

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

STATE BOARD OF ADMINISTRATION

RULE NOS.: **RULE TITLES:**
 19-8.029 Insurer Reporting Requirements
 19-8.030 Insurer Responsibilities

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.029, F.A.C., Insurer Reporting Requirements and Rule 19-8.030, F.A.C., Insurer Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Insurer exposure and loss reporting requirements for the 2016-2017 contract year, and insurer responsibilities.

RULEMAKING AUTHORITY: 215.555 FS.

LAW IMPLEMENTED: 215.555 FS.

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

DATE AND TIME: January 5, 2016, 9:00 a.m. – 11:00 a.m. (ET).

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308. Persons wishing to participate by phone may dial 1(888)670-3525 and enter conference code: 7135858151.

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 E. Schulte, Director of Legal Analysis and Risk Evaluation, Florida Hurricane Catastrophe Fund, (850)413-1335; leonard.schulte@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leonard Schulte at the number or email listed above.

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

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: **RULE TITLE:**
 6M-8.601 Voluntary Prekindergarten (VPK) Provider
 Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the accountability requirements of the Voluntary Prekindergarten Education Program (VPK). The rule describes the calculation of the statewide provider readiness rate and establishes how these rates impact new owners.

SUMMARY: The rule establishes the calculation of the readiness rate that a VPK provider must reach in order to meet accountability standards and criteria establishing the consequences for when VPK providers fail to meet the readiness rate. Also establishes how readiness rates are binding on new owner after a change in ownership.

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 office's economic analysis if the adverse impact or potential regulatory costs of the proposed rule revisions did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. A SERC is not required because the rule revisions do not establish any new requirements on providers or individuals and are expected to impact fewer providers or individuals than the current rule regarding VPK Readiness Rates.

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

RULEMAKING AUTHORITY: 1002.69(5), (6), 1002.79 FS.

LAW IMPLEMENTED: 1002.69(5), (6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 14, 2016, 11:30 a.m. – 12:30 p.m. or at the conclusion of business whichever is earlier

PLACE: via GoToWebinar; information regarding registration may be found at: http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.aspx

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Tara Huls (850)717-8550. 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: Tara Huls (850)717-8550

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-8.601 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) Purpose. The purpose of this rule is to implement the requirements of Section 1002.69, F.S.

(2) Accuracy of Data.

(a) Prior to the calculation of the final VPK Provider Kindergarten Readiness Rate, as described in subsection (3) of this rule, private and public school VPK providers shall have the opportunity to review a preliminary readiness rate which includes a cumulative list of all of the children served in their program and the total number of hours they attended.

(b) If a private or public provider disputes the accuracy of the cumulative list of VPK participants or the total number of hours the VPK participants attended when such change would result in their inclusion or exclusion in the calculation of the VPK Provider Kindergarten Readiness Rate, as measured by the threshold of seventy (70) percent, as described in subparagraph (3)(a)1., of this rule, the provider may submit corrective information on Form OEL-VPK 28 (January 2016), VPK Provider Kindergarten Readiness Rate Dispute, to the Office of Early Learning Department of Education within the review period described below after publication of the cumulative list on the Office's VPK readiness rate Department's website (vpk.fl DOE.org). The sole method of submitting this form will be through the Office's VPK readiness rate website. The Department, in collaboration with Florida's Office of Early Learning and the respective Early Learning Coalition, shall review the corrective information and accept or reject the requested corrective information within the review period described below. Form OEL-VPK 28 (January 2016) is hereby incorporated by reference. A copy of

the form may be obtained as provided in Rule 6M-8.900, F.A.C. or at [insert FAR link].

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Office's Department's website or if a private provider disputes ownership ~~at the time of the 2009-10 VPK program~~, the provider may file a dispute on the Office's Department's website and submit documentation to the Office Department for its review and consideration after publication of the preliminary rate. This review period shall be at least less than twenty-one (21) days following publication of the preliminary readiness rate. The Office and the respective Early Learning Coalition Department shall review and accept or reject any changes to the data within fourteen (14) days after the close of the review period. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described in subsection (3) of this rule.

(3) Criteria for Inclusion in and Calculations of the VPK Readiness Rate.

(a) After the conclusion of the review of the data described in subsection (2) of this rule, the Office Department shall calculate the Kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. Attended the VPK program for seventy (70) percent or more of the total number of instructional hours; and
2. Are matched to a valid score on ~~both~~ of the kindergarten screening measure.

(b) Calculation of the VPK readiness rate:

1. ~~Kindergarten student scores on the Florida Assessments for Instruction in Reading (FAIR) assessment administered during the first thirty (30) days of the school year must demonstrate a probability of reading success of .67 or high to be considered "ready for kindergarten."~~ Kindergarten student scores on the Work Sampling System (WSS) Early Childhood Observation System (ECHOS) must indicate that these skills are the student is either "In Progress" or "Proficient" "emerging/progressing" or "demonstrating" to be considered "ready for kindergarten." In order for a provider to be considered to have successfully administered the VPK program, the provider must have seventy (70) percent of children ready using the calculation in this section. A provider failing to meet this standard will be placed on probation.

2. The "Percent of Children Ready for Kindergarten" shall be calculated as the number of "Children Ready for Kindergarten" on the both screening measures divided by the total number of "Children in the Readiness Rate Calculation" "Children Screened" meeting the requirements ~~set by the State~~

~~Board of Education~~ in subparagraphs (3)(a)1. and (3)(a)2., of this rule.

