

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:
64B24-1.004 Meetings, Quorum, and Absences
PURPOSE AND EFFECT: To update rule and describe annual report requirement.

SUBJECT AREA TO BE ADDRESSED: Meetings of the council and annual reports filed by licensed midwives.

RULEMAKING AUTHORITY: 467.005 FS.

LAW IMPLEMENTED: 456.011(3), 467.004 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Executive Director, 4052 Bald Cypress Way, Bin C06, Tallahassee, FL 32399-3255 or MQA.Midwifery@FLHealth.gov

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:
64B24-2.001 Licensure to Practice Midwifery
64B24-2.002 Examination
64B24-2.003 Licensure by Examination
64B24-2.004 Licensure by Endorsement

PURPOSE AND EFFECT: To update rule and materials incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Midwife licensure and licensure application forms.

RULEMAKING AUTHORITY: 456.004, 467.005, 456.017 FS

LAW IMPLEMENTED: 381.0034, 456.013, 467.011, 467.0125, 467.017, 467.011, 467.017 FS.

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DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:
64B24-3.002 Application Fees
64B24-3.003 Examination Fee
64B24-3.004 Endorsement Fee
64B24-3.005 Initial License Fee
64B24-3.006 Temporary Certificate Fee
64B24-3.007 Active Biennial Renewal Fee
64B24-3.008 Delinquent Fee
64B24-3.009 Reactivation Fee
64B24-3.011 Duplicate License Fee
64B24-3.013 Continuing Education Provider Application Fee
64B24-3.014 Unlicensed Activity Fee
64B24-3.015 Change of Status Fee
64B24-3.016 Inactive Renewal Fee
64B24-3.017 Retired Status Fee

PURPOSE AND EFFECT: To update rule and eliminate unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Midwife licensure fees.

RULEMAKING AUTHORITY: 456.004, 456.025, 456.036, 456.0635, 467.005, 467.0125, 467.0135 FS.

LAW IMPLEMENTED: 456.025, 456.036, 456.065, 467.0125, 467.0135 FS.

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

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DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.:	RULE TITLES:
64B24-4.001	Definitions
64B24-4.002	Approval of Training Program
64B24-4.003	Acceptance into Training Program
64B24-4.005	Faculty
64B24-4.006	Curriculum Guidelines and Educational Objectives
64B24-4.007	Clinical Training
64B24-4.008	Administrative Procedures
64B24-4.010	Four-month Pre-licensure Course

PURPOSE AND EFFECT: To update rule and eliminate unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Midwife training programs.

RULEMAKING AUTHORITY: 456.004, 467.005, 467.205 FS.

LAW IMPLEMENTED: 467.009, 467.0125, 467.205 FS.

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

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DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.:	RULE TITLES:
64B24-5.003	Reactivation of Inactive License
64B24-5.004	Retired Status License

PURPOSE AND EFFECT: To update rule and eliminate unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Midwife license renewal, inactive status and reactivation.

RULEMAKING AUTHORITY: 456.004, 467.005 FS.

LAW IMPLEMENTED: 456.004, 456.036, 467.013 FS.

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

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DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS:	RULE TITLES:
64B24-6.001	Continuing Education for Biennial Renewal
64B24-6.002	Continuing Education Requirements for Reactivation
64B24-6.004	Continuing Education Providers
64B24-6.005	Criteria for Continuing Education Programs
64B24-6.006	Performance of Pro Bono Services

PURPOSE AND EFFECT: To update rule and materials incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Licensed midwife continuing education requirements.

RULEMAKING AUTHORITY: 456.025, 467.005, 467.012 FS.

LAW IMPLEMENTED: 381.0034, 456.004, 456.013, 456.031, 467.012, 467.013 FS.

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

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DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.:	RULE TITLE:
64B24-7.014	Patient Records

PURPOSE AND EFFECT: To update rule and materials incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Licensed midwife patient recordkeeping requirements.

RULEMAKING AUTHORITY: 467.005 FS.
 LAW IMPLEMENTED: 467.019 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Executive Director, 4052 Bald Cypress Way, Bin C06, Tallahassee, FL 32399-3255 or MQA.Midwifery@FLHealth.gov
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DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:
 64B24-8.002 Disciplinary Action and Guidelines
 64B24-8.003 Citations
 PURPOSE AND EFFECT: To update rule and materials incorporated by reference and include mediation as required by statute.
 SUBJECT AREA TO BE ADDRESSED: Licensed midwife disciplinary action and guidelines.
 RULEMAKING AUTHORITY: 456.004, 456.072, 456.077, 456.079, 467.005, 467.203 FS.
 LAW IMPLEMENTED: 456.072, 456.07, 456.079, 467.203 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Executive Director, 4052 Bald Cypress Way, Bin C06, Tallahassee, FL 32399-3255 or MQA.Midwifery@FLHealth.gov
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DEPARTMENT OF HEALTH

Division of Children's Medical Services

RULE NOS.: RULE TITLES:
 64C-1.001 Definitions
 64C-1.003 Requirements of CMS Applicants and Participants
 64C-1.004 Methods of Service Delivery
 PURPOSE AND EFFECT: The purpose of this rulemaking is to update definitions and requirements for applicants and participants; and delete unnecessary language.
 SUBJECT AREA TO BE ADDRESSED: Definitions and requirements for applicants and participants in the Children's Medical Services program.
 RULEMAKING AUTHORITY: 391.026(18) FS.
 LAW IMPLEMENTED: 391.026, 391.047 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kelli Stannard at (850)245-4222 or kelli.stannard@flhealth.gov
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

RULE NOS.: RULE TITLES:
 64C-6.001 Definitions - General
 64C-6.002 Standards - General
 64C-6.003 Standards - Specific
 PURPOSE AND EFFECT: The proposed revision to the Children's Medical Services Rules 64C6.001-6.003, F.A.C., updates the specific rule making authority, program definitions, and the incorporation of updated program standards of the Regional Perinatal Intensive Care Centers Program.
 SUBJECT AREA TO BE ADDRESSED: Definitions and Standards for the Regional Perinatal Intensive Care Centers.
 RULEMAKING AUTHORITY: 383.19(1) FS.
 LAW IMPLEMENTED: 383.19(1) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chrishonda Jenkins at (850)245-4200, extension 2247 or chrishonda.jenkins@flhealth.gov THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

- RULE NOS.: RULE TITLES:
- 64C-8.001 Definitions Used in the Child Protection Team Rule
- 64C-8.002 Child Protection Team Organization, Roles and Responsibilities
- 64C-8.003 Child Protection Team Services
- 64C-8.004 Waivers

PURPOSE AND EFFECT: The purpose of this rulemaking is to update language regarding specific standards for the operation of the statewide Child Protection Teams, including definitions, organization, roles and responsibilities, eligibility, services and their availability, qualifications of staff and a waiver process.

SUBJECT AREA TO BE ADDRESSED: Child Protection Team Standards.

RULEMAKING AUTHORITY: 39.3031 FS.

LAW IMPLEMENTED: 39.303 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Peggy Scheuermann, Bureau Chief, Bureau of Child Protection and Special Technology, Division of Children's Medical Services, 4052 Bald Cypress Way BIN A-06, Tallahassee, Florida 32399-1707

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

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

- RULE NOS.: RULE TITLES:
- 64K-1.003 Accessing Database
- 64K-1.004 Management and Operation of Database
- 64K-1.005 Privacy of Information

PURPOSE AND EFFECT: To strengthen accountability measures for the safekeeping of confidential prescription information after statutorily authorized release from the database.

SUBJECT AREA TO BE ADDRESSED: The department will develop rules establishing procedures for acquiring both direct and indirect access to the database, procedures for revoking access to the database, standards for the denial of requests for direct and indirect access to the database, as well as any other measures related to access, database operation or database management identified during the rulemaking process as promoting the privacy of confidential prescription information after statutorily authorized release from the database.

RULEMAKING AUTHORITY: 893.055 FS.

