

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NOS.: **RULE TITLES:**
 1T-1.001 Division of Cultural Affairs
 1T-1.036 Arts and Cultural Grants
 1T-1.037 State Touring Program
 1T-1.039 Cultural Facilities Program
 1T-1.040 Fast Track Grants

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines, forms, and Grant Award Agreements for the Cultural Endowment Program, General Program Support, Specific Cultural Project, Fast Track Grants, Cultural Facilities, and State Touring Programs.

SUBJECT AREA TO BE ADDRESSED: Guidelines, application forms, and Grant Award Agreements for the Cultural Endowment Program, General Program Support, Specific Cultural Project, Fast Track Grants, Cultural Facilities, and State Touring Program.

RULEMAKING AUTHORITY: 265.605, 265.701(5), 265.284(3)(j), 265.286(1), 265.286(11) FS.

LAW IMPLEMENTED: 265.284, 265.286, 286.011, 286.012, 265.601-603, 265.605-606, 265.701 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: Carlos A. Rey, Florida Department of State, 500 S. Bronough St., Tallahassee, FL 32399, (850)245-6536

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: **RULE TITLE:**
 59G-4.150 Inpatient Hospital Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.150, F.A.C. is to incorporate by reference the Florida Medicaid Inpatient Hospital Services Coverage Policy, _____. The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.150, Inpatient Hospital Services and 59G-4.160, F.A.C. Outpatient Hospital Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-4.150 and 59G-4.160, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: November 30, 2015, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Luc Toussaint, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4211, e-mail: Luc.Toussaint@ahca.myflorida.com

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Comments will be received until 5:00 p.m., on December 1, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.150 Inpatient Hospital Services.

(1) This rule applies to any person or entity prescribing or reviewing a request for inpatient hospital services and to all hospital providers of inpatient hospital services who are enrolled in or registered with the Florida Medicaid program.

(2) All persons or entities described in subsection (1) hospital providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Inpatient Hospital Services Coverage Policy, _____ and Limitations Handbook, incorporated by reference, in Rule 59G 4.160, F.A.C., and the Florida Medicaid Provider Reimbursement Handbook, UB 04, incorporated by reference in Rule 59G 4.003, F.A.C. The policy is ~~Both handbooks are~~ available from the Florida Medicaid fiscal agent's Web site Portal at <http://portal.flmmis.com/flpublic>. ~~_____~~ <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800) 289 7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913. FS. History—New 1-1-77, Amended 3-30-78, 1-2-79, 2-3-81, 7-28-81, 7-1-83, 3-1-84, 10-31-85, Formerly 10C-7.39, Amended 10-2-86, 2-28-89, 10-17-89, 10-14-90, 5-21-91, 11-14-91, 3-25-92, 5-13-92, 7-12-92, 8-9-93, 12-21-93, Formerly 10C-7.039, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 6-9-96, 5-12-99, 1-1-01, 2-25-09,_____.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE NO.: RULE TITLE:

59G-4.160 Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.160, F.A.C. is to incorporate by reference the Florida Medicaid Outpatient Hospital Services Coverage Policy, _____. The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.160, F.A.C., Outpatient Hospital Services and 59G-4.150, F.A.C., Inpatient Hospital Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-4.160 and 59G-4.150, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: November 30, 2015, 9:00 a.m. – 10:00 a.m.

PLACE: : Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Luc Toussaint, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4211, e-mail: Luc.Toussaint@ahca.myflorida.com

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Comments will be received until 5:00 p.m., on December 1, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to any person or entity prescribing or reviewing a request for outpatient hospital services and to all hospital providers of outpatient hospital services who are enrolled in or registered with the Florida Medicaid program.

(2) All persons or entities described in subsection (1) hospital providers enrolled in the Medicaid program must be in compliance ~~empty~~ with the provisions of the Florida Medicaid Outpatient Hospital Services Coverage Policy, _____ and Limitations Handbook, December 2011, incorporated by reference, available at http://www.flrules.org/Gateway/reference.asp?No=Ref_01232. The policy handbook is available from the Florida Medicaid fiscal agent's Web site at <http://portal.flmmis.com/flpublic> ~~www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800) 289-7799 and selecting Option 7.~~ Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, ~~409.9084~~, 409.912, 409.913 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, 11-28-04, 8-18-05, 1-10-06, 4-16-06, 2-25-09, 6-25-12, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.197 Medical Foster Care

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.197, F.A.C. is to incorporate by reference the Florida Medicaid Medical Foster Care Services Coverage Policy, _____. The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information. The amendment also changes the name of the rule to Medical Foster Care Services.

SUBJECT AREA TO BE ADDRESSED: Medical Foster Care.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.197, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.905, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: November 30, 2015, 1:30 p.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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: Lakera Reddick. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lakera Reddick, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4206, e-mail: Lakera.Reddick@ahca.myflorida.com. Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>. Comments will be received until 5:00 p.m., on December 1, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.197 Medical Foster Care Services.

(1) This rule applies to any person or entity prescribing or reviewing a request for medical foster care services and to all Medical Foster Care (MFC) providers of medical foster care services who are enrolled in or registered with the Florida Medicaid program.

(2) All persons or entities described in subsection (1) Medicaid-enrolled Medical Foster Care (MFC) providers must be in compliance with the provisions of the Florida Medicaid Medical Foster Care Services Coverage Policy and Limitations Handbook, _____ February 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated in Rule 59G 4.001, F.A.C. The policy is Both handbooks are available from the Florida Medicaid fiscal agent's Web site website at <http://portal.flmmis.com/flpublic> <http://floridamedicaid.aes-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Enrollment at 1(800) 377-8216.

(3) ~~The following form that is included in the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook is incorporated by reference: Validation Level of Reimbursement Tool, AHCA Med Serv Form 014, February 2007, Appendix A, two pages.~~

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.905, 409.908, ~~409.912, 409.913~~ FS. History—New 2-22-00, Amended 3-6-01, 3-1-04, 8-15-07, _____.

Section II Proposed Rules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-50.101	Scope, Organization, Procedure, and Title
61B-50.105	Initiation of Recall Arbitration
61B-50.106	Computation of Time
61B-50.107	Parties
61B-50.108	Who May Appear; Criteria for Other Qualified Representatives

61B-50.115 Filing; Service of Papers; Signing
 61B-50.124 Discovery
 61B-50.1405 Motions for Attorney's Fees and Costs

PURPOSE AND EFFECT: Chapter 2015-90, Laws of Florida, amended section 723.078(2)(i), Florida Statutes, to require that disputes involving the recall of any member of the board of directors of a mobile home homeowners' association be submitted to binding arbitration before the Division. Additionally, Chapter 2015-90, Laws of Florida, created section 723.1255, F.S., which requires the Division to adopt rules of procedure governing binding arbitration of mobile home homeowners' association recall disputes.

SUMMARY: The amendment provides rules of procedure governing binding arbitration of mobile home homeowners' association recall disputes.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 718.501(1)(f), 719.501(1)(f), 723.1255 FS.

LAW IMPLEMENTED: 718.112(2)(j), 718.1255, 719.106(1)(f), 719.1255, 723.078(2)(i) 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: Debbie Miller Pennington, Government Analyst I, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-50.101 Scope, Organization, Procedure, and Title.

(1) This chapter shall be entitled "The Rules of Procedure Governing Recall Arbitration" and shall govern the arbitration of a recall of one or more members of a board of administration of a condominium or cooperative association, or mobile home homeowners' association. These rules shall be construed to secure the just, speedy and inexpensive determination of every proceeding. Specifically, this chapter applies to all proceedings held pursuant to Section 718.112(2)(j), ~~or~~ 719.106(1)(f), or 723.078(2)(i), F.S. The provisions of Chapter 682, F.S., and Chapter 61B-45, F.A.C., do not apply.