(c) If a private or public school provider does not meet the criteria described above, information as to why the provider was not included in the VPK Provider Readiness Rate calculation shall be displayed on the VPK Provider Profile required by Section 1002.53(5), F.S.

(d) The Department shall publish each VPK program provider's readiness rate.

(4) VPK Provider Kindergarten Readiness Rates. VPK Provider Kindergarten Readiness Rates shall be binding on new private VPK owners if the change of ownership occurred at a point in time in which seventy (70) percent or more of the VPK school-year or summer program remained for that program type. For the purpose of this rule, a change of ownership does not include the sale or transfer to family members or persons with a pre-existing ownership interest in the business.

(a) Where a change of ownership has occurred and a person with previous ownership interest maintains a business or employment interest in the business, that provider shall be bound to the readiness rates attributed to the provider prior to the change of ownership.

(b) When no sale occurs and a provider closes and a new entity opens as a VPK provider at the same location and the previous owner has an interest, either ownership or employment in the new entity, the previous readiness rates shall be binding on the new provider.

(c) In the event that a provider changes the physical location of the provider, the previous readiness rates shall be binding on that provider regardless of a change in address, name, or child care license number.

(d) In the event that the provider is sold to a person who was employed by the business within the last two (2) years prior to the sale, the previous readiness rates shall be binding on the provider.

(5) Providers Placed on Probation. If the readiness rate of a private or public VPK provider falls below the minimum rate adopted by the ~~Office State Board~~, the provider shall be placed on probation ~~and~~ notified of ~~such each~~ designation, ~~by the Department, and~~ The provider shall acknowledge such designation on the ~~Office's Department's~~ readiness rate website within twenty-one (21) days of the release of the final readiness rates. State Board of Education's adoption of the minimum readiness rate.

(a) As a result of the calculation of readiness rates, providers on probation will fall into one of the following status categories:

1. Provider on Probation, Year 1 (POP1). POP1 are defined and subject to Rule 6M-8.700, F.A.C.

2. Provider on Probation, Year 2 (POP2). POP2 are defined and subject to Rule 6M-8.701, F.A.C.

3. Provider on Probation, Year 3 (POP3) or higher. POP3 or higher defined and subject to Rule 6M-8.701, F.A.C. and Rule 6M-8.603. Depending upon the outcome of a good cause exemption application, a provider in this status may be subject to Rule 6M-8.702.

4. Provider on Probation without a current readiness rate. A provider who was previously on probation but did not receive a readiness rate in the following year remains as a provider on probation in the same year status (i.e., POP1, POP2, etc.).

Rulemaking Authority 1002.69(5), (6), 1002.79 FS. Law Implemented 1002.69(5), (6) FS. History—New 6-3-07, Amended 1-16-08, 1-5-09, 12-15-09, 10-25-10, 5-10-12, _____, Formerly 6A-1.099821.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tara Huls, Bureau Chief, VPK Program and Policy, Office of Early Learning, 250 Marriott Dr., Tallahassee, Florida 32399, (850)717-8550

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Rodney MacKinnon, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/15/2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 11/17/2015

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.097
RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to Form DR-5, Application for Consumer's Certificate of Exemption. Changes to this form allow for automatic renewals of expiring exemption certificates, clarify and simplify documentation requirements for applications, provide that the Department will confirm exemptions using publicly available information when possible, bring the forms into compliance with current administrative procedures, update contact information for the Department, and allow the form to be accessed electronically through the Department of State's website.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C, incorporate changes to Form DR-5, Application for Consumer's Certificate of Exemption.

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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding the procedures for processing written protests of assessments and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 288.1258, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 14, 2016, 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1221, 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 48 hours before the workshop/meeting by contacting: Kimberly Bevis at (850)717-7082. 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: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082.

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
(2)(a) through (3)	No change.	
(4) DR-5	Application for Consumer's Certificate of Exemption with Instructions (R. ____ 11/03)	____ 09/04
	(http://www.flrules.org/Gateway/reference.asp?No=Ref-____)	
(5) through (23)	No change.	

History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kimberly Bevis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 08, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 4, 2015

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NOS.: **RULE TITLES:**

12E-1.0052	Unidentifiable Collections
12E-1.029	Financial Institution Data Matches
12E-1.031	Noncovered Medical Expenses
12E-1.036	The Administrative Establishment of Paternity and Support Obligations

PURPOSE AND EFFECT: The purpose and effect of amending Rule 12E-1.0052 F.A.C. (Unidentifiable Collections), is to clarify the current payment processing procedures associated with unidentifiable collections that become program income when all efforts to disburse to the intended recipient have failed and to align the rule with the current process used by the Department for unidentifiable collections.

The purpose and effect of amending Rule 12E-1.029, F.A.C. (Financial Institution Data Matches), is to replace the

Memorandum of Agreement form CS-EF100 with the Financial Institution Date Match Election form, CS-EF133, as a form incorporated by reference to ensure the public has the most current information regarding forms used within the rule. The purpose and effect of creating proposed Rule 12E-1.031, F.A.C. (Noncovered Medical Expenses), is to inform the public how the Department determines and collects noncovered medical expenses. It provides the public with the steps the Department uses when it seeks to determine and collect noncovered medical expenses, outlines the rights of the parties subject to the action, and provides the most current forms used within the rule.

