PE at least seven (7) days before the meeting.

For more information, you may contact Anson Sonnett, PE, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309,

(954)777-4474; toll-free 1(866)336-8435, ext: 4474; anson.sonnnett@dot.state.fl.us.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Medicine

NOTICE IS HEREBY GIVEN that Board of Medicine has received the petition for declaratory statement from Dina Garcia, RD, LDN. The petition seeks the agency's opinion as to the applicability of Sections 468.501-518, 458.305 and 456.072, F.S., as they apply to the petitioner.

The Petition dated March 5, 2018, request that the Council provide a declaratory statement as to whether or not a licensed dietitian, in the state of Florida, can purchase, operate, and/or oversee the operation of a class II medical device. The class II medical device will be used for body contouring treatments. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Dietetics and Nutrition Practices Council, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255, (850)245-4444, Allen.Hall@flhealth.gov.

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 EDUCATION

Request for Applications for Available Funds

The Florida Department of Education, Farmworker Career Development Program, announces the availability of federal funds through a competitive grants process under the Workforce Innovation and Opportunity Act (WIOA) 2014, Title I, Section 167. Follow the guidelines on each individual Request for Proposal, as due dates may vary. Through the competitive grant process, eligible applicants are assured direct & equitable access to apply for funds. For application instruction, forms & funding opportunities conference information, please refer to <http://www.fldoe.org/academics/career-adult-edu/funding-opportunities/>; direct questions to Judeith.Taylor@fldoe.org.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

PUBLIC ANNOUNCEMENT FOR Air Blown Fiber Build Out RFP-18-012

The Florida School for the Deaf and the Blind (FSDB) requests proposals for the Air Blown Fiber Build Out project at the FSDB campus. The firm(s) selected under this contract will be required to provide a campus-wide fiber installation including air blown fiber expansion and connections of existing buildings and to a newly installed modular server room facility. This contract will have an initial period of one (1) year with Owner's option to renew for three (3) additional one-year periods. Selection will be made on the basis of qualifications in accordance with the posted specifications found in, RFP-18-012-Air Blown Fiber Build Out dated March 21, 2018. Firm(s) must be properly licensed in the State of Florida at the time of submittal. The selection will be made in accordance with the Selection Criteria and bid.

RESPONSE DUE DATE: May 17, 2018, no later than 1:45 p.m.

INSTRUCTIONS FOR SUBMITTAL: Firms interested in being considered for this project should access <http://www.fsdb.k12.fl.us/index.php/services/competitive->

solicitations/, then click on “Current FSDB Competitive Solicitations” and navigate to RFP-18-012-Air Blown Fiber Build Out. RESPONDENTS ARE RESPONSIBLE for checking the FSDB website for Amendments and addendum. Failure to comply with any changes published to the FSDB website may be grounds for rejecting a proposal.

FLORIDA HOUSING FINANCE CORPORATION

RFA 2018-103 Housing Credit and SAIL Financing for the Development of Housing for Homeless Persons

This Request for Applications (RFA) is open to Applicants proposing the development of housing for Homeless individuals and families, that also include a portion of units for Persons with Special Needs located in the Medium and Large Counties.

The Corporation expects to offer the following to proposed Developments under this RFA:

Estimated \$3,620,000 of Competitive Housing Credits

Estimated \$9,000,000 of SAIL

Applications shall be accepted until 11:00 a.m., Eastern Time, on Monday, April 23, 2018, and sent to the attention of Marisa Button, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Marisa Button at Marisa.Button@floridahousing.org. The RFA, which outlines selection criteria and Applicant’s responsibilities, can be downloaded from the Florida Housing Finance Corporation website at

<http://www.floridahousing.org/programs/developers-multifamily-programs/competitive/2018/2018-103>.

Any modifications that occur to the Request for Applications will be posted at the website and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

**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., Thursday, March 15, 2018 and 3:00 p.m., Wednesday, March 21, 2018.

Rule No.	File Date	Effective Date
5B-33.001	3/15/2018	4/4/2018
5B-33.002	3/15/2018	4/4/2018

5B-33.003	3/15/2018	4/4/2018
5B-33.004	3/15/2018	4/4/2018
5B-33.005	3/15/2018	4/4/2018
5B-33.006	3/15/2018	4/4/2018
61C-5.006	3/15/2018	4/4/2018
61G4-12.008	3/19/2018	4/8/2018
61G15-35.003	3/19/2018	4/8/2018
61G18-12.006	3/16/2018	4/5/2018
61G18-15.002	3/16/2018	4/5/2018
62-210.700	3/15/2018	4/4/2018
64B14-5.005	3/19/2018	4/8/2018
65A-1.603	3/15/2018	4/4/2018
65E-12.103	3/19/2018	4/8/2018
65E-12.104	3/19/2018	4/8/2018
65E-12.106	3/19/2018	4/8/2018
68A-1.004	3/16/2018	7/1/2018
68A-6.0022	3/16/2018	4/5/2018
68A-12.002	3/16/2018	7/1/2018
68A-15.063	3/16/2018	7/1/2018
68A-15.064	3/16/2018	7/1/2018
68A-25.003	3/16/2018	4/5/2018