LAW IMPLEMENTED: 893.055, F.S., 893.0551 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Program Manager, Prescription Drug Monitoring program, 4052 Bald Cypress Way, Bin #C-16, Tallahassee, Florida 32399 or Rebecca.Poston@FlHealth.gov THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-3.004	Aquaculture Best Management Practices Manual
5L-3.005	Aquaculture Certificate of Registration
5L-3.006	Minimal Impact Aquaculture Facilities
5L-3.007	Failure to Comply With the Best Management Practices

PURPOSE AND EFFECT: The amendments proposed will update the referenced sections of Rule Chapter 5L-3, F.A.C., to reflect advances of the aquaculture industry.

SUMMARY: The proposed amendments will update and clarify Rule Chapter 5L-3, F.A.C., to reflect advances in the aquaculture industry. The proposed rule was developed to implement industry and staff identified changes needed in the referenced rules. Three workshops were held for interested parties across the state of Florida.

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

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: 570.07(23) F.S., 597.004(2) F.S., 791.07 FS.

LAW IMPLEMENTED: 570.971 F.S., 597.002 F.S., 597.003 F.S., 597.004 F.S., 597.0041 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: Portia Sapp, Division of Aquaculture, 600 S Calhoun Street, Suite 217, Tallahassee, Florida 32301, Phone: (850)617-7600

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Aquaculture Best Management Practices manual, FDACS-02034 rev. June 2015 ~~used by the Department under Chapter 5L-3, F.A.C.,~~ is hereby adopted and incorporated by reference and is immediately available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05760> or in this section. ~~The manual is listed below by subject title and date. Copies of the manual~~ may be obtained by contacting the Division of Aquaculture, Holland Building, 600 South Calhoun Street, Suite 217 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32399 32301, (850)617-7600 488-4033 ~~or from the Division of Aquaculture's website at www.FloridaAquaculture.com.~~

~~(2) Aquaculture Best Management Practices Manual, January, 2007.~~

~~(2)(3)~~ The following documents have been adopted by reference into the Aquaculture Best Management Practices Manual, FDACS-02034 rev. June 2015 ~~January 2007~~ and are hereby also incorporated by reference and available online as indicated into this rule:

(a) USDA NRCS, Ponds-Planning, Design and Construction Agricultural Handbook, Number 590 (November September, 1997), http://ftp.wcc.nrcs.usda.gov/downloads/hydrology_hydraulics/misc/ponds.pdf
<http://www.flrules.org/Gateway/reference.asp?No=Ref-05761>

(b) University of Florida IFAS, Stormwater Detention and Discharge from Aquaculture Ponds in Florida, Publication Circular No. BUL334 (January, 2015 February, 1999) <http://edis.ifas.ufl.edu>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-05762>

(c) USDA NRCS Conservation Practice Standard, Conservation Cover, Code 327, (October, 2011) Code 327, Conservation Cover (July, 1998)
http://efotg.nrcs.usda.gov/references/public/IA/N327_10-2003.pdf

<http://www.flrules.org/Gateway/reference.asp?No=Ref-05763>

(d) USDA NRCS, Conservation Practice Standard, Aquaculture Ponds, FOTG Commercial Fishponds Code 397 (June, 2004 March, 2003)
<http://efotg.nrcs.usda.gov/references/public/AL/tg397.pdf>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-05764>

(e) Southern Regional Aquaculture Center, Watershed Fish Production Ponds: Guide to Site Selection and Construction, SRAC Publication No. 102, (September, 2002), <http://www.flrules.org/Gateway/reference.asp?No=Ref-05765>

(f) Standard Manatee Conditions For In-Water-Work, U.S. Army Corps of Engineers, (2011), <http://www.flrules.org/Gateway/reference.asp?No=Ref-05766> Rulemaking Specific Authority 570.07(23), 597.004(2)(b), 791.07 F.S. Law Implemented ~~570.232~~ ~~570.0705~~, 597.003, 597.004 F.S. History-New 10-4-00, Amended 12-29-02, 6-8-04, 11-22-05, 4-9-07, _____.

5L-3.005 Aquaculture Certificate of Registration.

(1) Any person engaging in aquaculture must be certified by the department. The applicant for a certificate of registration shall submit the following to the department:

- (a) through (g) No change.
- (h) One Hundred Fifty dollar annual registration fee.
- (i) A copy of a current shellfish harvester education training certificate (required for all Aquaculture Certificates of Registration listing clams, mussels, scallops, or oysters as products).

(2) The Department shall issue an aquaculture certificate of registration when an applicant:

- (a) No change.
- (b) Signs a statement of intent to comply with the Best Management Practices (BMPs) in Rule 5L-3.003, F.A.C., and
- (c) Pays the appropriate fee to the Department; and
- (d) Provides a copy of a current shellfish harvester education training certificate (required for all Aquaculture Certificates of Registration listing clams, mussels, scallops, or oysters as products).

Rulemaking Specific Authority 570.07(23), 597.004(2) FS. Law Implemented 597.003(1)(a), 597.004 FS. History New 10-4-00, Amended _____.

5L-3.006 Minimal Impact Aquaculture Facilities.

(1) When determined by the Division of Aquaculture's evaluation of facility design and on-site inspections, the following individual production units are deemed to have minimal impacts on water resources and are not required to follow the effluent treatment BMPs in Rule 5L-3.004, F.A.C. All other applicable Rule 5L 3.004, F.A.C., BMPs must be followed.

- (a) No change.
- (b) Culture of filter feeders ~~A floating native marine bivalve culture system~~ which does not include use feed or fertilizer inputs.
- (c) Raceway or down-weller systems for native filter feeders ~~marine bivalves~~ that utilize less than 800 square feet of raceways or down-wellers, and do not add supplemental algae as a food source.
- (d) No change.

(e) Individual production units producing less than 10,000 pounds of product per year that minimize the release of sediments off site by using an onsite ditch system with a minimum 100 linear feet of ditch between the production water entry point and the discharge point and one ~~4~~ foot of free board at the discharge point control structure.

- (f) No change.
- (2) No change.

Rulemaking Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.002, 597.003(1)(a),(j), 597.004 FS. History New 10-4-00, Amended _____.

(Substantial rewording of Rule 5L-3.007 follows. See Florida Administrative Code for present text.)

5L-3.007 Enforcement Actions and Administrative Penalties for Failure to Comply With the Best Management Practices.

(1) This rule sets forth the guidelines the department will follow in imposing the penalties authorized under Section 597.0041, F.S. The purpose of the guidelines is to give notice of the range of penalties which normally will be imposed for a single violation within a twelve (12) month period. The twelve-month period shall be based on the date of the last non-compliance event documented against the violator. These guidelines list aggravating and mitigating factors that, if present, will increase or reduce the penalties to be imposed against the violator by the department. No aggravating factors will be applied to increase a fine imposed for a single violation above the statutory maximum for a Section 570.971, F.S., Class I category of \$1,000 for each violation as provided in Chapter 597, F.S. The guidelines in this rule chapter are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine a total penalty and will be grounds for enhancement of penalties.

(2) The department will enforce compliance with Chapter 597, F.S., and this rule chapter by issuing a noncompliance letter or an administrative fine.

(3) Any person failing to meet the BMPs and/or refusing to implement the BMPs must obtain all necessary permits/authorizations required by the Department of Environmental Protection, Water Management District, Florida Fish and Wildlife Conservation Commission and any other appropriate regulatory authority.

(4) Nothing in this chapter shall limit the ability of the department to informally dispose of administrative actions by settlement agreement, consent order, or other lawful means.

(5) Rule Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to encompass all possible violations of statutes or department rules that might be committed by any person. The absence of any violation from this rule chapter shall in no way be construed to indicate that the violation does not cause harm to the public or is not subject to a penalty. In any instance where the violation is not listed in this rule chapter, the penalty will be determined by consideration of:

(a) The closest analogous violation, if any, that is listed in this rule; and

(b) The aggravating or mitigating factors listed in this rule.

(6) Aggravating and Mitigating Factors. The department will consider aggravating and mitigating factors in determining penalties for violations of Chapter 597, F.S., and this rule chapter. These factors shall be applied against each single count of the listed violation.

(a) Aggravating Factors:

1. The violation endangered the public safety or welfare.

2. Previous violations within the preceding three (3) years for the same or a similar offense that resulted in imposition of administrative penalties, issuance of a noncompliance letter, or a suspension or revocation of a license.