The purpose and effect of creating proposed Rule 12E-1.036, F.A.C. (Administrative Establishment of Paternity and Support Obligations), is to inform the public how the Department establishes administrative paternity and support orders. It provides the public with the steps used by the Department when it seeks to administratively establish an order regarding paternity, or paternity and child support obligations, outlines the criteria used in determining eligibility, and provides the forms used within the rule.

SUMMARY: The proposed amendment to Rule 12E-1.0052, F.A.C., substantially rewords the rule which establishes a method for determining a support collection to be unidentifiable. The rule provides for retrieving unidentifiable collections once the collection becomes identified and establishes how the Department processes payment return requests. The proposed amendment to Rule 12E-1.029, F.A.C., replaces the Memorandum of Agreement form CS-EF100 with the Financial Institution Date Match Election form, CS-EF133, as a form incorporated by reference. Rule 12E-1.031, F.A.C., establishes criteria the Department uses to determine and collect noncovered medical expenses, explains how an obligee may request these services, and details required documentation the Department must have to collect noncovered medical expenses. The rule also states the Department sends the Notice of Proceeding to Establish the Amount Owed for Medical Expenses Not Covered by Insurance form CS-EF210, along with the actions the Department will take if the Notice is uncontested or contested. Rule 12E-1.036, F.A.C., establishes the criteria for the Department's administrative establishment of paternity and support order process. The rule informs the parties of their rights under the proceeding along with the actions required of them to establish an administrative order of paternity and support. If the action is not successfully contested and the case is not eligible for support, the Department renders a Final Order of Paternity, CS-OP50. If the case is eligible for support and the alleged father does not successfully contest the Department's actions, the Department renders a Final Administrative Paternity and Support Order, CS-OA40.

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: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences regarding the procedures for processing written protests of assessments and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 409.2557(3)(j), 409.2558(4), 409.2558(9), 409.256(17), 409.25657(6), 409.2557(3)(p), 409.25635(9) FS.

LAW IMPLEMENTED: 409.256, 409.2558(4), 409.25635, 409.25657 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 19, 2016, 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, 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 48 hours before the workshop/meeting by contacting: Steve Robinson at (850)617-8028. 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: Steve Robinson, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P.O. Box 8030, Mail Stop 2-4834, Tallahassee, Florida 32314-8030, Telephone: (850)617-8028, Email: robinsos@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 12E-1.0052 follows. See Florida Administrative Code for present text.

12E-1.0052 Unidentifiable Payments Collections.

(1) Introduction. The Department is responsible for receipt and disbursement of child support payments under Section 409.2558, F.S. The State Disbursement Unit operating under Section 61.1824, F.S., is responsible for the receipt and disbursement of child support payments for:

(a) Cases enforced by the Department under Title IV-D of the Social Security Act; and

(b) Cases not enforced by the Department under Title IV-D of the Social Security Act (non Title IV-D cases) in which the support order is issued on or after January 1, 1994, and in which the obligor's support obligation is being paid through income deduction.

(2) Definitions. For purposes of this rule:

(a) "Comprehensive Case Information System or "CCIS" means a secured internet portal developed and set up by the Florida Association of Court Clerks and Comptrollers (FACC) that provides a single point of search for statewide court case information.

(b) "Department" means the Florida Department of Revenue.

(c) "State Disbursement Unit" or "SDU" means the unit operated by the Title IV-D agency, under Section 61.1824, F.S. The SDU provides one central address for receipt and disbursement of child support payments for the cases listed in subsection (1).

(d) "Unidentifiable payment" means a payment received by the Department, including the State Disbursement Unit, for which the Department cannot identify the intended recipient or remitter.

(3) Payment Processing Procedures.

(a) The State Disbursement Unit's automated remittance processing system matches and applies child support payments to individual cases.

(b) If the payment cannot be automatically applied and there is legible identifying information on the payment instrument, the State Disbursement Unit shall search the State Disbursement Unit database, the Department's case management computer system, and CCIS using the information available from the payment instrument to try to identify the intended recipient or remitter.

(c) If the search identifies the intended recipient or remitter, the State Disbursement Unit shall apply the payment to the intended recipient's case for which payment is made.

(d) If the intended recipient cannot be identified, the State Disbursement Unit shall return the payment to the remitter.

(e) If the searches do not identify the intended recipient, the remitter, or the remitter's address, the payment is considered unidentifiable. Payments determined as unidentifiable by the State Disbursement Unit are submitted to the Department for review.

(f) If the Department is able to identify the intended recipient or remitter, the Department notifies the State Disbursement Unit to apply the payment to the intended recipient's case for which payment is made. If the payment is unidentifiable, the Department processes it as program income. The Department shall deposit the state share of an unidentifiable payment in the General Revenue Fund. The federal share of the payment is deposited in the Grants and Donations Trust Fund.

(g) If after a payment is processed as program income, a parent provides information to the Department that identifies the payment, the Department shall apply the payment to the case or refund it to the remitter as appropriate.

Rulemaking Authority 409.2557(3)(j), 409.2558(4), 409.2558(9), FS. Law Implemented, 409.2558(4), FS. History—New 1-12-10, Amended _____.

12E-1.029 Financial Institution Data Matches.

(1) Procedures for Entering into Agreements With Financial Institutions.