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
40C-2.101	8/2/2017	**/**/****
58A-5.036	2/13/2018	**/**/****
59A-4.1265	2/2/2018	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	12/15/2017	**/**/****
69L-7.501	12/15/2017	**/**/****

DEPARTMENT OF STATE**Division of Historical Resources**

Small Matching Historic Preservation Grants Formal Solicitation for Applications April 1, 2018 – June 1, 2018 for Fiscal Year 2019-2020

The Florida Department of State is soliciting applications for Small Matching Grant-in-Aid assistance for historic preservation projects. Applications will be accepted online at dosgrants.com. The application submission period will open April 1, 2018, and close at 5:00 p.m. (Eastern) on June 1, 2018. Applications will only be accepted electronically and must be complete to be considered for evaluation.

SMALL MATCHING GRANTS PROGRAM

The purpose of the Small Matching Grants Program is to provide funding to assist local, regional and state-wide efforts to preserve significant historic and archaeological resources, and to promote knowledge and appreciation of the history of Florida. The program does not fund operational support for historic preservation organizations.

Project types include: Survey; Planning; Nominations to the National Register of Historic Places; Education and Publication; Main Street start-up or re-start grants; and state Historical Markers. For questions about project types or the eligibility of a project or work item, please refer to the Small Matching Grant Guidelines.

STATEWIDE PRESERVATION PRIORITIES

Though the Division of Historical Resources will accept applications for all eligible types, this cycle's priorities are:

- Main Street start-up and re-start grants
- Projects that support efforts of studying or protecting historic resources at risk.

ELIGIBLE APPLICANTS

Eligible Applicant Organizations are either a public entity or an active Florida nonprofit. For questions about eligibility, please refer to the Small Matching Grant Guidelines.

AWARD AMOUNT AND MATCH REQUIREMENTS

Maximum award amount: \$50,000 (depending on project type).

Match requirement: 1:1, unless waived as explained below, with a minimum cash match contribution of 25 percent.

Match waiver: Certified Local Governments (CLGs) and Florida Main Street Programs are eligible for match waivers as stipulated in the Small Matching Grant Guidelines. A waiver is also available for projects proposed to be located within REDI-qualified counties or communities at the time of application submission, as stipulated in the Small Matching Grant Guidelines. State agencies, state colleges, or state universities are not eligible for a waiver regardless of project location.

APPLICATION RESTRICTIONS

An Applicant Organization may submit only one (1) Small Matching Grant Application under a single application deadline for a particular application cycle. State agencies, county or city governments, or universities may submit single applications from more than one division or department under a single application cycle provided that those divisions or departments are separate and distinct budgetary units, and provided that applications do not address the same facility, project, property, or site.

CLG applicants may submit separate applications for federal funding and state funding under a single application submission period. When applying for federal funds a CLG applicant shall apply only for Survey, Planning, or National Register Nomination projects; a separate application to compete for state funds may be submitted for either Education and Publication or state Historical Marker projects. No more than a total of two (2) applications, one for federal funding and one for state funding, may be submitted by a CLG under a single application deadline.

APPLICATION REVIEW AND PROJECT SELECTION

Eligible applications will be evaluated on a competitive basis by a Secretary of State appointed Grant Panel in a public meeting. The Grant Panel will review and score applications pursuant to criteria in the Small Matching Grant Guidelines, and recommend to the Secretary of State those applications that should be forwarded to the 2019 Legislature for funding consideration in State Fiscal Year 2020.

The Grant Panel's recommendation to the Secretary of State will not result in any immediate grant award. The award and level of funding for each Small Matching project will be subject to specific legislative appropriation.

RELEASE OF FUNDS

For projects receiving funding from the 2019 Legislature, funds will become available after July 1, 2019, which is the beginning of the 2019-2020 State Fiscal Year. To receive grant funds, grantees will be required to sign a Grant Award Agreement containing specific administrative responsibilities. Any unexpended balance of grant funds will revert to the state at the end of the 12-month period, on June 30, 2020.

ADDITIONAL INFORMATION

If you have any questions regarding proposed projects, eligibility, or the online application form, please call the Historic Preservation Grants Program, Division of Historical Resources, at 1(800)847-7278 or (850)245-6333, or email at DHRgrants@dos.myflorida.com.

DEPARTMENT OF STATE**Division of Historical Resources**

Special Category Historic Preservation Grants Formal Solicitation for Applications April 1, 2018 – June 1, 2018 for Fiscal Year 2019-2020

The Florida Department of State is currently soliciting applications for Special Category Grant-in-Aid assistance for historic preservation projects. Applications will be accepted online at dosgrants.com. The application submission period will open April 1, 2018, and close at 5:00 p.m. (Eastern) on June 1, 2018. Applications will only be accepted electronically and must be complete to be considered for evaluation.

SPECIAL CATEGORY GRANTS PROGRAM

The purpose of the Special Category Grants Program is to provide funding to assist major local, regional, and state-wide efforts to preserve significant historic structures and archaeological resources, to assist major archaeological excavations or research projects, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida. The program does not fund operational support for museums or historic preservation organizations.