3. The violator impeded, or otherwise failed to cooperate with, the department's inspection or investigation.

4. The violation resulted from negligence or an intentional act.

5. The number of other violations proven in the same proceeding.

6. The benefit to the violator.

(b) Mitigating Factors:

1. Any documented efforts by the violator at rehabilitation.

2. Financial hardship.

3. Acts of God or nature that impair the ability of the violator to comply with Chapter 597, F.S., or Rule 5L-3.007, F.A.C.

4. The violator took corrective action within twenty-four (24) hours of receiving written notification of the violation.

5. The disciplinary history of the person committing the violation in the preceding three years.

6. If a repeat violation, whether twelve (12) months has passed since the prior violation.

7. A statement, in writing, provided to the department during an investigation declaring acceptance of responsibility for a violation.

(7) The provisions of this rule chapter shall not be construed so as to prohibit or limit any other civil action or criminal prosecution that may be brought.

(8) Penalties. Any person who violates any provision of Chapter 597, F.S., or Rule Chapter 5L-3 F.A.C., commits a misdemeanor of the first degree, and is subject to a suspension or revocation of his or her certificate of registration.

(a) Notice of Noncompliance. Any departmental inspection which reveals the following will result in the issuance of a noncompliance letter as the department's first response to the violation.

1. Minor violations of this rule chapter in which the department determines that the violator was unaware of the rule or unclear as to how to comply with the rule.

2. First time violations of Chapter 597, F.S., or Rule Chapter 5L-3, F.A.C., other than Minor or Major violations. The violator will have 60 days within which to correct the deficiencies.

3. Failure to provide division staff access for inspections during department business hours.

(b) Minor violations. Minor violations shall result in imposition of a fine of up to \$500. A violation of Chapter 597, F.S., or this rule chapter is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. The following violations shall be considered minor violations:

1. Failure to correct deficiencies within 60 days following a noncompliance letter.

2. First repeat violations of Chapter 597, F.S., or Rule Chapter 5L-3, F.A.C., other than Minor or Major violations, within twelve (12) months.

3. Possession of restricted/conditional species as defined in Rule 68-5.002, F.A.C., without proper authorization.

(c) Major violations. Major violations shall result in imposition of a fine of up to \$1,000. Any person who violates any provision of Chapter 597, F.S., or Rule Chapter 5L-3 F.A.C., commits a misdemeanor of the first degree, and is subject to a suspension or revocation of his or her certificate of registration. The following violations shall be considered major violations:

1. First repeat minor violation of Chapter 597, F.S., or Rule Chapter 5L-3, F.A.C., within twelve (12) months.

2. Second repeat of violation of Chapter 597, F.S., or Rule Chapter 5L-3, F.A.C., other than Minor or Major violations, within twelve (12) months.

3. Commingling wild and aquaculture products.

4. Live sale of restricted/conditional species as defined in Rule 68-5.002, F.A.C., without proper authorization and documentation.

5. Possession of prohibited species as defined in Rule 68-5.003, F.A.C., without proper authorization.

6. Construction or excavation in a wetland without proper authorization from the Florida Department of Environmental Protection, Water Management District and/or Army Corps of Engineers.

7. Improper disposal of bags, cover netting, or other materials used in the culture of shellfish on submerged lands when materials are removed during maintenance or harvesting or dislodged during storm events.

8. Direct sale of aquaculture shellfish from the farmer to the retailer or consumer.

9. Failure to properly tag aquacultured shellfish pursuant to Rule Chapter 5L-1, F.A.C.

(9) Additional Costs.

In addition to the penalties established in this rule, the department reserves the right to seek to recover any penalties, attorney's fees, court costs, service fees, collection costs, damages, and other costs including costs resulting from a payment that is returned for insufficient funds to the department. Additionally, the cost of any enforcement proceeding may be added to any penalty imposed.

(10) Nothing in this rule chapter shall prohibit the department and person charged with a violation from resolving violations prior to administrative hearing, or from entering into settlement pursuant to s. 120.57(4), F.S. The department is authorized to utilize all available remedies to ensure compliance including administrative action, civil actions, and referrals for criminal prosecution.

(11) Failure to Comply.

1. A failure to comply with an agreement to resolve violations or a settlement agreement shall result in the penalties and remedies provided in the agreement as authorized by Chapter 120, F.S., or Chapter 597, F.S.

2. A failure to comply with either a Final Order or Default Final Order shall result in a permit revocation and an administrative fine of up to \$1,000 per violation as provided in Section 597.0041, F.S. Additional penalties shall be sought through the enforcement of the order in circuit court.

(12) Failure to Respond. Failure to respond to an administrative complaint shall result in the entry of a Default Final Order against the violator or entity responsible for the violation. The department shall impose the maximum administrative fine amount of \$1,000 per violation pursuant to Section 570.971, F.S., for a Default Final Order.

Rulemaking Specific Authority 597.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History New 10-4-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kal Knickerbocker

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2015

Section III
Notice of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.103	Licensure, Administration and Fiscal Management
59A-4.106	Facility Policies
59A-4.107	Physician Services
59A-4.1075	Medical Director
59A-4.108	Nursing Services
59A-4.109	Resident Assessment and Care Plan
59A-4.110	Dietary Services
59A-4.112	Pharmacy Services
59A-4.118	Medical Records
59A-4.122	Physical Environment
59A-4.126	Disaster Preparedness
59A-4.130	Fire Prevention, Fire Protection, and Life Safety
59A-4.133	Plans Submission and Review and Construction Standards
59A-4.134	Plans Submission and Fee Requirements
59A-4.150	Geriatric Outpatient Nurse Clinic
59A-4.165	Nursing Home Guide
59A-4.202	Quality of Care
59A-4.204	Turnover Ratio
59A-4.206	Termination and Frequency of Review

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. 40 No. 247, December 23, 2014 issue of the Florida Administrative Register.

- 59A-4.103 Licensure, Administration and Fiscal Management.
(1) through (3) No change.

(3)(a) Upon receipt of written approval by the Agency, as required in Section 408.808, F.S., to continue with the plan for the partial inactive license, the licensee must submit a completed Health Care Licensing Application, Nursing Homes, AHCA Form 3110-6001, July 2014, to the Agency within 60 days of the approval and a bed change request form for beds certified through the Centers for Medicare and Medicaid Services. The appropriate facility licensure application for the alternative use must accompany this application, unless the space will be utilized for services authorized under the existing nursing home licensure.

(3)(b) through (5)(b) No change.

(5)(c) A licensee must obtain a surety bond as required by Section 400.162 Chapter 400, Part II, F.S.; it must be based on twice the average monthly balance in the resident trust fund during the prior fiscal year or \$5,000, whichever is greater. A licensee who owns more than one nursing home may purchase a single surety bond to cover the residents' funds held in nursing homes located within the state. A surety bond must contain substantially the same language as is found in the Nursing Home Patient Trust Surety Bond, AHCA Form 3110-6002, May 2008, which is incorporated by reference and may be obtained at <http://www.flrules.org/Gateway/reference.asp?No+Ref-XXXXX> and from the Agency online at <http://ahca.myflorida.com>. The surety bond must be filed with the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308.

(5)(d) through (5)(e) No change.

Rulemaking Authority 400.062, 400.071(3), 400.162(5)(c), 400.23, 408.034 408.810(8), 408.819 FS. Law Implemented 400.022, 400.062, 400.071, 400.0712, 400.102, 400.111, 400.141, 400.147, 400.162, 400.179, 400.20, 408.033, 408.20, 408.805, 408.806, 408.808, 408.810(8) FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 1-1-86, 11-12-89, 12-25-90, 10-6-91, Formerly 10d-29.103, Amended 4-18-94, 2-6-97, 5-5-02, _____.

59A-4.106 Facility Policies.

(1) through (1)(e) No change.