(a) The Department shall send a Financial Institution Data Match Election Form Memorandum of Agreement (Form CS-EF133 CS-EF100)

(http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), incorporated herein by reference, effective XX/XX, with a revision date of May 20, 2002, for the operation of the data match system described in Section 409.25657(2), F.S., to each financial institution doing business in the state that meets meeting the definition of a financial institution in Section 409.25657(1)(a), F.S., and which has not elected to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) below. ~~Members of the public may obtain a copy of the Memorandum of Agreement by writing to: Department of Revenue, Child Support Enforcement Program, Attn. Forms Coordinator, P. O. Box 8030, Tallahassee, FL 32314 8030.~~

(b) At a minimum, the Financial Institution Data Match Election Form Memorandum of Agreement specified in paragraph (a) above shall identify the records that will be compared, the methods of accomplishing the record comparisons, the methods for electronic or other transmission of records between the Department and the financial institution, fees to be paid to the financial institution for services provided, and the financial institution's contact persons. The financial institution's electronic files containing data match records shall be prepared according to the

specifications prescribed by the Federal Office of Child Support Enforcement's Financial Institution Data Match Specifications Handbook

(http://www.flrules.org/Gateway/reference.asp?No=Ref-____), incorporated herein by reference, effective XX/XX. Members of the public may view the Financial Institution Data Match Specifications Handbook or obtain a copy through the Internet at: <http://www.acf.dhhs.gov/programs/cse/fct/fidm/dataspecs.pdf>.

(c) The Department has designated the Federal Office of Child Support Enforcement as its agent authorized to enter into operational agreements for data matching, on behalf of the Department, with financial institutions doing business in two or more states ~~that elect~~ electing to participate in the Federal Office of Child Support Enforcement's national data match process. The authorization only extends to ~~entering into~~ entering into agreements ~~entered into only~~ with financial institutions doing business in this state and excludes the authority to negotiate fees to be paid to financial institutions for the costs of participating in the data match.

(2) Selecting Cases for Data Matching. The Department shall include the following cases in the data match system provided by Section 409.25657(2), F.S.:

(a) Temporary cash assistance cases in which the amount of past due support is equal to or greater than \$150;

(b) Non-temporary cash assistance cases in which the amount of past due support is equal to or greater than \$500.

(3) Fees for Conducting Data Matches. The Department shall pay quarterly fees to financial institutions doing business in the state that submit an invoice to the Department for payment of the costs incurred for ~~of~~ conducting the data match during a quarter, as follows:

(a) To financial institutions that ~~enter into~~ sign and return the Financial Institution Data Match Election Form Memorandum of Agreement with the Department specified in paragraph (a) of subsection (1) of this rule to the Department:

1. Not more than \$250 per quarter if the financial institution performs the data match provided by Section 409.25657(2)(a), F.S.; or

2. Not more than \$50 per quarter if the financial institution selects the option provided by Section 409.25657(2)(b), F.S., to have the Department match each individual who maintains an account at the financial institution.

(b) To financial institutions ~~that elect~~ electing to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) of subsection (1) of this rule, not more than \$100 per quarter.

(c) The Department shall not pay quarterly fees to financial institutions not doing business in this state.

Rulemaking Specific Authority 409.2557(3)(i), 409.25657(6) FS. Law Implemented 409.25657 FS. History—New 1-23-03, Amended _____.

12E-1.031 – Noncovered Medical Expenses

(1) Introduction. The Department is responsible for determining and collecting noncovered medical expenses under Section 409.25635, F.S.

(2) Definitions. For purposes of this rule:

(a) “Noncovered Medical Expenses” means reasonable and necessary uninsured medical, dental, or prescription medication expenses ordered to be paid on behalf of a child, including insurance deductibles and co-payments, pursuant to Section 61.13(1)(b), F.S., or a similar law of another state.

(b) “Obligee” means the person to whom support payments are made pursuant to a child support order.

(c) “Obligor” means a person who is responsible for making support payments pursuant to a child support order.

(3) Criteria. The Department will determine and collect noncovered medical expenses when:

(a) The support order requires the obligor to pay all or a percentage of a child's noncovered medical expenses.

(b) The obligee provides the Department with a written declaration under penalty of perjury that states:

1. Noncovered medical expenses have been incurred on behalf of the dependent child whom the obligor has been ordered to support.

2. The obligee has paid for noncovered medical expenses incurred on behalf of the child.

3. The obligor has not paid all or part of the child's noncovered medical expenses as ordered.

4. The amount paid by the obligee for noncovered medical expenses and the amount the obligor allegedly owes to the obligee.

(c) The expenses are reasonable and necessary.

(d) The obligee has tried at least once to collect the amount owed from the obligor and provides the Department with a copy of the written document used to attempt to collect the amount from the obligor.

(e) The obligee has not received services from the Department to determine and collect noncovered medical expenses for the same case within the last six months.

(f) The last or only child on the case did not emancipate more than 24 months ago.

(g) The medical expenses are equal to or less than 24 months old.

(h) The Department does not require the obligee to make a collection attempt if the case has a Family Violence Indicator (FVI) against either parent.

(4) Requests for Service.

(a) If the case meets the criteria in subsection (3) upon request, the Department will send the obligee, by regular mail, the Instructions for Repayment of Medical Expenses Not Covered by Insurance (CS-EF204) (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), incorporated herein by reference effective XX/XX.