(2) All petitions and other papers filed with the division for recall arbitration pursuant to Sections 718.112(2)(j), ~~and~~ 719.106(1)(f), and 723.078(2)(i), F.S., and these rules, shall be filed at the official headquarters of the Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, Attention: Arbitration Program, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1029.

Rulemaking Authority 718.501(1)(f), 719.501(1)(f), 723.1255 FS. Law Implemented 718.112(2)(j), 718.1255, 719.106(1)(f), 719.1255, 723.078(2)(i) FS. History—New 7-1-82, Formerly 7D-50.01, Amended 7-27-88, Formerly 7D-50.001, Amended 1-17-93, Formerly 7D-50.101, Amended 1-19-97, 6-24-04, _____.

61B-50.105 Initiation of Recall Arbitration.

(1) When one or more members of a board of administration of a condominium or cooperative association or mobile home homeowners' association have been recalled, the board of administration may initiate a recall arbitration by filing a petition for recall arbitration with the division, as follows:

(a) Recall at a Unit Owner or Member Meeting. Where the unit owners or members attempt to recall one or more members of a board at a unit owner or member meeting, and the board does not certify the recall, the board shall file a petition for arbitration with the division within five full business days after adjournment of the board meeting at which the board determined not to certify the recall.

(b) Recall by Written Agreement. Where the unit owners or members attempt to recall one or more members of a board by written agreement of a majority of the voting interests, and the board does not certify the written agreement to recall, the board shall file a petition for arbitration with the division within five full business days after adjournment of the board meeting at which the board determined not to certify the written agreement to recall.

(2) The time periods contained in Sections 718.112(2)(j), ~~and~~ 719.106(1)(f), and 723.078(2)(i), F.S., operate, for purposes of these arbitration rules and not for enforcement purposes under Section 718.501, 719.501, or 723.005, F.S., in the manner of statutes of limitation and are therefore subject to equitable considerations. However, where the board fails to timely comply with these rules relating to the filing of the petition for recall arbitration, the board must provide legitimate justification and must demonstrate that its actions or inactions were taken or based in good faith. The board's claims of excusable neglect or the inability to identify defects in the recall effort within the time provided, or other unremarkable excuses will not be considered as proper defenses. The failure of an association to timely file a petition for recall arbitration within the time limits imposed under these rules or Chapters 718, ~~and~~ 719, and 723, F.S., will result in the certification of the recall and the immediate removal of the board members subject to recall; however, the failure of the association to timely file a petition for recall arbitration will not validate a written recall that is otherwise void at the outset for failing to obtain a majority of the voting interests or is deemed fatally defective for failing to substantially comply with the provisions of Rule 61B-23.0028, 61B-75.008, or 61B-33.003, Florida Administrative Code.

(3) Only the board of an association may file a petition for recall arbitration. Where the board fails to file a petition for recall arbitration as required by these rules and Chapters 718, ~~and~~ 719, and 723, Florida Statutes, the unit owners or members seeking to challenge the board's decision not to file for recall arbitration may file a petition for arbitration pursuant to Section 718.1255(1)(b), ~~or~~ 719.1255, or 723.1255, F.S.

(4) No change.

(5) All petitions for arbitration of a recall shall be signed by either a duly authorized board member, a member of the Florida Bar, or a qualified representative who has been retained by the board. Each petition shall contain:

(a) through (b) No change.

(c) The name and address of the unit owner or member representative selected, pursuant to subparagraph 61B-23.0027(3)(b)2., ~~or~~ paragraph 61B-23.0028(1)(f), ~~F.A.C., or~~ subparagraph 61B-75.007(3)(b)2., ~~or~~ paragraph 61B-75.008(1)(f), subparagraph 61B-33.002(3)(b)1., or paragraph 61B-33.003(1)(f), F.A.C., to receive pleadings, notices, or other papers on behalf of the recalling unit owners or members;

(d) through (g) No change.

(h) Each specific basis upon which the board based its determination not to certify the recall, including the unit or mobile home lot number and specific defect to which each challenge applies. Any specific reason upon which the board bases its decision not to certify the recall that is stated in the petition for recall arbitration, but absent from the board meeting minutes or attachments thereto, shall be ineffective and shall not be considered by the arbitrator. A board member may be recalled with or without cause. The fact that a unit owner or member may have received misinformation is not a valid basis for rejecting a recall agreement and shall not be considered by the arbitrator;

(i) through (j) No change.

(6) If, during the pendency of a recall arbitration, the unit owners in the condominium or cooperative or members in the mobile home homeowners' association attempt another recall effort and the board files another petition for arbitration, the newly filed petition shall be consolidated with the pending case.

(7) Upon receipt and review of a petition for arbitration of a recall of one or more board members, the division shall either accept or deny the petition. If the petition is accepted, within 10 days the arbitrator shall serve the respondent unit owners or members by mailing a copy of the petition and an order allowing answer by United States certified mail to the representative of the recalling unit owners or members identified in the petition.

Rulemaking Authority 718.501(1)(f), 719.501(1)(f), 723.1255 FS. Law Implemented 718.112(2)(j), 718.1255, 719.106(1)(f), 719.1255, 723.078(2)(i) FS. History—New 1-17-93, Formerly 7D-50.105, Amended 11-15-95, 6-24-04, _____.

61B-50.106 Computation of Time.

(1) In computing the five full business days prescribed by Sections 718.112(2)(j), ~~and~~ 719.106(1)(f), and 723.078(2)(i), F.S., and these rules, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday as prescribed by Section 110.117, F.S., in which event the period shall run until the end of the next business day.

(2) No change.

Rulemaking Authority 718.501(1)(f), 719.501(1)(f), 723.1255 FS. Law Implemented 718.112(2)(j), 719.106(1)(f), 723.078(2)(i) FS. History—New 7-1-82, Formerly 7D-50.02, 7D-50.002, Amended 1-17-93, Formerly 7D-50.106, Amended 11-15-95, 6-24-04,_____.

61B-50.107 Parties.

(1) Parties in any proceeding conducted in accordance with Section 718.112(2)(j), ~~or~~ 719.106(1)(f), or 723.078(2)(i), F.S., are petitioners or respondents.

(2) through (4) No change.

Rulemaking Authority 718.501(1)(f), 719.501(1)(f), 723.1255 FS. Law Implemented 718.112(2)(j), 719.106(1)(f), 723.078(2)(i) FS. History—New 7-1-82, Formerly 7D-50.03, Amended 7-27-88, Formerly 7D-50.003, Amended 1-17-93, Formerly 7D-50.107, Amended 6-24-04,_____.

61B-50.108 Who May Appear; Criteria for Other Qualified Representatives.

(1) Any person who appears before an any arbitrator has the right, at that person's own expense, to be accompanied, represented and advised by a member of the Florida Bar or by a qualified representative who is not a member of the Florida Bar, but who shall demonstrate his or her familiarity with and understanding of the arbitration rules of procedure, and with any relevant portions of Chapter 718, ~~or~~ 719, or 723, F.S., and the rules promulgated by the Division.

(2) No change.

(3) If the arbitrator is satisfied that the prospective non-attorney representative has the necessary qualifications to render competent and responsible representation of the unit owner's or member's interest in a manner that will not impair the fairness of the proceedings or the correctness of the action to be taken, the arbitrator shall authorize the prospective non-attorney representative to appear in the pending arbitration.