(1)(f) All resident transfers and discharges must be in accordance with the facility's policies and procedures, provisions of Sections 400.022 and 400.0255, F.S., this rule and Title 42 Code of Federal Regulations Section 483.12(a), revision date October 1, 2014 ~~January 7, 2014~~, herein incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-sec483-12.xml> and will include notices provided to residents by using the Nursing Home Transfer and Discharge Notice, AHCA Form 3120-0002, April 2014, herein incorporated by reference and

available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>, the Fair Hearing Request for Transfer or Discharge From a Nursing Home, AHCA Form 3120-0003, April 2014, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>, the Long-Term Care Ombudsman Program Request for Review of Nursing Home Discharge and Transfer, AHCA Form 3120-0004, April 2014, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>, or the Spanish language version, Solicitud de Revisión de Long-Term Care Ombudsman de la Dada de Alta o El Traslado de un Hogar de Ancianos, AHCA Form 3120-0004A, April 2014, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. These forms may also be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Mail Stop# 33, Tallahassee, FL 32308 or at the web address: <http://ahca.myflorida.com/>.

(2) No change.

(3) All policies and procedures must be reviewed at least annually and revised as needed with input from, at minimum, the facility Administrator, Medical Director, and Director of Nursing.

(4) through (5)(c)4. No change.

(5)(c)5. Federal law, 42 CFR 483, Requirements for State and Long Term Care Facilities, October 1, 2014 ~~2011~~, which is incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-part483.xml> <http://eefr.gpoaccess.gov/cgi/t/text/text-idx?c=eefr&tpl=%2Findex.tpl>, Chapter 400, Part II, F.S., and subsection 59A-4.106(5), F.A.C.;

(5)(d) through (6)(b)2. No change.

(6)(b)3. ~~Providing The requirement that~~ documentation of the existence of an advance directive be contained in the medical record. A nursing home licensee that is provided with the individual's advance directive must make the advance directive, or a copy thereof, a part of the individual's medical record.

Rulemaking Authority 400.0255(16), 400.142(3), 400.23, 765.110 FS. Law Implemented 400.022, 400.0255, 400.142(3), 400.151, 400.23, 765.110 FS. History—New 4-1-82, Amended 4-1-84, Formerly 10d-29.106, Amended 4-18-94, 1-10-95, 2-6-97, 5-5-02, _____.

59A-4.107 Physician Services.

(1) through (3) No change.

(4) Physician orders may be transmitted by facsimile machine, email or electronic medical record as required by Section 501.171, F.S. and 45 Code of Federal Regulation, Section 164, effective October 1, 2014, which incorporated by reference and is available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title45-vol1/xml/CFR-2014-title45-vol1-part164.xml> state health information security and privacy laws and federal HIPAA laws. It is not necessary for a physician to re-sign a facsimile order when he or she visits a facility.

(5) through (8) No change.

Rulemaking Authority 400.23 FS. Law Implemented ~~400.022~~, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, Formerly 10D-29.107, Amended 10-5-92, 4-18-94, 1-10-95,_____.

59A-4.1075 Medical Director.

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

(2)(b) A Medical Director who does not have hospital privileges must be certified or credentialed through a recognized certifying or credentialing body, such as ~~the Joint Commission on Accreditation of Healthcare Organizations (JCAHO)~~, the American Medical Directors Association, the Healthcare Facilities Accreditation Program of the American Osteopathic Association, the Bureau of Osteopathic Specialists of the American Osteopathic Association, the Florida Medical Directors Association or a health maintenance organization licensed in Florida.

(c) A physician must have his or her principal office within 60 miles of all facilities for which he or she serves as Medical Director. The principal office is the office maintained by a physician as required by Section 458.348 or 459.025(3)(c)(1), F.S. and where the physician delivers the majority of medical services. The physician must specify the address of his or her principal office at the time of becoming Medical Director. The agency may approve a request to waive this requirement for rural facilities that exceed this distance requirement as outlined in Section 120.542(2), F.S. A rural facility is a facility located in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other nursing home facility within the same county.

(2)(d) through (5) No change.

Rulemaking Authority 400.141, 400.23 FS. Law Implemented 400.141(1)(b), 400.23 FS. History—New 8-2-01, Amended_____.

59A-4.108 Nursing Services.

(1) through (3) No change.

(4) In accordance with ~~addition to~~ the requirements outlined in subsection 400.23(3)(a), F.S., the nursing home licensee must have sufficient nursing staff, on a 24-hour basis, to provide nursing and related services to residents in order to maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care.

(5) through (6) No change.

(7) Upon approval by the Agency, a nursing home licensee may allow a licensed nurse that performs both licensed nursing and certified nursing assistant duties during the same shift to divide the hours of patient care provided between the licensed nurse and certified nursing assistant staffing ratio requirements consistent with services provided, as referenced in Section 400.23(3)(a)4., F.S. Approval to utilize licensed nurses to perform certified nursing assistant duties must be requested in writing. This request may be submitted upon license renewal on the Health Care Licensing Application, Nursing Homes, AHCA Form 3110-6001, July 2014, incorporated by reference in paragraph 59A-4.103(1)(a), F.A.C. or by letter from the facility administrator. The Agency's approval depends upon review of the last three years inspections from the date of the request to determine if there were deficiencies cited related to staffing. The licensee must document daily the time the licensed nurse performed personal care services to comply with minimum staffing requirements. The hours of a licensed nurse with dual job responsibilities may not be counted twice.

Rulemaking Authority 400.23 FS. Law Implemented ~~400.022~~, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 7-1-88, 7-10-91, Formerly 10D-29.108, Amended 4-18-94,_____.

59A-4.109 Resident Assessment and Care Plan.

(1) through (1)(c)1. No change.

2. Reviewed promptly after a significant change, which is a need to stop a form of treatment because of adverse consequences (e.g., an adverse drug reaction), or commence a new form of treatment to deal with a problem, in the resident's physical or mental condition;

(1)(c)3. through (5) No change.

59A-4.110 Dietary Services.

(1) through (4) No change.

Rulemaking Authority ~~400.022~~, 400.141, 400.23 FS. Law Implemented 400.23 FS. History—New 4-1-82, Amended 4-1-84, 7-1-88, 7-10-91, Formerly 10D-29.110, Amended 4-18-94, 2-6-97,_____.

59A-4.112 Pharmacy Services.

(1) No change.

(2) As required by the Department of Health, the facility must employ, or obtain, the services of a state licensed consultant pharmacist. A consultant pharmacist is a pharmacist who is licensed by the Department of Health, Board of Pharmacy, and registered as a consultant pharmacist by the Board of Pharmacy in accordance with Rules 64B16-26.300 and 64B16-28.501, F.A.C., and who provides consultation on all aspects of the provision of pharmacy services in the facility.

(3) through (4) No change.

(5) Drugs and biologicals used in the facility must be labeled in accordance with currently accepted professional principles, as required by Chapter 499, F.S., and Rules 64B16-28.108 and 64B16-28.502, F.A.C., as required by the Department of Health.

(6) Prescription drugs and non-prescription medications requiring refrigeration must be stored in a refrigerator. The refrigerator must be locked or located within a locked medication room and accessible only to licensed staff ~~as required by state and federal laws~~.

(7) All controlled substances must be disposed of as required by Department of Health Rule 64B16-28.303, F.A.C. ~~state and federal laws~~. All non-controlled substances may be destroyed in accordance with the facility's policies and procedures. Records of the disposition of all substances must be maintained in sufficient detail to enable an accurate reconciliation and a copy of the disposition must be filed in the resident's record or maintained electronically in a readily accessible format.

(8) through (10) No change.

59A-4.118 Medical Records.

No change.

59A-4.122 Physical Environment and Physical Plant Maintenance.

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

(2)(c) Furniture, such as a bed-side cabinet, drawer space;

(d) Adequate and comfortable lighting levels in all areas;

(e)(e) Comfortable and safe room temperature levels in accordance with 42 CFR, Section 483.15(h)(6), which is effective October 1, 2014 and is incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-sec483-15.xml>; and

~~(f)(d)~~ The maintenance of comfortable sound levels. Individual radios, TVs and other such transmitters belonging to the resident will be tuned to stations of the resident's choice.

(3) through (5) No change.