(b) The obligee must complete a Statement of Medical Expenses Not Covered by Insurance (CS-EF205) (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), incorporated herein by reference effective XX/XX, declaring:

1. The amount of noncovered medical expenses the obligee paid for the child.

2. The percentage of the child's noncovered medical expenses the obligor is required to pay as specified in the support order.

3. The amount the obligor paid for noncovered medical expenses.

4. The amount the obligor still owes the obligee for noncovered medical expenses.

(c) The obligee must complete a Worksheet for Medical Expenses Not Covered by Insurance (CS-EF206) (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), incorporated herein by reference effective XX/XX, and provide:

1. Proof of medical expenses for the child.

2. Proof of payment for the medical expenses.

(d) The obligee may only include medical expenses for services received after the date of the support order.

(e) The obligee may only include medical expenses that are equal to or less than 24 months old.

(f) The obligee must complete and return forms Statement of Medical Expenses Not Covered by Insurance (CS-EF205), Worksheet for Medical Expenses Not Covered by Insurance (CS-EF206), and supporting documents to the Department within 30 calendar days from the date on the Instructions for Repayment of Medical Expenses Not Covered by Insurance (CS-EF204).

(g) When the Department is enforcing a support order for another state, the other state has 45 calendar days to return the information.

(5) Determination of Eligible and Ineligible Expenses.

(a) The Department shall review noncovered medical expense requests submitted.

(b) If the obligee returns any, but not all of the required information, or returns incomplete or inaccurate information, the Department will send the obligee, by regular mail, an Information Request for Repayment of Medical Expenses (CS-EF207) (<http://www.flrules.org/Gateway/reference.asp?No=R ef->), incorporated herein by reference effective XX/XX,

to the parent requesting the missing, incomplete, or corrected information.

(c) The obligee must complete and return the requested information to the Department within 21 calendar days from the mail date on the Information Request for Repayment of Medical Expenses (CS-EF207).

(d) If the obligee does not return the Statement of Medical Expenses Not Covered by Insurance (CS-EF205), Worksheet for Medical Expenses Not Covered by Insurance (CS-EF206), and supporting documents within 30 calendar days the request is considered abandoned and the Department closes the request for services.

1. The Department will send the obligee, by regular mail, a Status Update Medical Expenses Not Covered by Insurance (CS-EF208)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref->), incorporated herein by reference effective XX/XX, to inform the obligee the information did not arrive timely.

2. If the obligee returns the requested information after 30 calendar days, but before six months, the Department will re-open the request for services.

3. If the other state returns the requested information after 45 calendar days, but before six months, the Department will re-open the request for services.

(e) The Department shall review the forms and supporting documents returned by the obligee to determine which expenses and payments qualify for repayment, and the amount of noncovered medical expenses owed to the obligee.

1. The Department accepts proof of payment as paid by the obligee unless the document shows someone other than the obligee made the payment.

2. The payment date of the expense must be within 24 months of the date the obligee signed the form CS-EF205.

3. The Department will determine the amount owed to the obligee by the obligor only for expenses the obligee has already paid.

4. If the obligee has partially paid an expense, the Department considers only the amount paid for repayment.

(f) The Department will not attempt to obligate and collect if:

1. The expense does not show who received the service or the patient name is missing.

2. The submitted expense is for a child not included in the support order.

3. The submitted expense has the child's name in freehand text rather than printed and does not appear to be a part of the original document.

4. The child emancipated before the medical services were incurred.

5. The submitted expense was not an uninsured medical, dental, or prescription medication expense ordered to be paid

on behalf of a child as provided in Section 61.13(1)(b), F.S., or a similar law of another state.

6. The obligee does not provide proof of payment of the expense.

7. Someone other than the obligee paid the expense and there is no proof the obligee reimbursed the individual for the expense.

8. The expense was paid more than 24 months before the obligee signed the Statement of Medical Expenses Not Covered by Insurance (CS-EF205).

9. The expense was previously established as a noncovered medical expense owed by the obligor.

10. The expense is the same as another expense within the documentation provided by the obligee.

11. The expense is a health insurance, dental insurance, or prescription medication insurance premium payment.

12. The expense is not reasonable and necessary.

13. The obligee did not initially try to collect the expense payment directly from the obligor.

14. The expense is interest charged on a credit or loan account while waiting for the obligor to reimburse noncovered medical expenses.

(g) If some or all of the expenses are not eligible for repayment, the Department will send the obligee, by regular mail, the Medical Expenses Not Eligible for Reimbursement (CS-EF209)

(http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), incorporated herein by reference effective XX/XX. The form will list the receipt number, date the expense was incurred, type of service, name of service provider, name of child, and reason the Department cannot ask for repayment.

1. The obligee will have 15 calendar days from the mail date to provide the Department more information documenting why the expenses are eligible.

2. The other state will have 30 calendar days from the mail date to provide the Department more information documenting why the expenses are eligible.

(6) Notice of Proceeding. When the Department determines expenses claimed by the obligee as noncovered medical expenses are subject to reimbursement by the obligor, the Department will send the obligor, by regular mail, the Notice of Proceeding to Establish the Amount Owed for Medical Expenses Not Covered by Insurance (CS-EF210) (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), incorporated herein by reference effective XX/XX, by regular mail.

(7) Uncontested.