(4) The arbitrator shall make a determination of the qualifications of the prospective non-attorney representative in light of the nature, scope and extent of the proceedings, the proposed representation, the applicable federal and state laws, rules and regulations, and the factual and legal issues to be presented during the arbitration proceeding. (The prospective non-attorney representative shall not, however, be required to disclose facts and legal theories to the prejudice of his client.) In determining the qualifications of a prospective non-attorney representative, the arbitrator shall consider the following criteria to the extent they are relevant, material, and applicable to the proceeding:

(a) No change.

(b) The knowledge or experience of the prospective representative regarding Chapter 61B-50, F.A.C., The Rules of Procedure Governing Recall Arbitration, Section 718.112(2)(j)(~~k~~), ~~or~~ 719.106(1)(f), or 723.078(2)(i), F.S., and the scope and remedies of the arbitration process;

(c) through (h) No change.

(5) through (6) No change.

(7) Members of the Florida Bar and certified law students are bound by the Rules of Professional Conduct of the Rules Regulating the Florida Bar. For other qualified representatives, the following standards have been written. These standards of conduct are adopted as a mandatory guide for all representatives, including unit owner and member representatives chosen pursuant to subparagraph 61B-23.0027(3)(b)2., ~~or~~ paragraph 61B-23.0028(1)(f), subparagraph 61B-75.007(3)(b)2., paragraph 61B-75.008(1)(f), subparagraph 61B-33.002(3)(b)1., or paragraph 61B-33.003(1)(f), F.A.C., appearing in any arbitration proceeding, except counsel subject to disciplinary procedures of the Florida Bar.

(8) No change.

Rulemaking Authority 718.501(1)(f), 719.501(1)(f), 723.1255 FS. Law Implemented 718.112(2)(j), 718.1255, 719.106(1)(f), 719.1255, 723.078(2)(i) FS. History—New 7-1-82, Formerly 7D-50.04, Amended 7-27-88, Formerly 7D-50.004, Amended 1-17-93, Formerly 7D-50.108, Amended 2-13-97, 6-24-04,_____.

61B-50.115 Filing; Service of Papers; Signing.

(1) No change.

(2) Method and Proof of Service.

(a) No change.

(b) When the unit owners or members have not designated a unit owner or member representative to represent their interest in a recall proceeding or when the unit owner or member representative cannot be ascertained, the arbitrator shall require that the association post a copy of the petition for recall arbitration and the order allowing answer on the condominium, cooperative, or mobile home park property in a conspicuous location as a means of notifying the unit owners or members of the recall arbitration.

(c) No change.

(3) through (5) No change.

Rulemaking Authority 718.501(1)(f), 719.501(1)(f), 723.1255 FS. Law Implemented 718.112(2)(j), 718.1255, 719.106(1)(f), 719.1255, 723.078(2)(i) FS. History—New 7-1-82, Formerly 7D-50.09, 7D-50.009, Amended 1-17-93, Formerly 7D-50.115, Amended 1-19-97, 6-24-04,_____.

61B-50.124 Discovery.

(1) No change.

(2) Except as otherwise specified herein, parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.390, Florida Rules of Civil Procedure. However, a unit owner or member desiring to obtain copies of official association records for use in the proceeding shall utilize the owner's right of access to the official records as provided by Sections 718.111(12), ~~and 719.104(2), and 723.079(4)~~, F.S., in lieu of formal discovery.

(3) through (4) No change.

Rulemaking Authority 718.501(1)(f), 719.501(1)(f), ~~723.1255~~ FS. Law Implemented 718.112(2)(j), 718.1255, 719.106(1)(f), 719.1255, ~~723.078(2)(i)~~ FS. History—New 7-1-82, Formerly 7D-50.15, 7D-50.015, Amended 1-17-93, Formerly 7D-50.124, Amended 1-19-97, 6-24-04, _____.

61B-50.1405 Motions for Attorney's Fees and Costs.

No party shall be entitled to recover its costs and attorney's fees in a recall proceeding initiated pursuant to Section 718.112(2)(j), ~~or 719.106(1)(f), or 723.078(2)(i)~~, F.S.

Rulemaking Authority 718.501(1)(f), 719.501(1)(f), ~~723.1255~~ FS. Law Implemented 718.112(2)(j), ~~718.1255, 719.106(1)(f), 723.078(2)(i)~~ ~~719.1255~~ FS. History—New 6-24-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kevin Stanfield, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:

61B-75.005 Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death

PURPOSE AND EFFECT: Chapter 2015-97, Laws of Florida, created Section 719.129, Florida Statutes, to allow for cooperative associations to conduct elections and other unit owner votes through an online voting system. The Division proposes this rule amendment to reflect the above legislative change to Chapter 719, Florida Statutes, and to update election procedures.

SUMMARY: Electronic voting and election procedures at cooperative associations.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 719.106(1)(d)1., 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.106(1)(d), 719.129 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: Debbie Miller Pennington, Government Analyst I, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-75.005 Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death.

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

(c) In order to adopt different voting and election procedures in its bylaws pursuant to Section 719.106(1)(d) ~~(f)5~~, F.S., an association must obtain the affirmative vote of a majority of the total voting interests even if different amendatory procedures are contained in an association's bylaws. Such vote must be taken on or after June 14, 1995. The phrase "different voting and election procedures" as used in this rule and as used in Section 719.106(1)(d)6., F.S., refers to procedures used only for the election of board members.

(d) Balloting is not necessary to fill any vacancy unless there are two or more eligible candidates for that vacancy. In such a case, not later than the date of the scheduled election:

1. For a regular election the association shall call and hold a meeting of the membership to announce the names of the new board members, or shall notify the unit owners of the names of the new board members or that one or more board positions remain unfilled, as appropriate under the circumstances. In the alternative, the announcement may be made at the annual meeting.

2. For an election pursuant to Section 719.106(1)(d)6., F.S. ~~subsection (13) of this rule~~ to fill a vacancy, the association shall call and hold a meeting of the membership to announce the names of the new board members or, in the alternative, shall notify the unit owners of the names of the new board members or that one or more board positions remain unfilled, as appropriate under the circumstances.

(2) through (3) No change.

(4) The first notice of the date of the election, which is required to be mailed or delivered not less than 60 days before a scheduled election, must contain the name and correct mailing address of the association. The first notice must also disclose the procedure and deadline to consent to electronic voting, if the board of administration has provided for and authorized an online voting system.

(5) through (6) No change.

(7) Upon the timely request of a candidate as set forth in this paragraph, the association shall include, with the second notice of election described in subsection (8) below, a copy of an information sheet which may describe the candidate's background, education, and qualifications ~~as well as other factors deemed relevant by the candidate~~. The information contained therein shall not exceed one side of the sheet, which shall be no larger than 8 1/2 inches by 11 inches. Any candidate desiring the association to mail or personally deliver copies of an information sheet to the eligible voters must furnish the information sheet to the association not less than 35 days before the election. If two or more candidates consent in writing, the association may consolidate into a single side of a page the candidate information sheets submitted by those candidates. No association shall edit, alter, or otherwise modify the content of the information sheet. The original copy provided by the candidate shall become part of the official records of the association.

(8) No change.