(6) All heating, ventilation and air conditioning (HVAC) systems must be maintained in accordance with the manufacturer's recommendation to ensure they are operating within specified parameters to meet manufacturers' specifications. Operation manuals and as-built drawings ~~Permanent records~~ must be maintained for equipment installed after June 1, 2015 ~~December 31, 2014~~.

Rulemaking Authority 400.23 FS. Law Implemented 400.102, 400.141, 400.232 FS. History—New 4-1-82, Amended 4-1-84, Formerly 10D-29.122, Amended 4-18-94, _____.

59A-4.126 Disaster Preparedness.

(1) through (2) No change.

(2)(a) Criteria, as shown, in Section 400.23(2)(g), F.S.; and

(2)(b) No change.

(3) The plan, including the "Emergency Management Planning Criteria for Nursing Homes," must be submitted annually, at the time of a change of ownership of the facility and after ~~significant~~ modification to previously approved of the plan. This plan must be submitted to the county emergency management agency for review and approval.

(4) through (12) No change.

59A-4.130 Fire Protection, Fire Prevention, and Life Safety, Systems Failure and External Emergency Communications.

(1) Each nursing home licensee must provide fire protection through the elimination of fire hazards as evidenced by compliance with the fire codes adopted by the State Fire Marshall. The fire codes adopted by the State Fire Marshal for nursing homes is contained Rule Chapter 69A-53, F.A.C., and is known as "Uniform Fire Safety Standards for Hospitals and Nursing Homes." ~~All portions of the existing facility must comply with the requirements of the Existing Health Care Occupancy chapter of the National Fire Protection Association (NFPA) Life Safety Code 101, as adopted by the State Fire Marshall and described in Chapter 69A-53, Florida Administrative Code.~~

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

(4) External Emergency Communication. Each newly constructed facility that has not received a Preliminary Stage II Plan Approval from the Office of Plans and Construction by June January 1, 2015, shall provide for external electronic communication not dependent on terrestrial telephone lines, cellular, radio, or microwave towers, such as an on-site radio transmitter, satellite communication systems or a written agreement with an amateur radio operator volunteer group.

This agreement must provide for a volunteer operator and communication equipment to be relocated into the facility in the event of a disaster until communications are restored. Other methods that can be shown to maintain uninterrupted electronic communications not dependent on a land-based transmission must be approved by the Agency's Office of Plans and Construction.

59A-4.133 Physical Plant Codes and Standards for Nursing Homes.

(1) through (2) No change.

(3) National Fire Protection Association (NFPA) 101A: Guide on Alternative approaches to Life Safety shall not be used to meet the required codes and standards for new construction or for conversion of newly licensed nursing homes may only be used for a nursing home facility licensed before January 1, 2015.

(4) No change.

(5) A licensed nursing home and any portion of a licensed nursing home that was reviewed and approved by the Agency for Health Care Administration prior to March 1, 2002 ~~October 1, 2005~~, must be maintained in compliance with the requirements of this rule and the requirements of the NFPA 101 Life Safety code for Existing Health Care Occupancy, incorporated in rule 69A-3.012, F.A.C. and the requirements of Tables I, II and III, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> or at the web address at <http://ahca.myflorida.com/plansandconstruction>. The requirements in Table I identified by an asterisk do not apply.

(6) A licensed nursing home, and any portion of a licensed nursing home, that was reviewed and approved by the Agency for Health Care Administration after March 1, 2002 ~~October 1, 2005~~, must be maintained in compliance with the requirements of the NFPA 101 Life Safety code for Existing Health Care Occupancies and the design requirements for Nursing Homes of the Florida Building Code in effect at the date of initial licensure.

(7) through (8) No change.

(9) All hazards to life and safety and all areas of noncompliance with applicable codes and regulations must be corrected in accordance with a plan of correction approved in advance by the Agency's Office of Plans and Construction. Facility plans of correction will be approved only when the plan corrects all deficiencies or provides acceptable alternate systems, methods, or devices that provide equivalent or superior quality, strength, fire resistance, effectiveness, durability and safety as the requirements prescribed by code.

(10) Projects that have not received at least a Stage II Preliminary Plan approval from the Office of Plans and Construction by October 31, 2015 ~~December 31, 2014~~, must conform to the requirements set forth in these rules.

Rulemaking Authority 400.23 FS. Law Implemented ~~400.011(2)~~, 400.23, 400.232 FS. History—New 4-1-82, Amended 4-1-84, 4-29-92, Formerly 10D-29.120, 59A-4.120, Amended 2-6-97, 10-21-99, _____.

59A-4.134 Plans Submission and Fee Requirements.

(1) through (5) No change.

(6) Plans and specifications submitted for review shall be ~~are subjected subject~~ to plan review fees pursuant to as required in section 400.232, F.S. A non-refundable initial fee of \$2,000 will be charged for all projects. The agency will also collect a fee, not to exceed 1 percent of the estimated construction cost or the actual cost of review, whichever is less, for the portion of the review which encompasses initial review through the initial revised construction document review. Additionally, the Agency will collect its actual costs on all subsequent portions of the review and construction inspections. All fees must be paid to the Agency for Health Care Administration, with notation of the Office of Plans and Construction facility log number and identified that it is for the Agency's Health Care Trust Fund. Plan review fees must be included with the application.

(7) Plans and specifications may shall be submitted in three stages of development described in this rule. Approval of a Stage III submission is required to begin construction (except as permitted by Section 59A-4.134(2)). These stages are as follows:

(7)(a) through (7)(c) No change.

(8) For each stage of submission, a program or scope of work must be submitted. ~~It must consist of a detailed word description of all contemplated work and any required phasing to be provided in the proposed construction.~~

(9) For projects involving only equipment changes or system renovations, ~~only Stage III~~, construction documents need be submitted. These documents must include the following:

(9)(a) through (10)(c) No change.

(11) Stage II, Preliminary Plans – Stage II preliminary plans will be approved by the Agency upon successful demonstration that the construction will comply with applicable life safety code requirements, flood requirements and that the layout will accommodate all required functional space as evidenced by a thorough examination of the documents submitted as required by this subsection. Stage II approval, the following must be incorporated into the preliminary plans must include:

(11)(a) through (11)(i) No change.

(12) Stage III, Construction Documents – The Stage III construction documents shall be an extension of the Stage II preliminary plan submission and shall provide a complete description of the contemplated construction. Stage III construction documents will be approved by the Agency upon successful demonstration that the construction will comply with all applicable codes and standards as evidenced by a thorough examination of the documents submitted as required by this subsection. Construction documents shall be signed, sealed, dated and submitted for written approval to the Agency’s Office of Plans and Construction submitted by a Florida registered architect and Florida registered professional engineer. An architecture or engineering firm, not practicing as a sole proprietor, must provide proof of registration as an architecture or engineering firm with the Florida Department of Business and Professional Regulation. The documents must consist of work related to civil, structural, mechanical, and electrical engineering, fire protection, lightning protection, landscape architecture and all architectural work. In addition to the requirements for Stage II submission, the following must be incorporated into the construction documents:

(12)(a) through 12(j) No change.

(12)(k) Signed, sealed and dated subsequent addenda, change orders, field orders and other documents altering the above must be submitted for review to for advance written approval from the Agency’s Office of Plans and Construction. The Agency will either approve or disapprove the submission based on compliance with all applicable codes and standards and will provide a listing of deficiencies in writing.

(13) No change.

(14) ~~Additions or revisions that increase the substantially change the original scope of the project by greater than fifty percent or revisions that change greater than fifty percent of the original scope of a project or are submitted by different design professionals~~ will be required to be submitted as a new project.

(15) No change.

Rulemaking Authority 400.23 FS. Law Implemented ~~400.011(2),~~ 400.141, 400.232 FS. History–New_____.

59A-4.150 Geriatric Outpatient Clinic.

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

(2)(b) The licensee must be compliant with ~~all applicable laws, rules, regulations,~~ Chapter 400, Part II and Chapter 408, Part II, F.S., this rule chapter and Florida Building Code during an inspection by the Agency.

(2)(c) through (4)(a)4. No change.