(a) If the obligor does not contest the Notice of Proceeding to Establish the Amount of Owed for Medical Expenses Not Covered by Insurance (CS-EF210) within 25

days of the Notice, the obligor is deemed to have waived the right to contest.

(b) Upon expiration of the contest period, the Department shall file a certified copy of the uncontested notice and the Notice to the Clerk of the Circuit Court Depository Determination of Noncovered Medical Expenses (CS-EF211) (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), with the depository.

(8) Contested. Upon entry of a final order by the Department following an administrative hearing, the Department shall file a certified copy of the final order establishing the amount of noncovered medical expenses, if any, and the Notice to the Clerk of the Circuit Court Depository Determination of Noncovered Medical Expenses (CS-EF211) with the depository.

Rulemaking Authority 409.2557(3)(j) F.S. Law Implemented 61.17, 409.25635 F.S. History—New _____.

12E-1.036 Administrative Establishment of Paternity and Support Obligations.

(1) Introduction. Section 409.256, Florida Statutes, allows the Department to administratively establish the paternity of a child. The law also allows the Department to administratively establish a paternity and support obligation.

(2) Definitions. For purposes of this rule:

(a) “Administrative Support Order” or “Final Order” means a final order rendered by the Department as allowed by section 409.256, Florida Statutes. The Final Order establishes paternity or paternity and a support obligation for the child or children. The administrative support order may also include terms for monetary support, retroactive support, health insurance, and non-covered medical expenses if appropriate.

(b) “Alleged Father” means an individual who is or may be the biological father of a child whose paternity has not been established.

(c) “Amended Proposed Administrative Support Order” or “Amended Proposed Order” is a modified Proposed Order issued by the Department to correct an error or reflect new information that changes the terms of the original or subsequent Proposed Order.

(d) “Caregiver” means a person other than the mother, father, or alleged father, who has physical custody of a child or with whom the child primarily resides.

(e) “Genetic testing” means a scientific analysis of genetic markers conducted by a qualified laboratory to either exclude an individual as a biological parent or to show a statistical probability that the alleged father is the child’s biological parent.

(f) “Good cause” means the person scheduled for genetic testing had a good reason why they missed the appointment.

(g) “Legal service provider” means a program attorney as defined by section 409.2554(9), Florida Statutes.

(h) “Long-arm jurisdiction” refers to the conditions listed in sections 48.193(1)(a) and 88.2011, Florida Statutes, that allow the Department to assert personal jurisdiction over a respondent who does not reside in Florida.

(i) “Paternity and Administrative Support Proceeding” means an administrative action taken by the Department to order genetic testing, establish paternity, and establish a support obligation.

(j) “Paternity proceeding” means an administrative action taken by the Department to order genetic testing and establish paternity.

(k) “Proposed Administrative Support Order” or “Proposed Order” means the intended administrative order produced by the Department after having considered genetic testing results, income, and other information about the parents and child or children.

(l) “Public Assistance” means temporary cash assistance, food assistance, Medicaid, or any combination thereof.

(m) “Rendered” means the completed act of assigning a unique number and mailing copies of the Final Order to the parties and the clerk of court.

(3) Case Selection Criteria.

(a) The Department uses administrative proceedings, judicial proceedings, and voluntary acknowledgment to establish paternity. As allowed by section 409.256(2)(a), Florida Statutes, the Department is authorized to start an administrative proceeding to establish paternity or paternity and support if:

1. Paternity has not been established for the child;
2. No father’s name appears on the child’s birth certificate or the person named on a birth certificate prior to July 1, 1997, is the alleged father named in the paternity declaration or affidavit;
3. The mother was not married when the child was conceived and born;
4. The mother or alleged father states in an affidavit or written declaration that the alleged father is or may be the child’s biological father; and
5. The Department is providing services under Title IV-D of the Social Security Act.

(b) In addition to the criteria in paragraph (a), the Department will not start an administrative proceeding if any of the following conditions exist.

1. The child’s birth certificate lists the mother as married, regardless of her marital status when the child was born.
2. The Department has referred the case to a legal service provider for judicial action.

3. The Department has received genetic test results that were obtained outside of the administrative establishment proceeding.

4. The alleged father or mother is a minor.
5. The alleged father does not live in Florida and long-arm jurisdiction is not applicable.
6. The child is in foster care.
7. The Department has approved a good cause claim for non-cooperation.
8. The Department plans to close the case.
9. There is a family violence indicator on the case.

(4) Statement of Mother Naming an Alleged Father or Fathers. For cases meeting the criteria in subsection (3), the Department requires the mother to name an alleged father or fathers. The Department uses the Paternity Declaration form (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), CS-PO34 effective XX/XX and incorporated by reference, to record the name of the alleged father or fathers.

(5) Notice of Proceeding to Establish Paternity and Order to Appear for Genetic Testing.

(a) Notice of Proceeding to Establish Paternity or Paternity and Administrative Support Requirements. The Department will serve the alleged father with a Notice of Administrative Proceeding to Establish Paternity form (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), CS-OP01 effective XX/XX and incorporated by reference, hereafter referred to as the Notice of Proceeding. The Department will send the alleged father an Order to Appear for Genetic Testing form (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), CS-OP02 effective XX/XX and incorporated by reference, with the Notice of Proceeding and a copy of the Paternity Declaration, CS-PO34, or an affidavit that names the alleged father. The Notice of Proceeding will be served on the respondent by certified mail, restricted delivery, return receipt requested, or by any other means of service that meet the requirements for service of process in a civil action. Once served, the alleged father must notify the Department in writing of any change of address. If the alleged father does not update the Department, the Department will serve by regular mail any other document or resulting order to the address where the Notice of Proceeding was served and the alleged father is deemed to have received them.