(9) The ~~written~~ ballot shall indicate in alphabetical order by surname, each and every unit owner or other eligible person who desires to be a candidate for the board of administration and who gave written notice to the association not less than 40 days before a scheduled election, unless such person has, ~~prior to the mailing of the ballot,~~ withdrawn his candidacy in writing prior to the mailing of the ballot. No ballot shall indicate which candidate or candidates are incumbents on the board. No write-in candidates shall be

permitted. No ballot shall provide a space for the signature of or any other means of identifying a voter. Except where all voting interests in a cooperative are not entitled to one whole vote, (fractional voting), or where all voting interests are not entitled to vote for every candidate (class voting), all ballot forms utilized by a cooperative association, whether those mailed to voters or those cast at a meeting, shall be uniform in color and appearance. In the case of fractional voting, all ballot forms utilized for each fractional vote shall be uniform in color and appearance. And in class voting situations, within each separate class of voting interests all ballot forms shall be uniform in color and appearance.

(10) Envelopes containing ballots received by the association shall be retained and collected by the association and shall not be opened except in the manner and at the time provided herein.

(a) Any envelopes containing ballots shall be collected by the association and shall be transported to the location of the duly called meeting of the unit owners. The association shall have available at the meeting additional blank ballots for distribution to the eligible voters who have not cast their votes. Each ballot distributed at the meeting shall be placed in an inner and outer envelope in the manner provided in subsection (8) of this rule. Each envelope and ballot shall be handled in the following manner. As the first order of business, ballots not yet cast shall be collected. The ballots and envelopes shall then be handled as stated below by an impartial committee as defined in paragraph (b) below, ~~appointed by the board~~. The business of the meeting may continue during this process. The signature and unit identification on the outer envelope shall be checked against a list of qualified voters, unless previously validated as provided in paragraph (b) below. Any exterior envelope not signed by the eligible voter shall be marked "Disregarded" or with words of similar import, and any ballots contained therein shall not be counted. The voters shall be checked off on the list as having voted. Then, in the presence of any unit owners in attendance, and regardless of whether a quorum is present, all inner envelopes shall be first removed from the outer envelopes and shall be placed into a receptacle. Upon the commencement of the opening of the outer envelopes or accessing of the electronic votes, whichever occurs first, the polls shall be closed, and no more ballots shall be accepted. The inner envelopes shall then be opened and the ballots shall be removed and counted in the presence of the unit owners. Any inner envelope containing more than one ballot shall be marked "Disregarded", or with words of similar import, and any ballots contained therein shall not be counted. All envelopes and ballots, whether disregarded or not, shall be retained with the official records of the association.

(b) through (c) No change.

(11) Electronic Voting. The requirements for providing an online voting system are contained in Rule 61B-75.0050, F.A.C.

~~(12)(11)~~ Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write, may request the assistance of a member of the board of administration or other unit owner to assist in casting his vote. If the election is by voting machine, any such voter, before retiring to the voting booth, may have a member of the board of administration or other unit owner or representative, without suggestion or interference, identify the specific vacancy or vacancies and the candidates for each. If a voter requests the aid of any such individual, the two shall retire to the voting booth for the purpose of casting the vote according to the voter's choice.

~~(13)(12)~~ At a minimum, all voting machines shall meet the following requirements:

(a) through (e) No change.

~~(13) Unless otherwise provided in the cooperative documents, any vacancy occurring on the board prior to the expiration of a term, except in the case of a vacancy caused by recall, may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may in its discretion hold an election to fill the vacancy, in which case the election procedures must conform to the requirements of Section 719.106(1)(d)1., F.S., and this rule. A board member appointed or elected pursuant to this rule shall fill the vacancy for the unexpired term of the seat being filled.~~

Rulemaking Authority 719.106(1)(d)1., 719.501(1)(f) FS. Law Implemented 719.106(1)(d)1., 719.129 FS. History—New 12-29-92, Formerly 7D-75.005, Amended 8-24-94, 11-15-95, 2-19-01, .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kevin Stanfield, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 22, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:

61B-75.0050 Electronic Voting

PURPOSE AND EFFECT: Chapter 2015-97, Laws of Florida, created Section 719.129, F.S., to allow for cooperative associations to conduct elections and other unit owner votes through an online voting system. The Division proposes this rule amendment to implement requirements for electronic voting.

SUMMARY: Electronic voting at cooperative associations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 719.106(1)(d)1., 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.129 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: Debbie Miller Pennington, Government Analyst I, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-75.0050 Electronic Voting.

(1) "Election Officials," as used in Section 719.129, F.S., includes the division.

(2) “Consent, in writing,” as used in Section 719.129, F.S., may be made via email. The email address of the unit owner consenting is not considered an official record, unless the unit owner has previously consented to receive notices via email.

(3) The board resolution required by Section 719.129(4), F.S., must provide that:

(a) All unit owners receive notice of the opportunity to vote through an online voting system prior to each election or other unit owner vote in which the association authorizes online voting; and

(b) The deadline to consent, in writing, to online voting must be no less than 14 days before the election or other unit owner vote in which the association authorizes online voting.

(4) The electronic voting system must provide the unit owner with a receipt of their vote, which must include the specific vote cast, the date and time of submission, and the user identification.

(5) The electronic voting system must produce an official record that the association must maintain, which identifies the specific votes cast on each ballot and the date and time of receipt of each electronically submitted ballot.

(6) For elections, electronic votes shall not be accessible to the association prior to the scheduled election. Failure to comply with this subsection will void the election and the association must renote the election following the procedures as set forth in Rule 61B-75.005(8), F.A.C. Rulemaking Authority 719.106(1)(d)1., 719.501(1)(f) FS. Law Implemented 719.129 FS. History–New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Stanfield, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 22, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

RULE NO.: 61N-1.027
 RULE TITLE: Distribution of Emergency Use Medical Oxygen

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth the parameters under which an entity permitted under Chapter 499, F.S., Part III, may distribute emergency use medical oxygen.

SUMMARY: The proposed rule sets forth the conditions that an entity must meet in order to distribute medical oxygen for emergency use by persons authorized to receive emergency use oxygen.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 499.85 FS.

LAW IMPLEMENTED: 499.83, 499.85, 499.86, 499.89, 499.90 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: Dinah Greene, Operations Review Specialist, Division of Drugs, Devices and Cosmetics, Department of Business and Professional Regulation, 1940 North Monroe Street Suite 26A, Tallahassee, Florida 32399-1047, (850)717-1802, Dinah.Greene@myfloridalicense.com

THE FULL TEXT OF THE PROPOSED RULE IS:

61N-1.027 Distribution of Medical Oxygen for Emergency Use.

(1) “Emergency use” means the administration of oxygen USP to an individual that is experiencing an unexpected, life-threatening, medical situation which requires immediate action.

(2) “Persons authorized to receive emergency use oxygen” means:

(a) A person experiencing an unexpected, life-threatening, medical situation due to oxygen deficiency and requiring resuscitation;

(b) A person exempted pursuant to s. 499.03, F.S.; and

(c) Business establishments, universities, schools, and other such entities or organization conducting lawful activities which include frequent contact or interaction with members of

the public, e.g. banks, hotels, restaurants, recreation camps, theme parks and resorts, and sports arenas. These establishments must employ an individual that has training on the use and administration of emergency use oxygen.

(3) "Transfilling" means transferring the gas, either in a liquid or gaseous state, from a larger container into smaller containers (i.e., high-pressure cylinders or cryogenic vessels).

(4) A Florida-permitted prescription drug manufacturer, prescription drug repackager or medical gas manufacturer may transfill and distribute a medical oxygen cylinder to persons authorized to receive emergency use oxygen for emergency use.

(5) A Florida-permitted medical gas wholesale distributor or medical oxygen retail establishment may distribute a medical oxygen cylinder to persons authorized to receive emergency use oxygen for emergency use.