(4)(a)5. Compliance with the requirements of Title VI of the Civil Rights Act of 1964, Section 2000, effective date July 2, 1964, is incorporated herein by reference at <http://www.gpo.gov/fdsys/pkg/USCODE-2008-title42/html/USCODE-2008-title42-chap21-subchapV.htm> <http://www.justice.gov/crt/cor/coord/titlevistat.php>.

(4)(b) No change.

(4)(b)1. Maintain the confidentiality of clinical records for each patient as required in this rule, section ~~400.022(m)~~ 400.0222, F.S., Title 42 Code of Federal Regulation section 483.10, effective October 1, 2003, Title 45 Code of Federal Regulation chapters 160, 162 and 164 with an effective date of August 14, 2002, which is incorporated by reference and available at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>.

(4)(b)2. through (4)(c)3. No change.

4. Administer and handle drugs and biological as required in this rule, Chapter 400 Part II, F.S., Title 42 C.F.R. 483.25(1) and Title 42 C.F.R. 483.25(m), effective October 1, 2014 and incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-sec483-25.xml>; effective October 7, 2005 and 42 C.F.R. 483.60, effective October 1, 2014 September 23, 1992, which is incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-sec483-60.xml> <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>.

(4)(b)5. through (6) No change.

(6)(a) Staff in the geriatric outpatient clinic must be governed by the personnel standards in this rule, Section 400.141, F.S., Title 42 Code of Federal Regulation 483.75, effective October 1, 2014 May 5, 2002 and incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-sec483-75.xml>, ~~42—CFR 483.75, effective August 11, 2009,~~ 42 CFR 483.30, effective October 1, 2014 28, 2005, which is incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-sec483-30.xml> <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>.

(6)(b) through (10)(i) No change.

(10)(j) When staffed by an ARNP or physician’s assistant, additional services may be provided dependent upon their respective certification authority. (Sections 458.347 and, 459.022, F.S.)

(11) through (11)(a)4.j. No change.

(12) Medications. The clinic must have policies and procedures for the administration of medications by health care professionals acting within the scope of practice defined by ~~laws and rules of~~ the Department of Health, Chapter 464, Part , I F.S. and Rule 64B9-15.002, F.A.C. ~~and the Department of Business and Professional Regulation~~ which must include the following:

(12)(a) through (12)(f)3. No change.

Rulemaking Authority 400.141, 400.23 FS. Law Implemented ~~400.33~~, 400.141 FS. History—New 4-27-78, Formerly 10D-29.71, 10D-29.071, 59A-4.071, Amended 2-6-97,_____.

59A-4.165 Nursing Home Guide.

No change.

59A-4.202 Quality of Care.

No change.

59A-4.204 Turnover Ratio.

(1) No change.

(1)(a) Have a turnover rate no greater than 50 percent for the most recent 12 month period ending on the last workday of the most recent calendar quarter prior to submission of an application. The turnover rate is the total number of terminations or resignations of certified nursing assistants (CNAs) and licensed nurses during the quarter divided by the number of CNAs and licensed nurses employed at the end of the quarter, or

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

59A-4.206 Termination and Frequency of Review.

No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: RULE TITLES:

59A-4.123 Risk Management and Quality Assurance

59A-4.128 Evaluation of Nursing Homes and Licensure Status

59A-4.1288 Exception

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 40 No. 247, December 23, 2014 issue of the Florida Administrative Register has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-1.045 Medicaid Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 118, June 18, 2015 issue of the Florida Administrative Register.

Under paragraph (2)(b) add the following:

(c) Pre-Admission Screening and Resident Review (PASRR) Resident Review (RR) – Evaluation Request for a Significant Change for Serious Mental Illness (SMI) and/or Intellectual Disability or Related Conditions (ID), AHCA MedServ Form 004 Part A1,_____

Please note that a preliminary draft of the reference material is available at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

BOARD OF GOVERNORS

RULE NO.: RULE TITLE:

72-1.001 Residency for Tuition Purposes

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 120, June 22, 2015 issue of the Florida Administrative Register.

The “Summary of Statement of Estimated Regulatory Costs and Legislative Ratification” section of the Notice of Proposed Rule has been modified. The Board of Governors has determined that this will not have an adverse impact on small businesses or is likely to increase directly or indirectly regulatory costs in excess of \$200,000, in the aggregate within one (1) year after the implementation of the rule. A SERC has not been prepared by the Board of Governors. The Board of Governors has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule is only applicable to individuals requesting classification as Florida resident for purposes of in-state tuition at a State public university and as such, has no applicability to private sector job creation., business

competitiveness, or the ability of persons doing business in Florida to compete with persons doing business in other states or domestic markets. The rule does not impose any fee or regulatory cost on individuals seeking to be classified as Florida residents and will not result in any increase in costs to the state universities because existing university personnel are in place to make the residency determinations. Compliance with the rule is voluntarily and does not impose additional requirements to admission. Resident tuition benefits residents of Florida and other individuals otherwise meeting the requirements for resident tuition in accordance with section 1009.21, Florida Statutes. Resident tuition encourages matriculation at state universities, which increases the number of educated individuals available to meet the workforce needs of Florida businesses.

BOARD OF GOVERNORS

RULE NO.: RULE TITLE:
 72-1.001 Residency for Tuition Purposes
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 144, July 27, 2015 issue of the Florida Administrative Register.

The first Notice of Change is corrected to read as follows:

72-1.001 Residency for Tuition Purposes.

(1) The purpose of this ~~rule regulation~~ is to establish consistent policies for the classification of students as residents for tuition purposes in accordance with the criteria set forth in section 1009.21, Florida Statutes.

(2) For Initial Determination of Residency: Each student shall submit a Florida Residency Declaration, electronically or in other form, and the documentation required by the institution to establish Florida residency for tuition purposes. Verification of whether the student is a dependent child as defined in section 1009.21(1)(a), shall be satisfied if the parent declares on the Florida Residency Declaration that the student is eligible to be claimed as a dependent by the parent under the federal income tax code. The Florida Residency Declaration is incorporated by reference and made a part of this ~~rule regulation~~. The Residency Declaration is available at www.flbog.edu and the effective date is ~~September 3, 2015~~ August 28, 2014.

- (a) through (b) No change.
- (3) through (5)(a) No change.

(5)(b) A permanent resident alien, parolee, asylee, Cuban-Haitian entrant, ~~or~~ other legal alien granted an indefinite stay, or other qualified alien as defined under federal law in the United States. ~~The student, and the parent if the student is a dependent, must present legal evidence of legal presence in the United States.~~

(5)(c) through (6) No change.

Rulemaking Authority: 1009.21(13), F.S., Law Implemented: 1009.21, F.S., History—Formerly 6C-2.51, 11-18-70, 8-20-71, 6-5-73, 3-4-74, 12,17,74, 1-13-76, 12-13-77, 8-11-81, 6-21-83, 12-14-83, 6-10-84, 10-7-85, 12-31-85, Formerly 6C-7.05, 11-9-92, 4-16-96, Amended and Renumbered 4-21-05. Amended 03-24-11, Amended_____.

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.620 Voluntary Prekindergarten (VPK) Pre- and Post Assessments

NOTICE IS HEREBY GIVEN that on August 6, 2015, the Office of Early Learning received a petition for the waiver of a portion of the requirements of Rule 6M-8.620, F.A.C., which addresses the required assessment, assessment period dates and the electronic reporting of assessment data. The Petition was filed by Miami-Dade County Government, Community Action and Human Services Department, Head Start/Early Head Start Program, 701 N.W. 1st Court, Suite 9000, Miami, Florida 33136.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Margaret O’Sullivan Parker, General Counsel, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, Maggi.Parker@oel.myflorida.com.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:

40C-4.091 Publications Incorporated by Reference

The St. Johns River Water Management District hereby gives notice: paragraph 62-342.700(4)(b), Financial Responsibility; Section 12.4.8, Applicant's Handbook, Management and Storage of Surface Waters (December 27, 2010), adopted by reference in 40C-4.091, F.A.C.