(b) The Department sends a Notice of Genetic Testing Appointment form (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), CS-OP05 effective XX/XX and incorporated by reference, by regular mail to the mother or caregiver. The CS-OP05 informs the mother or caregiver where and when to appear to provide a sample for genetic testing, and it also

informs the mother or caregiver to bring the children named on the form to be tested.

(c) Alleged Father Wishes to Proceed in Circuit Court.

1. As allowed by section 409.256 (4)(a) 11 and 12, Florida Statutes, the alleged father may file a paternity action in circuit court and serve the Department with a copy of the petition. The person ordered to appear must have the petition served on the Deputy Agency Clerk within 20 days after the date he is served the Notice of Proceeding. If the Department is served timely, the administrative proceeding ends and the case proceeds in circuit court. If the alleged father files a petition in circuit court, but does not serve the Department in the 20-day time frame, the Department will continue with the administrative establishment proceeding. If the petition is served on the Department timely, the Department will mail the child's mother or caregiver the Dismissal of Administrative Proceeding form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA88 effective XX/XX and incorporated by reference.

2. Alleged Father Asks the Department to Proceed in Circuit Court. The alleged father may ask the Department to stop the administrative proceeding and proceed in circuit court. The alleged father must make this request in writing within 20 days after being served the Notice of Proceeding. The request from the alleged father must state that he requests the Department proceed with the determination of paternity in circuit court or that he has custody matters or parental rights issues which need to be addressed by the court. The Department will not accept oral requests to proceed in circuit court. When the Department receives a timely written request to proceed in circuit court, it will file a petition with the clerk of the circuit court and obtain a civil case number. When the Department receives a stamped copy of the petition back from the clerk, it will send a copy of the petition to the alleged father by certified mail, return receipt requested. Along with the copy of the petition, the Department will send the Notice of Commencement of Action and Request for Waiver of Service of Process Administrative Paternity Proceeding form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA18 effective XX/XX and incorporated by reference. The Department will also send two copies of the Waiver of Service of Process form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA19 effective XX/XX and incorporated by reference. If the alleged father is represented by an attorney, the Department will send this packet of forms and petition to the alleged father's attorney. The alleged father has 10 days from the receipt of these forms to sign and complete one copy of the CS-OA19 and return it to the Department. If the Department does not receive the signed completed CS-OA19

within 10 days, it will proceed with the establishment of paternity administratively. The Department will also file a voluntary dismissal of the civil case with the clerk of court and mail a copy of the voluntary dismissal to the alleged father. If the alleged father completes and returns the CS-OA19 within 10 days, the Department will send the child's mother or caregiver the Dismissal of Administrative Proceeding CS-OA88 form. The Department will then end the administrative proceeding and proceed in circuit court.

(6) Right to Contest the Order to Appear for Genetic Testing.

(a) Alleged Father Requests Informal Review.

1. Section 409.256(5), Florida Statutes, allows the person ordered to appear to contest the Order to Appear for Genetic Testing by asking the Department, in writing, for an informal review within 15 days after the date the Notice of Proceeding is served. When the Department receives the request for an informal review, it will contact the alleged father and, if possible, conduct the review by telephone. If the alleged father asks to appear in person, the Department will schedule an appointment. If the alleged father is incarcerated, he may present any concerns to the Department in writing or arrange with confinement officials to receive a phone call from the Department. At the end of the informal review, the Department will inform the alleged father whether it will continue with the administrative establishment of paternity. If the Department decides not to continue, it will end the administrative proceeding and will send the Dismissal of Administrative Proceeding form, CS-OA88, to the parties notifying them about the dismissal. If the Department intends to continue, it will inform the alleged father of its decision using the Notice of Conclusion of Discussion Review Administrative Paternity Proceeding form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA32 effective XX/XX and incorporated by reference. The CS-OA32 informs the alleged father of the Department's decision to continue and why. It also informs him of the right to contest the Order to Appear for Genetic Testing at an administrative hearing.

2. If the alleged father does not ask for an informal review within 15 days after the date of service of the Notice of Proceeding, the Department will inform him the request is outside the required time to ask for an informal review. The Department will do this using the Notice of Late Request for Informal Discussion Administrative Proceeding form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA35 effective XX/XX and incorporated by reference, and will continue with the administrative establishment proceeding.

(b) Alleged Father Asks for an Administrative Hearing.

1. In accordance with section 409.256(5)(b), Florida Statutes, the person ordered to appear has 15 calendar days from the mailing date of the Notice of Conclusion of Informal Review to ask the Department for an administrative hearing. If the Department receives the request within the 15-day period, the Department will refer the request to the Division of Administrative Hearings. The Department will inform the requestor it sent the request to the Division of Administrative Hearings using the Acknowledgment of Hearing Request Administrative Proceeding form (<http://www.flrules.org/Gateway/reference.asp?No=Ref->____). CS-OA55 effective XX/XX and incorporated by reference. If the Department receives a timely request, it will not continue the proceeding until the Division of Administrative Hearings issues an order, or the alleged father withdraws his request for a hearing. The Department will mail the Notice of Proceeding, Order to Appear for Genetic Testing, Paternity Declaration, and the alleged father's request for hearing to the Division of Administrative Hearings within 15 calendar days after the receipt of the request for hearing.