(6) Entities distributing emergency use oxygen pursuant to this rule must:

(a) Have a current permit, or have a permit that is undergoing renewal and allowed to continue to operate during the division's review and processing of the renewal;

(b) Have a policy and procedure in place governing its distribution of emergency use medical oxygen that complies with the requirements for wholesale distributions set forth in section 499.90, F.S.;

(c) Include the statement on the cylinder or vessel label: "For emergency use only when administered by properly trained personnel for oxygen deficiency and resuscitation. For all other medical applications, prescription statement". The Prescription statement is "Rx Only" or the prescription symbol followed by the word "Only."; and

(d) Create contemporaneously with and no later than 24 hours after the distribution of emergency use medical oxygen to persons authorized to receive emergency use oxygen, records pertaining to the distribution that comply with the recordkeeping requirements set forth in s. 499.89, F.S. If the distribution is to a person that does not have a license or permit, the establishment is not required to include the purchaser's license or permit number and its expiration date in the records. The record, including the invoice or delivery ticket, shall indicate that the distribution was for "emergency use" in the permit number field of the audit trail outbound document.

(7) Establishments distributing "emergency use" oxygen pursuant to this rule shall comply with the container labeling requirements and good manufacturing practices of the United States Food, Drug and Cosmetic Act, 21 U.S.C., Chapter 9, and rule 61N-1.007, F.A.C.

Rulemaking Authority 499.85 FS. Law Implemented 499.83, 499.85, 499.86, 499.89, 499.90 F.S. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Reginald D. Dixon, Division Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 29, 2015

DEPARTMENT OF HEALTH

Division of Children's Medical Services

RULE NOS.: RULE TITLES:

64C-2.002 Eligibility for CMS Network Services

64C-2.003 Redetermination of CMS Network Clinical Eligibility

PURPOSE AND EFFECT: To establish a clinical eligibility screening process for the CMS Managed Care Plan that ensures Medicaid-eligible children with chronic and serious health care conditions have the ability to choose the CMS Managed Care Plan.

SUMMARY: This proposed rule establishes a two-fold approach to the clinical eligibility process that includes a physician-based attestation form and a parent-based survey.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Through its analysis of regulatory costs required as a part of the SERC analysis, the Department has determined this rule will not require legislative ratification pursuant to Section 120.541(3), F.S. No other statute requires legislative ratification for this rule.

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

RULEMAKING AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026(2), 391.029 FS.

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

DATE AND TIME: Tuesday, December 8, 2015, 9:00 a.m.

PLACE: Florida Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida

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: Kelli Stannard, 4052 Bald Cypress Way, Bin A-06, Tallahassee, Florida 32399, (850)245-4222, Kelli.Stannard@FLHealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelli Stannard, 4052 Bald Cypress Way, Bin B-01, Tallahassee, Florida 32399, telephone: (850)245-4222, Kelli.Stannard@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64C-2.002 Clinical Eligibility for the CMS Managed Care Plan Network Services.

~~(1) A child's clinical eligibility for the CMS Managed Care Plan may be established by an authorized representative of the Department through completion of the CMS Clinical Eligibility Screening Form, DH8000-CMS (12/2015), incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. Families who are income eligible or potentially income eligible for Title XIX (Medicaid) or Title XXI of the Social Security Act (KidCare) must apply for Title XIX or Title XXI benefits.~~

~~(2) Children with a diagnosis of one or more of the health conditions listed on the CMS Clinical Eligibility Attestation, as attested to by a physician are clinically eligible for enrollment in the CMS Managed Care Plan. The CMS Clinical Eligibility Attestation, Form DH8001-CMS (12/2015) is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. Children clinically eligible for the regional perinatal intensive care centers program or the early intervention program are also clinically eligible for the CMS Network, but are still subject to applicable financial eligibility requirements for the CMS Network.~~

~~Rulemaking Specific Authority 391.026(18) FS. Law Implemented 391.026(2), 391.029 FS. History—New 1-1-77, Formerly 10J-2.08, Amended 3-28-96, Formerly 10J-2.008, Amended 1-20-03; Amended _____.~~

64C-2.003 Redetermination of CMS Managed Care Plan Network Clinical Eligibility.

All CMS Managed Care Plan Network participants shall have their clinical eligibility for the CMS Managed Care Plan Network redetermined on an annual basis.

~~Rulemaking Specific Authority 391.026(18) FS. Law Implemented 391.026(2), 391.029 FS. History—New 1-1-77, Amended 11-18-82,~~

~~Formerly 10J-2.09, Amended 3-28-96, Formerly 10J-2.009, Amended 1-20-03; Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer A. Tschetter, Chief Operating Officer
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary of Health
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 30, 2015

Section III
 Notice of Changes, Corrections and Withdrawals

NONE

Section IV
 Emergency Rules

NONE

Section V
 Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS
 South Florida Water Management District
 RULE NO.: RULE TITLE:

40E-6.011 Policy and Purpose
 The South Florida Water Management District (District) hereby gives notice:

On November 12, 2015, the District's Governing Board issued SFWMD Order No. 2015-076-DAO-ROW to the Mater Academy (Application No. 15-0529-2). The petition for waiver was received by the District on September 8, 2015. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Register, Vol. 41, No. 178, on September 14, 2015. No public comment was received. This Order provides a waiver of the District's criteria to allow the construction of a free-span pedestrian bridge crossing with parallel fencing at the top of the canal bank adjacent to all four bridge quadrants located along the C-7 Extension Canal approximately 900 feet west of S.R. 826 (Palmetto Expressway); Section 34/03, Township 52/53 South, Range 40 East; Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6),

F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of top of canal bank with works or lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the proposed parallel fencing needed for safety will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268, jurussel@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on November 12, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(a), F.A.C., and Section 5-203.13, 2009 FDA Food Code, from café Del Teatro located in Miami. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-6.013 Construction Materials and Standards for Treatment Receptacles

The Florida Department of Health hereby gives notice: On November 13, 2015, the Department of Health issued an order in response to a petition for a variance filed on April 6, 2015, by Bennette D. Burks, PE, representing Fuji Clean USA, regarding the "Fuji Clean tanks CE5 and CE10".

Petitioner sought a variance from subparagraph 64E-6.013(1)(b)1., F.A.C.; paragraphs 64E-6.013(2)(a), (i) and (j), F.A.C.; subparagraph 64E-6.013(3)(a)1., F.A.C.; paragraphs 64E-6.013(3)(g), (6)(b) and (d)4., F.A.C., and subsections 64E-6.013(4) and (10), F.A.C., which establish requirements for the approval of fiberglass onsite sewage treatment receptacles. Notice of the petition was published in the April 16, 2015, edition of the Florida Administrative Register.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH CONDITIONS Petitioner's request for a variance.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-6.026 Applications for Innovative System Permits and System Construction Permits

NOTICE IS HEREBY GIVEN that on November 9, 2015, the Florida Department of Health received a petition for variance from Mark Repasky, PE, representing Plastic Tubing Industries, Inc. Specifically, the petitioner seeks a variance from paragraph 64E-6.026(1)(b), F.A.C., which requires compelling evidence to include specific testing through a third-party testing organization approved through the NSF Environmental Technology Verification Program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:RULE TITLES:

64E-9.004 Operational Requirements
 64E-9.006 Construction Plan Approval Standards
 64E-9.007 Recirculation and Treatment System Requirements
 64E-9.008 Supervision and Safety