Petitioner: CRP/HLV Highlands Ranch, LLC

The St. Johns River Water Management District (SJRWMD) hereby gives notice it issued a Final Order granting a variance. CRP/HLV Highlands Ranch, LLC's filed a petition for variance on May 13, 2015. Notice of receipt of the petition was published in the Florida Administrative Register, Vol. 41, No. 98, on May 20, 2015. No public comment was received. The petition requested a variance from Section 12.4.8, Applicant's Handbook, which requires proof of financial responsibility for construction and implementation of a mitigation bank be provided using one of four listed financial responsibility mechanisms. Petitioner proposed to use an insurance policy in lieu of the financial responsibility mechanisms identified in the rule. The Final Order Granting Variance, file of record number 2015-08, was rendered on August 7, 2015. Petitioner demonstrated that a strict application of the rule would result in a substantial economic hardship and would violate principles of fairness. Petitioner provided an alternative means of achieving the purpose of the statute implemented by the rule.

Notice of Rights:

1. A person whose substantial interests are or may be affected by the District's Final Order has the right to request an administrative hearing under Sections 120.569 and 120.57, Florida Statutes (F.S.), by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by email with the District Clerk at Clerk@sjrwmd.com, within twenty-one (21) days of publication of the notice of District decision (for those persons to whom the District does not mail actual notice) or within twenty-six (26) days of the District's depositing notice of the District's decision in the mail (for those persons to whom the District mails actual notice). The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4. below. A petition must comply with Sections 120.54(5)(b)4 and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. Mediation pursuant to Section 120.573, F.S., is not available.

2. A person whose substantial interests may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), F.S., where there is a dispute between the District and the party regarding an issue of material fact. A petition for a formal hearing must comply with the requirements set forth in Rule 28-106.201, F.A.C.

3. A person whose substantial interests may be affected also has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), F.S., where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, F.A.C.

4. A petition for an administrative hearing is deemed filed upon receipt of the petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by email is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, F.A.C.), which is available for viewing at www.sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

5. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.)

6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, F.S., and Chapter 28-106, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice.

7. Pursuant to Section 120.68, F.S., a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action (i.e., the final order on the petition for variance). A District action is considered rendered after it is signed on behalf of the District and is filed by the District Clerk. Failure to observe the relevant timeframes for filing a petition for judicial review will result in waiver of that right to review.

A copy of the Order or additional information may be obtained by contacting: Gail Hankinson, Office of General Counsel, SJRWMD, 4049 Reid Street, Palatka, Florida 32177.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on August 10, 2015, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for 435 Clark Rd. Petitioner seeks an emergency temporary variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-197).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

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

On July 13, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., and Paragraph 5-202.11(A), 2009 FDA Food Code from French Quarter Restaurant located in Hallandale Beach. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the portable handwash sink at the carving/serving station.

The Petition for this variance was published in Vol. 41, No. 150, F.A.C., on August 4, 2015. The Order for this Petition was signed and approved on August 10, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink is provided with hot and cold running water under pressure, soap, an approved hand drying device and a handwashing sign.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On July 14, 2015, the Division of Hotels and Restaurants received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), F.A.C., and subsection 61C-4.010(6), F.A.C., from Tacqueria Las Mariposas located in Clearwater. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 41, No. 142, F.A.R., on July 22, 2015. The Order for this Petition was signed and approved on August 10, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Florida Commission on the Status of Women announces telephone conference calls to which all persons are invited.

DATE AND TIME: August 20, 2015, 2:00 p.m.
PLACE: Call (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report.

DATE AND TIME: August 26, 2015, 9:00 a.m.
PLACE: Call (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: August 27, 2015, 10:00 a.m.
PLACE: Call (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission Ratification of WHOF selections.

DATE AND TIME: September 1, 2015, 10:00 a.m.
PLACE: Call (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards & Recognition Committee.

DATE AND TIME: September 3, 2015, 2:00 p.m.
PLACE: Call (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: September 17, 2015, 2:00 p.m.
PLACE: Call (850)414-3300 for instructions on participation
GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, fax: (850)921-4131.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration
The Florida Agricultural Museum announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 20, 2015, 9:30 a.m.
PLACE: Palm Coast Holdings, Inc., 145 City Place, Palm Coast, FL 32164

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This is a meeting of the Nominating Committee to discuss general business.

A copy of the agenda may be obtained by contacting: Andrew Morrow at (386)446-7630.

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: Andrew Morrow at (386)446-7630. 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 AGRICULTURE AND CONSUMER SERVICES

Florida Forest Service

The Florida Forest Service announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 25, 2015, 1:00 p.m.

PLACE: Conference call: 1(888)670-3525, participant code: 482-619-28954#

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General meeting items of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: Stefis Demetropoulos, 3535 NE 39th Avenue, Gainesville, Florida 32609, (352)955-2083, Stefis.Demetropoulos@freshfromflorida.com.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The North Florida Regional Water Supply Partnership Stakeholder Advisory Committee (the Advisory Committee) is a committee of stakeholders selected by the St. Johns River Water Management District and the Suwannee River Water Management District in consultation with the Florida Department of Environmental Protection, to advise these agencies on issues affecting water supplies in both water management districts. The Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 24, 2015, 1:00 p.m.

PLACE: Florida Gateway College, Wilson S. Rivers Library and Media Center, 149 SE College Place, Building 200, Room 102, Lake City, FL 32025

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This is a meeting of the Advisory Committee described above.

The purpose of the meeting is to conduct administrative and procedural matters related to the committee and present to the committee the FDACS Development of Projection Methodologies and Values for Agricultural Water Use and an Aquifer Replenishment Project Concept. There will also be a briefing and discussion on Water Conservation Potential and the NFSEG groundwater model development. An opportunity for public comment will be provided near the end of the meeting. **NOTE:** One or more members of the Governing Board from each of the water management districts named above may attend and participate in the meeting of the Advisory Committee.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Julie Green, 4049 Reid Street, Palatka, FL 32177, (386)329-4240, jgreen@sjrwmd.com or by visiting the North Florida Regional Water Supply Partnership website at www.northfloridawater.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: Abby Johnson, Suwannee River Water Management District, (386)362-1001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Ecosystem Restoration Working Group is sponsoring a Public Workshop on the Integrated Delivery Schedule.

DATE AND TIME: Thursday, August 20, 2015, 1:00 p.m.

PLACE: SFWMD, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A series of public workshops for the Integrated Delivery Schedule (IDS) is being sponsored by the South Florida Ecosystem Restoration Working Group to engage the public. Restoration of the South Florida Ecosystem is being implemented via a combination of federal, state, tribal, and local projects. Public discussions related to the IDS will

include construction timelines, interdependencies and benefits related to multiple projects. The final IDS will include only federal projects cost shared with the local sponsors (Central and Southern Florida Projects [C&SF] which includes the Comprehensive Everglades Restoration Plan [CERP], Kissimmee River Restoration, and the Everglades and South Florida [E&SF]/Critical Projects). These major projects have been merged into the IDS that provides an overall strategy and sequence for their planning, design, and construction based on ecosystem needs, benefits, costs, and available funding.

The Working Group is sponsoring public workshops to facilitate public participation in the 2015 update of the IDS. The public is advised that it is possible that one or more members of the Water Resources Advisory Commission and Governing Board of the South Florida Water Management District may attend and participate in this meeting.

The draft agenda will be available on the South Florida Ecosystem Restoration Task Force website (www.evergladesrestoration.gov) on August 13, 2015.

For more information, you may contact: Allyn Childress at (786)350-9403.

AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

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

DATE AND TIME: August 19, 2015, 12:30 p.m. – 3:30 p.m.

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

A conference phone number will be available for those unable to attend in person: 1(888)670-3525, conference code: 906-716-2866.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Agency is hosting a public meeting regarding Enhanced Ambulatory Patient Groups for use in determining payment for hospital outpatient services.

During the 2015 Legislative Session (Special Session A), the Agency was directed to contract with a vendor to develop a plan to convert to a prospective payment system for outpatient hospital reimbursement. The Agency has entered into a contract with Navigant Healthcare to support the completion of this initiative. Navigant will work with the Agency to develop an Enhanced Ambulatory Patient Groups payment policy design resulting in a final policy design document for submission to the Governor's Office and the State Legislature on November 30, 2015.