Project types include: Development; Archaeological Research; Museum Exhibit; and Acquisition. For questions about project types or the eligibility of a project or work item, please refer to the Special Category Grant Guidelines.

STATEWIDE PRESERVATION PRIORITIES

Though the Division of Historical Resources will accept applications for all eligible types, this cycle's priority is:

Projects that support efforts of studying or protecting historic resources at risk.

ELIGIBLE APPLICANTS

Eligible Applicant Organizations are either a public entity or an active Florida nonprofit. For questions about eligibility, please refer to the Special Category Grant Guidelines.

AWARD AMOUNT AND MATCH REQUIREMENTS

Maximum award amount: \$500,000

Match requirement: 1:1, equivalent match, with a minimum cash match contribution of 25 percent.

Match reduction: A reduction is available for projects proposed to be located within rural counties or communities designated pursuant to Sections 288.0656 and 288.06561, Florida Statutes, as REDI-qualified at the time of application submission, as stipulated in the Special Category Grant Guidelines. State agencies, state colleges, or state universities are not eligible for a match reduction, regardless of project location.

APPLICATION RESTRICTIONS

An Applicant Organization may submit only one (1) Historic Preservation Special Category Grant Application under a single application deadline for a particular application cycle. State agencies, county or city governments, or universities may submit single applications from more than one division or department under a single application cycle provided that those divisions or departments are separate and distinct budgetary

units, and provided that applications do not address the same facility, project, property, or site. For additional restrictions, please refer to the Special Category Grant Guidelines.

APPLICATION REVIEW AND PROJECT SELECTION

Eligible applications will be evaluated on a competitive basis by the Florida Historical Commission (FHC) in a public meeting. The FHC will review and score applications pursuant to criteria in the Special Category Grant Guidelines, and recommend to the Secretary of State those applications that should be forwarded to the 2019 Legislature for funding consideration in State Fiscal Year 2020.

The FHC's recommendation to the Secretary of State will not result in any immediate grant award. The award and level of funding for each Special Category project will be subject to specific legislative appropriation.

RELEASE OF FUNDS

For projects receiving funding from the 2019 Legislature, funds will become available after July 1, 2019, which is the beginning of the 2019-2020 State Fiscal Year. To receive grant funds, grantees will be required to sign a Grant Award Agreement containing specific administrative responsibilities. The funds must be fully obligated by June 30, 2020. Any unexpended balance of grant funds will revert to the state at the end of the 24-month period, on June 30, 2021.

ADDITIONAL REQUIREMENTS

Grantees with Special Category grant projects involving acquisition or development activities will also be required to execute Restrictive Covenants that must be recorded with the property deed by the Clerk of Circuit Court in the county where the property is located prior to the release of the grant funds. These covenants require that, in exchange for state grant funds, the grantee will not undertake modifications to the property (other than routine repairs and maintenance) for a period of 10 years, or 20 years in the case of acquisition, without review and approval of plans and specifications by the Division.

For Special Category grant projects involving properties other than real property (e.g. aircraft, locomotive, or marine vessel) and Museum Exhibit projects, the grantee shall execute and notarize a Preservation Agreement prior to the release of grant funds. The preservation agreement requires that the grantee and property owner shall follow the terms specified therein for ten (10) years for Development projects and five (5) years for Museum Exhibit projects.

ADDITIONAL INFORMATION

If you have any questions regarding proposed projects or the online application form, please call the Historic Preservation Grants Program, Division of Historical Resources, at 1(800)847-7278 or (850)245-6333, or email at DHRgrants@dos.myflorida.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

Qualified Public Depository Merger

Encore Bank, a Qualified Public Depository (QPD) with a home office located in Naples, Florida will be merged into Lake Michigan Credit Union some time in late April, according to Encore. Since credit unions are not eligible to be QPDs, they are not allowed to hold public deposits. Therefore, any, and all public deposits should be moved to another QPD before this merger takes place.

Shepard & Smith, P.A.

City of Mascotte

CITY OF MASCOTTE

Notice of Proposed Ordinance

In accordance with Section 337.401(3)(d), FS, notice is hereby given that the City Council of the City of Mascotte, Florida will hold a public hearing for first reading on Tuesday, April 3, 2018, at 6:30 p.m. in the City Council Chambers, Tedder-Thomas Memorial Civic Center, located at 121 N. Sunset Avenue, Mascotte Florida 34753, for the purpose of adopting a proposed ordinance governing a telecommunications company placing or maintaining telecommunications facilities in its roads or rights-of-way.

SUBJECT: The proposed ordinance creates a new set of rules implementing the Advanced Wireless Infrastructure Deployment Act, creates regulations related to placement, maintenance, and replacement of wireless and other communications facilities in the City's rights-of-way, collocation of small wireless facilities on utility poles, registration and permitting procedures, insurance and surety bond requirements, and adopts other rules related thereto.

A copy of the proposed ordinance can be obtained by calling the City Clerk's Office at (352)429-3341, ext. 103 or by visiting the Clerk's Office during regular business hours at City Hall, 100 E. Myers Blvd, Mascotte, Florida 34753.

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.