NOTICE IS HEREBY GIVEN that on August 5, 2015, the Florida Department of Health received a petition for variance from Leonardus Koene, representing Float Rooms, LLC, Belleville, IL. Specifically, the petitioner seeks a variance from the following Sections of 64E-9, F.A.C.: subparagraph

64E-9.004(1)(d)2., F.A.C.; subsections 64E-9.004(5) and (15), F.A.C.; paragraphs 64E-9.006(1)(a) and (1)(d), F.A.C.; subparagraphs 64E-9.004(2)(a)1., (2)(e)1., and (2)(e)2., F.A.C.; paragraph 64E-9.004(2)(f), F.A.C.; subsection 64E-9.007(1), F.A.C.; subparagraph 64E-9.007(3)(b)5., F.A.C.; paragraphs 64E-9.007(5)(a) and (10)(e), F.A.C.; subsections 64E-9.007(11), (14) and (16), F.A.C.; paragraph 64E-9.004(16)(f), F.A.C., and subsection 64E-9.008(7), F.A.C., which require public swimming pools to: maintain a disinfectant residual, operate a recirculation system when in use, have minimum lighting for indoors, have a water line tile marker, be equipped with access by ladder or stairs, have a clear wet deck width and slope, have an opening on equipment enclosure, have minimal equipment area lighting, have a urinal in unisex restroom, have treatment equipment that meets national standard ANSI-NSF50, have a tile line of 6" width, have filters that meet ANSI-NSF50, have a collector tank and gravity drainage, have auto water makeup, have bypass and valving on heater, have auto feeders for treatment chemicals, have US EPA validation of UV system, and a pool rules sign.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin#A02, Tallahassee, Florida 32399-1703.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF TRANSPORTATION

The Commercial Motor Vehicle Review Board announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2015, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Heather Nelson, Executive Assistant, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399.

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: Heather Nelson. 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).

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-8.010 Reimbursement Contract

The Florida Hurricane Catastrophe Fund Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 23, 2015, 1:30 p.m. (ET) until conclusion of meeting

PLACE: Persons wishing to participate may dial: 1(888)670-3525 and enter conference code: 7135858151

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Notice of Proposed Rule for Rule 19-8.010, F.A.C., Reimbursement Contract, was published on October 29, 2015, providing the public with 21 days from that date to request a rule hearing. A rule hearing was timely requested and will be held on November 23, 2015 as provided in the Notice of Proposed Rule. The Advisory Council will meet by conference call at the date and time noticed above to review comments made by the public at the rule hearing.

A copy of the agenda may be obtained by contacting: Leonard E. Schulte, Florida Hurricane Catastrophe Fund, P.O. Drawer 13300, Tallahassee, FL 32317-3300, leonard.schulte@sbafla.com, (850)413-1335.

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: Leonard Schulte at the email or number 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Commission on Community Service (Volunteer Florida) announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 30, 2015, 10:00 a.m. until all business is complete

PLACE: Conference call: 1(888)670-3525, passcode: 3360784946#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Ellen Herold at (850)414-7400.

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: Ellen Herold at (850)414-7400. 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: Ellen Herold at (850)414-7400.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces public meetings to which all persons are invited.

DATES AND TIMES: December 3, 2015, 1:00 p.m. – 5:00 p.m.; December 4, 2015, 8:00 a.m. – 12:00 Noon

PLACE: Embassy Suites, 225 Shorecrest Dr., Altamonte Springs, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Council Business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2323, email: LTCOPInformer@elderaffairs.org.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection as designee for the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida announces a workshop to which all persons are invited.

DATE AND TIME: Monday, November 23, 2015, 5:00 p.m. – 6:30 p.m.

PLACE: Martin County Board of County Commissioners Building Commissioners Chambers, 2401 S.E. Monterey Road, Stuart, Florida 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida is proposing the establishment of an Erosion Control Line (ECL), pursuant to Section 161.161, Florida Statutes. The meeting time (5:00 p.m. – 6:30 p.m.) will include time for both a public workshop and a public hearing. The workshop is the public's opportunity to ask questions about the proposed erosion control line. The hearing is the public's opportunity to comment on, speak in support of, object to, and submit for consideration material relevant to the methodology used for locating the proposed erosion control line for the Sailfish Point Beach Restoration Project (R35.7 to R39.5) and associated with permit # 0326938-001-JC.

A copy of the agenda may be obtained by contacting: Guy Weeks, Department of Environmental Protection, Division of Water Resource Management at (850)245-8336 or william.weeks@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: the Martin County Coastal Program Office at (772)288-5429. 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: Guy Weeks, Department of Environmental Protection, Division of Water Resource Management at (850)245-7696 or william.weeks@dep.state.fl.us.

DEPARTMENT OF HEALTH

The Division of Medical Quality Assurance announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, November 20, 2015, 10:00 a.m. – 11:00 a.m., ET

PLACE: Conference call: 1(888)670-3525, enter passcode: 164 869 6226 when prompted

GENERAL SUBJECT MATTER TO BE CONSIDERED: Established in Section 397.33, Florida Statutes, the Drug Policy Advisory Council reviews and analyzes the impacts of substance abuse in the State and makes recommendations for the implementation of a state drug control strategy.

A copy of the agenda may be obtained by contacting: Rebecca Poston at (850)245-4444, extension 3700 or Rebecca.Poston@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rebecca Poston at the contact information 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).

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

The Board of Funeral, Cemetery, and Consumer Services, operating under Chapter 497, Florida Statutes announces public meetings to which all persons are invited.

DATES AND TIMES: By teleconference: January 7, 2016; March 3, 2016; May 19, 2016; July 7, 2016; September 1, 2016; November 3, 2016. In-person meetings: Tallahassee, February 4, 2016, June 30, 2016, December 1, 2016; Jacksonville, April 7, 2016; Altamonte Springs, August 4, 2016; Tampa, October 6, 2016. All meetings will start at 10:00 a.m.

PLACE: The public may participate in teleconference meetings by calling (850)413-1558, conference code: 318038 or by attendance at the Pepper Building, Suite 320, 111 West Madison, Tallahassee, FL, where Board staff will have a speaker phone connected to the teleconference by which the public can hear and address the Board

All in-person meetings of the Board will be held in Tallahassee at Room 230A, Alexander Building; Jacksonville at the DoubleTree by Hilton Jacksonville Airport, 2101 Dixie Clipper Drive; in Altamonte Springs at the Embassy Suites Orlando-North, 225 Shorecrest Drive; in Tampa at the DoubleTree by Hilton Tampa Airport Westshore, 4500 W Cypress Street.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applications for license; disciplinary actions; applications for approval of change in ownership or control of existing licenses; reports by staff; approval of minutes of prior meetings.

Any changes to the above meeting schedule will be published at least 10 days before the affected meeting, under the heading "Announcements," on the Division's webpage at www.myfloridacfo.com/Division/FuneralCemetery/.

A copy of the agenda may be obtained by contacting LaTonya Bryant, at (850)413-3039 at least 7 days before the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya Bryant at (850)413-3039. 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).

CITIZENS PROPERTY INSURANCE CORPORATION

The Actuarial & Underwriting Committee of Citizens Property Insurance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 8, 2015, 12:30 p.m.

PLACE: Sheraton Orlando North, 600 N. Lake Destiny Drive, Maitland, FL 32751 or via teleconference: 1(866)361-7525, participant code: 8632017402#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Actuarial & Underwriting Committee.

A copy of the agenda may be obtained by contacting: Connie Bryan, (904)208-7238 or by visiting our website: www.citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Connie Bryan, (904)208-7238. 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: Connie Bryan, (904)208-7238 or visit our website: www.citizensfla.com.