A copy of the agenda may be obtained by contacting: Lauren Pigott at Lauren.Pigott@ahca.myflorida.com or by calling (850)412-4671.

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: Lauren Pigott at Lauren.Pigott@ahca.myflorida.com or by calling (850)412-4671. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lauren Pigott at Lauren.Pigott@ahca.myflorida.com or call (850)412-4671.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

The Department of Business and Professional Regulation, Board of Employee Leasing Companies announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 22, 2015, 9:00 a.m., Probable Cause Panel and General Business Meetings, portions which are closed to the public; Wednesday, September 23, 2015, 9:00 a.m.

PLACE: The Ritz-Carlton Golf Resort, 2600 Tiburon Drive, Naples, Florida 34109, (239)593-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business of the Board and Probable Cause Panel meeting, portions which are closed to the public.

A copy of the agenda may be obtained by contacting: The Department of Business and Professional Regulation, Board of Employee Leasing Companies at 1940 North Monroe Street, Tallahassee, Florida, 32399-0767 or by calling their office at (850)487-1395.

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: the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: the Florida Board of Employee Leasing Companies at 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

The Division of Recreation and Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 19, 2015, 9:00 a.m. CDT

PLACE: St. Andrews State Park, 4607 State Park Lane, Panama City Beach, Florida 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of potential activities and facilities for St. Andrews State Park with the advisory group members.

A copy of the agenda may be obtained by contacting: Brian Addison, Park Manager, St. Andrews State Park at 4607 State Park Lane, Panama City Beach, Florida 32408, (850)233-5141, fax: (850)233-5143, email: Brian.Addison@dep.state.fl.us. A copy of meeting materials and agenda is available before the date of the public meeting online at <https://www.fldepnet.org/public-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 48 hours before the workshop/meeting by contacting: Brian Addison as listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brian Addison as listed above.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

The Board of Nursing Home Administrators announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 18, 2015, 9:00 a.m.

PLACE: Gaylord Palms, 6000 W Osceola Parkway, Kissimmee, Florida 34746, (407)586-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Edith Rogers at edith.rogers@flhealth.gov or by accessing the board's website at <http://floridasnursinghomeadmin.gov/meeting-information/>.

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

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

For more information, you may contact: Edith Rogers at edith.rogers@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

The Board of Nursing Home Administrators announces a workshop to which all persons are invited.

DATE AND TIME: Friday, September 18, 2015, immediately following the full board meeting

PLACE: Gaylord Palms, 6000 W Osceola Parkway, Kissimmee, Florida 34746, (407)586-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Development Workshop for 64B10-16, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Edith Rogers at edith.rogers@flhealth.gov or by accessing the board's website at: <http://floridasnursinghomeadmin.gov/meeting-information/>

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

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

For more information, you may contact: Edith Rogers at edith.rogers@flhealth.gov.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

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

DATE AND TIME: August 19, 2015, 9:30 a.m.

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

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

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

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

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

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

DATE AND TIME: DATE: Wednesday, August 26, 2015, 9:00 a.m. – 10:00 a.m., ET

PLACE: LOCATION: Florida Department of Economic Opportunity, Caldwell Building, 107 East Madison Street, Conference Room B-50, Tallahassee, Florida 32399-4120

GENERAL SUBJECT MATTER TO BE CONSIDERED:

PURPOSE: To obtain input and recommendations from the public and interested parties concerning the CSBG Model State Plan for FFY 2016. This plan will be submitted to the United States Department of Health and Human Services. The plan is developed annually and is a federal requirement for the state to receive CSBG funds.

Teleconference: 1(888)670-3525, participant code: 7003422410, then press #

A copy of the state plan and agenda may be obtained by writing to the Department of Economic Opportunity, Jean Amison, CSBG Program Manager, Bureau of Community Assistance, 107 East Madison Street, MSC 400, Tallahassee, Florida 32399-4120, by telephoning (850)717-8450, by requesting by fax: (850)488-2488 or by appearing in person at the Department's Tallahassee headquarters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the community assistance section at (850)488-7541 at least five calendar days prior to the hearing. 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.

JUSTICE ADMINISTRATIVE COMMISSION

The Justice Administrative Commission announces a public meeting to which all persons are invited.

DATE AND TIME: September 1, 2015, 10:00 a.m.

PLACE: Justice Administrative Commission, 227 North Bronough Street, Suite 2100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Justice Administrative Commission regular commission meeting.

A copy of the agenda may be obtained by contacting: Barbara Siplin at (850)488-2415, ext. 225, Barbara.Siplin@justiceadmin.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 3 days before the workshop/meeting by contacting: Barbara Siplin at (850)488-2415, ext. 225, Barbara.Siplin@justiceadmin.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).

FLORIDA TELECOMMUNICATIONS RELAY, INC.

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

DATE AND TIME: August 20, 2015, 10:00 a.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board meeting.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, FTRI, 1820 E. Park Avenue, Suite 101, Tallahassee, FL.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Mr. James Forstall. 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).

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

NONE

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

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

NONE

Notice of Disposition of Petition for Administrative Determination has been filled 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**

DAYTONA STATE COLLEGE
Architectural Design Services
RFQ #16-001

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona State College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural design services. The project consists of programming and design for the new Student Center/Workforce-Transition Building. The total project budget is \$30M inclusive of all fees and furnishings. Firms desiring consideration must submit proposals no later than 12:00 p.m. on September 4, 2015, to the Facilities Planning Department, Daytona State College, Building 430A, Room 100, 1200 W. International Speedway Blvd., Daytona Beach, FL 32114. Interested parties may obtain information by contacting: nielseb@daytonastate.edu or by visiting our website at <http://www.daytonastate.edu/fp/proposals.html>.

**Section XII
Miscellaneous**

EXECUTIVE OFFICE OF THE GOVERNOR
Division of Emergency Management
The Florida Division of Emergency Management
STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT
In re:
SUSPENSION OF STATUTES, RULES DEM NO. 15-001
AND ORDERS, MADE NECESSARY
BY SUMMER 2015 FLORIDA FLOODS

EMERGENCY ORDER

I hereby find that the Division of Emergency Management's timely execution of the mitigation, response, and recovery aspects of the State's emergency management plan [1], as it relates to the Summer 2015 Florida floods, is negatively impacted by the application of certain regulatory statutes prescribing the procedures for the conduct of state business as well as by certain orders and rules of this agency. [2]

Therefore, pursuant to the authority granted by Executive Order No. 15-158 [3], I hereby suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay necessary action by the Division in coping with this emergency.

By its express terms, this Order suspends any statute, rule, or order if: (1) strict compliance with the statute, rule, or order (as unsuspended) would in any way prevent, hinder, or delay any mitigation, response, or recovery action undertaken by the Division; and, (2) such action is necessary to cope with this emergency. The suspension includes, but is not limited to, any and all statutes, rules, or orders that affect budgeting, leasing, printing, purchasing, travel, conditions of employment, and the compensation of employees.

Because Section 252.36(5)(a), Florida Statutes, allows the Governor to suspend the provisions of “any regulatory statute prescribing the procedures for [the] conduct of state business”, and because Executive Order No. 15-158 designates the Director of the Division of Emergency Management as the State Coordinating Officer for this emergency, the requirements of Sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order.

The effective dates of this Order shall correspond with the effective dates of Executive Order No. 15-158.

Executed this 10th day of August, 2015, in Tallahassee, Leon County, Florida.

FLORIDA DIVISION OF
EMERGENCY MANAGEMENT

Bryan W. Koon, Director
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

Filed on this date, pursuant to § 120.52, Florida Statutes, with the designated Division Clerk, receipt of which is hereby acknowledged.

Melinda Zody Dowling

Division Clerk

Date: August 10, 2015

The original signed order is on file at the above address.

[1] Section 252.36(3)(a) states that “[a]n executive order or proclamation of a state of emergency shall [a]ctivate the emergency *mitigation*, *response*, and *recovery* aspects of the state emergency management plan” (Emphases added).

[2] See section 252.36(5)(a), Florida Statutes (“In addition to any other powers conferred upon the Governor by law, she or he may [s]uspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.”).

[3] See Executive Order No. 15-158 (“Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency”).

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.