FLORIDA LEAGUE OF CITIES

The Florida Municipal Investment Trust (FMIvT) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 3, 2015, 1:00 p.m.

PLACE: The Shores, 2637 Atlantic Avenue, Daytona Beach Shores, FL, (386)767-7350

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Municipal Investment Trust general meeting conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes. Persons interested in attending may do so in person The Shores, 2637 Atlantic Avenue, Daytona Beach Shores, FL, (386)767-7350, where a communications media technology facility will be located.

A copy of the agenda may be obtained by contacting: Linda Bridges, lbridges@flcities.com, (850)222-9684.

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: Linda Bridges, lbridges@flcities.com, (850)222-9684. 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 Linda Bridges, lbridges@flcities.com, (850)222-9684.

FLORIDA LEAGUE OF CITIES

The Florida Municipal Pension Trust Fund (FMPTF) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 3, 2015, 11:00 a.m.

PLACE: The Shores, 2637 Atlantic Avenue, Daytona Beach Shores, FL, (386)767-7350

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Municipal Pension Trust Fund (FMPTF) general meeting will be conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes. Persons interested in attending may do so at The Shores, 2637 Atlantic Avenue, Daytona Beach Shores, FL, (386)767-7350, where a communications media technology facility will be located.

A copy of the agenda may be obtained by contacting: Linda Bridges, lbridges@flcities.com, (850)222-9684.

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: Linda Bridges, lbridges@flcities.com, (850)222-9684. 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: Linda Bridges, lbridges@flcities.com, (850)222-9684.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-7.030 Quality Control - Specialties and Subspecialties
NOTICE IS HEREBY GIVEN that the Agency for Health Care Administration has received the petition for declaratory statement from Clinical Pathology Laboratories Southeast, Inc., on November 10, 2015. The petition seeks the agency's opinion as to the applicability of Florida Administrative Code sub-subparagraph 59A-7.030(1)(b)1.g., as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, Florida 32308, Richard.Shoop@ahca.myflorida.com, (850)412-3671.

Persons other than the original parties to a pending proceeding whose substantial interests will be affected by the disposition of the declaratory statement and who desire to become parties may file a motion to intervene with the Agency. The motion should be filed with the Agency Clerk at the above address within twenty one (21) days of publication of this notice. Any petition for leave to intervene must comply with the requirements set forth in Florida Administrative Code Rule 28-105.0027.

**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

WATER MANAGEMENT DISTRICTS
St. Johns River Water Management District
IFB 28364 Annual Civil Works Construction Services
INVITATION FOR BIDS
FOR THE ST. JOHNS RIVER WATER MANAGEMENT
DISTRICT

The Governing Board of the District requests that interested parties respond to the solicitation below by December 14, 2015. Further information is available through Onvia DemandStar at www.demandstar.com, 1(800)711-1712 or the District's website at www.floridawaters.com. Bid packages may be obtained from Onvia DemandStar or the District by contacting Pam Paulk at (386)329-4469 or ppaulk@sjrwm.com.

BID NUMBER 28364

ANNUAL CIVIL WORKS CONSTRUCTION SERVICES

The proposed work primarily involves water resource and restoration projects, including, but not limited to, general earthwork; levee construction; water control structures; cast-in-place and pre-cast concrete; stabilized and/or paved roadways; pump stations; recreational use facilities; and ground cover. The work is predominantly located in remote and isolated locations with limited access; areas with high groundwater levels; and frequently flooded areas, including work in clay and muck soils. The estimated budget for the first year of this contract is \$4,000,000 and it is the intent of the District to award a minimum of two contracts for a potential of 3 years, with a shared estimated budget of \$9,000,000.

MANDATORY PRE-BID CONFERENCE
NOVEMBER 19, 2015 at 10:00 A.M.

The mandatory pre-bid conference is intended to provide Responders the opportunity to receive clarification of any requirement of this Invitation For Bid. The meeting will be held at the District's Headquarters (Governing Board Room), located at 4049 Reid Street, Palatka, FL 32177.

BID OPENING: 2:00 P.M.

DECEMBER 14, 2015

St. Johns River Water Management District Headquarters
4049 Reid Street, Palatka, Florida 32177
Conference Room Number To Be Determined
Presentation of staff's recommendation to
District's Governing Board
January 12, 2016

Special accommodations for disabilities may be requested through Pam Paulk or by calling 1(800)955-8771 (TTY), at least five business days before the date needed.

DEPARTMENT OF CHILDREN AND FAMILIES
REROOFING THE ROBERTS BUILDING,
JACKSONVILLE

INVITATION TO BID

Proposals are requested from QUALIFIED REGISTERED ROOFING CONTRACTORS by the State of Florida, Department of Children and Families, hereinafter referred to as OWNER, for the construction of:

PROJECT NO: DCF - 16240400

TITLE: ROOF REPLACEMENT TO THE ROBERTS BUILDING

SITE: 5920 ARLINGTON EXPRESSWAY,
JACKSONVILLE, FLORIDA 32211

PREQUALIFICATION: Each prime Bidder shall be state-certified in accordance with Chapter 489, Florida Statutes, as a Roofing Contractor. Bids from firms not able to furnish proof of the required certification are subject to disqualification.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings and the General and Technical Specifications, which may be examined and obtained from the ARCHITECT/ENGINEER:

A/E: Department of Children and Families, Office of General Services, Design, and Construction. 1317 Winewood Blvd., Building #3, Room 205-G, Tallahassee, Florida 32399-0700

TEL#: (850)717-4011

EMAIL: bill.bridges@myflfamilies.com

BID DOCUMENTS: Full sets of Drawings and Specifications may be purchased from the ARCHITECT/ENGINEER, by payment of printing and handling costs at the rate of \$10.00 per bid set.

MANDATORY PRE-BID MEETING: A mandatory pre-bid meeting will be held on Wednesday, December 2, 2015 at 11:00 a.m. local time. The meeting will be held at 5920

Arlington Expressway, Jacksonville, Florida 32211, South Entry, Rear Parking lot side, 1st Floor Lobby.

BONDING REQUIREMENTS: See Section B-11 for bid guarantee requirements. See Section C-5 for performance and payment bond requirements.

BID OPENING: Sealed bids will be received, publicly opened and read aloud at:

DATE: December 16, 2015, Wednesday

TIME: 2:00 p.m. local time

LOCATION: 5920 Arlington Expressway, Jacksonville, Florida 32211, South Entry, Rear Parking lot side, 1st Floor Lobby.

All work to be performed shall be located on the Roberts Building, 5920 Arlington Expressway, Jacksonville, Florida. The existing building (360 squares plus or minus) roof system consist of concrete hollow core structural panels with lightweight insulating concrete with 3 ply membrane system with ballast. Roof drainage system is an internal system. The Work shall consist of removing an existing lighting protection system (to be re-installed), removal of ballast/gravel and membrane roofing system. Install new roof to be adhere attached fleece backed fabric-reinforced 60 mill thermoplastic PVC sheet membrane (360 squares plus or minus), raise roof curbing, install new aluminum fascia and drip edge on all edges and reinstall the existing lighting protection system. The manufacture that will be issuing the warranty will perform an Infrared moisture survey within 5 days of notice to proceed. Infrared will be done at dusk, no less than 48 hours after rainfall and will be done with a representative of the contractor, Architect, and building owner on site. Contractor is required to list a line item cost per board foot to remove wet lightweight concrete. Fill void with ISO board to bring to grade and then torch down new Mod Bit over repair area. Wet areas will be determined by the Infrared survey and wet areas marked on roof at time of survey.

Start-up date, March 1, 2016.

Section XII Miscellaneous

DEPARTMENT OF EDUCATION

University of Florida

ANNOUNCING CALL FOR APPLICATIONS

The University of Florida Small Business Mentor Protégé Program announces a call for applications from potential mentors and potential protégés for participation in the University of Florida’s Small Business Mentor Protégé Program. The Steering committee will review submitted applications meeting the criteria for submission in order to make a decision regarding firms that will be selected to

participate in this year’s (FY 2015-2016) initiative. The mentoring initiative has been expanded to include the selection of non-construction related mentor/protégé pairings (e.g. commodities to commodities or commodities to services pairing) and selection of Consultant Firms (e.g. Architectural and/or Engineering firms) for participation in this initiative. Firms wishing to be considered for participation in the University of Florida’s Small Business Mentor Protégé Program should complete an application and submit it by mail, email or fax, no later than December 31, 2015, to the following:

University of Florida
Small Business & Vendor Diversity Relations
109 Elmore Hall, P.O. Box 115250
Gainesville, FL 32611-5250
email: dmannin@ufl.edu
Fax: (352)846-2637

This initiative is designed to promote small business development, enhance business knowledge and experience, foster increased business capacity, and provide small businesses access to opportunities at the University of Florida. Additional information regarding the Mentoring Protégé Program, including application and criteria for submission, may be obtained by accessing the Small Business & Vendor Diversity Division’s website at www.sbvdr.admin.ufl.edu, or by contacting the Small Business & Vendor Diversity Relations Division at (352)392-0380, svdr@admin.ufl.edu.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Boca Scooters, LLC, for the establishment of HYOS motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that S&T Motors America LLC, intends to allow the establishment of Boca Scooters LLC, as a dealership for the sale of motorcycles manufactured by Hyosung (line-make HYOS) at 389 Northwest 1st Avenue, Boca Raton, (Palm Beach County), Florida 33432, on or after December 16, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Boca Scooters LLC, are dealer operator(s): Colton Ralston, 389 Northwest 1st Avenue, Boca Raton, Florida 33432; principal investor(s): Colton Ralston, 389 Northwest 1st Avenue, Boca Raton, Florida 33432.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tony Kim, S&T Motors America LLC, 5815 Brook Hollow Parkway, Suite C, Norcross, Georgia, 30071.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Cloud9 By Design LLC for the establishment of LMLL motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters LLC, intends to allow the establishment of Cloud9 By Design LLC, d/b/a Beach 'N Rides and Rentals, as a dealership for the sale of motorcycles manufactured by LML Limited (line-make LMLL) at 8607 Cortez Road West, Bradenton, (Manatee County), Florida 34210, on or after December 16, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Cloud9 By Design LLC, are dealer operator(s): Jeffrey Pansiera, 4221 129th Street West, Cortez, Florida 34215; principal investor(s): Jeffrey Pansiera, 4221 129th Street West, Cortez, Florida 34215.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Trey Duren, Genuine Scooters LLC, 2700 West Grand Avenue, Chicago, Illinois 60612.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Cloud9 By Design LLC for the establishment of MOTI motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters LLC, intends to allow the establishment of Cloud9 By Design LLC, d/b/a Beach 'N Rides and Rentals as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co., Ltd. (line-make MOTI) at 8607 Cortez Road West, Bradenton, (Manatee County), Florida 34210, on or after December 16, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Cloud9 By Design LLC, d/b/a Beach 'N Rides and Rentals, are dealer operator(s): Jeffrey Pansiera, 4221 129th Street West, Cortez, Florida 34215; principal investor(s): Jeffrey Pansiera, 4221 129th Street West, Cortez, Florida 34215.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Trey Duren, Genuine Scooters LLC, 2700 West Grand Avenue, Chicago, Illinois 60612.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

TGT Companies, Inc. for the establishment of DONF motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that CRT Motor, Inc., intends to allow the establishment of TGT Companies, Inc., d/b/a Extreme Motor Sales as a dealership for the sale of motorcycles manufactured by Ningbo Dongfang Lingyun Vehicle Made Co., Ltd. (line-make DONF) at 2327 East Semoran Boulevard, Apopka, (Orange County), Florida 32703, on or after December 16, 2015.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc., d/b/a Extreme Motor Sales are dealer operator(s): Tina Wilson, 2327 East Semoran Boulevard, Apopka, Florida 32703; principal investor(s): Tina Wilson, 2327 East Semoran Boulevard, Apopka, Florida 32703.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jack Li, CRT Motor, Inc., 167 North Mason Way, Unit A4, City of Industry, California 91746.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Wild Hogs Scooters and Motorsports, LLC lot 2 for the establishment of LMLL motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters LLC, intends to allow the establishment of Wild Hogs Scooters and Motorsports LLC, as a dealership for the sale of motorcycles manufactured by LML Limited (line-make LMLL) at 1932 West Fairbanks Avenue, Winter Park, (Orange County), Florida 32789, on or after December 16, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports LLC, are dealer operator(s): JJ Rupp, 1932 West Fairbanks Avenue, Winter Park, Florida 32789; principal investor(s): JJ Rupp, 1932 West Fairbanks Avenue, Winter Park, Florida 32789.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Trey Duren, Genuine Scooters LLC, 2700 West Grand Avenue, Chicago, Illinois 60612.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Wild Hogs Scooters and Motorsports, LLC lot 2 for the establishment of MOTI motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters LLC, intends to allow the establishment of Wild Hogs Scooters and Motorsports LLC, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co., Ltd. (line-make MOTI) at 1932 West Fairbanks Avenue, Winter Park, (Orange County), Florida 32789, on or after December 16, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters and Motorsports LLC, are dealer operator(s): JJ Rupp, 1932 West Fairbanks Avenue, Winter Park, Florida 32789; principal investor(s): JJ Rupp, 1932 West Fairbanks Avenue, Winter Park, Florida 32789.

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

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AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

Emergency Service Exemption from Santa Rosa Medical Center

The Agency for Health Care Administration has received an application for an emergency service exemption from Santa Rosa Medical Center located at 6002 Berryhill Rd, Milton, FL 32570 pursuant to Section 395.1041(3), Florida Statutes, and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Gastroenterology, General Surgery, Neurology, Otolaryngology, and Pulmonary Medicine. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to the Agency for Health Care Administration, attention: Julie Young, 2727 Mahan Drive, MS 31, Tallahassee, Florida 32308, (850)412-4549 or Julie.Young@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

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The Agency for Health Care Administration has received an application for an emergency service exemption from Santa Rosa Medical Center located at 6002 Berryhill Rd, Milton, FL 32570 pursuant to Section 395.1041(3), Florida Statutes, and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Gastroenterology, General Surgery, Neurology, Otolaryngology, and Pulmonary Medicine. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to the Agency for Health Care Administration, attention: Julie Young, 2727 Mahan Drive, MS 31, Tallahassee, Florida 32308, (850)412-4549 or Julie.Young@ahca.myflorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-185

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-185 on November 9, 2015, in response to an application submitted by Trinity Bay Homeowner's Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-186

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-186 on November 9, 2015, in response to an application submitted by the Plantation Lakes Homeowners Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department determined that the application did not meet the statutory requirements for covenant revitalization because the Proposed Revived Declaration contained covenants that were more restrictive than the previous covenants in violation of Section 720.404(3), Florida Statutes.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.zimmer@DEO.MyFlorida.com.

Section XIII

Index to Rules Filed During Preceding
Week

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