2. If the alleged father does not ask for an administrative hearing within the 15-day time frame, the Department will proceed with the administrative proceeding. The alleged father may not ask for an administrative hearing without first requesting an informal review.

(7) Scheduling and Rescheduling of Genetic Testing Sample Collections.

(a) Scheduling of Genetic Testing Sample Collections. The Department will schedule the initial genetic testing sample collection before sending the alleged father the Order to Appear for Genetic Testing, CSOP02 and the mother or caregiver the Notice of Genetic Testing Appointment, CS-OP05. The CS-OP02 and CS-OP05 informs the parties when and where to appear for the genetic testing sample collection. The CS-OP05 will also direct the child's mother or caregiver to bring the child to the genetic test sample collection.

(b) Rescheduling of Genetic Testing. The Department will reschedule the appointment for a genetic testing sample collection:

1. When a person scheduled for the genetic testing sample collection asks the Department to reschedule the genetic testing sample collection before the ordered test date. The person does not have to provide the Department a reason for rescheduling the initial genetic testing sample collection. The Department will inform the person the new date using Department form Notice of Genetic Testing, Appointment, CS-OP05.

2. One time if the person ordered to test shows good cause for not appearing at the scheduled genetic testing sample collection. The person claiming good cause must provide the Department with the facts that supports his or her claim for

missing the scheduled genetic testing sample collection in writing no later than 10 days after the scheduled sample collection.

3. One time when a person sanctioned as described by subsection (8) of this rule asks for a genetic testing sample collection.

(c) The Department will require and schedule a second genetic testing sample collection if it has reason to believe that the result of the previous test may be unreliable.

(d) Per section 409.256(6)(c), Florida Statutes, a person previously tested may ask for a second genetic testing sample collection by filing a written request with the Department. The person asking for the second genetic testing sample collection must pay for the test before the Department schedules the test unless that person is receiving public assistance. To get a second genetic testing sample collection, the person must ask for the sample collection no later than 15 days after the Department mailed the initial test results.

(8) Refusal to Submit to Genetic Testing Sample Collection or Failure to Appear for Genetic Testing Sample Collection. Section 409.256(7), Florida Statutes, allows the Department to take one or more of the following actions if a person refuses to submit to the genetic testing sample collection or fails to appear on the ordered date, does not use the one-time opportunity to reschedule, or does not show good cause for missing the sample collection within 10 days after the scheduled sample collection.

(a) If the mother or caregiver does not appear, the Department will verify the reason and schedule a second genetic testing sample collection if the mother or caregiver agrees to submit to genetic testing. The Department will tell the mother or caregiver of the new sample collection date using the Notice of Genetic Testing Appointment form, CS-OP05. If the mother or caregiver does not appear at the second test or refuses to submit, and the mother or caregiver is not on public assistance, the Department will begin action to close the case. If the mother or caregiver receives public assistance, the Department will report him or her to the Department of Children and Families for possible sanctions of benefits.

(b) If the alleged father does not appear without requesting rescheduling or providing good cause, the Department will schedule a second genetic sample collection and send the alleged father the Notice of Genetic Testing Appointment, CS-OP05, which will list the new date, time, and location of the genetic testing sample collection. If the alleged father does not appear to the second sample collection, the Department is authorized to start a proceeding to suspend the alleged father's driver license and motor vehicle registration as allowed by section 61.13016, Florida Statutes. The Department will tell the alleged father of the intent to suspend his driver license and vehicle registration by sending

the Notice of Intent to Suspend Driver's License and Vehicle Registration(s) form (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), CS-EF55 effective XX/XX and incorporated by reference. The Department sends this form by regular mail and it also informs the alleged father of his right to contest the action in circuit court. If the alleged father does not request a new genetic testing sample collection or contest the driver license suspension within 20 days after the mailing date of the CS-OP05, the Department will send an electronic request to the Department of Highway Safety and Motor Vehicles to suspend the driver license and vehicle registration of the alleged father. If the alleged father later complies with the Department and requests another test, and appears at the rescheduled genetic testing appointment, the Department will electronically request reinstatement of the driver license/vehicle registration from the Department of Highway Safety and Motor Vehicles. The Department will provide the alleged father the Driver License/Vehicle Registration Reinstatement Notice (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), CS-EF57 effective XX/XX and incorporated by reference, which informs the alleged father to go to a local Driver License Examining Office to get the license reinstated. The alleged father must present this form to the Department of Highway Safety and Motor Vehicles within 30 days after the date on the Driver License/Vehicle Registration Reinstatement Notice to have his driver license and vehicle registration reinstated. If the alleged father does not contest the suspension of the driver license/vehicle registration or request a new appointment, the Department will end the administrative proceeding and proceed in circuit court. The Department will not authorize reinstatement of the license until the alleged father submits to genetic testing.

(c) Prior Test Results. If an alleged father refuses to comply with the Order to Appear for Genetic Testing, but previously provided a sample for another case, the Department is authorized to use the previous sample taken from the alleged father. The alleged father is informed that the Department is authorized to do this in the Order to Appear for Genetic Testing, CS-OP02.

(d) File a Petition in Circuit Court. If the alleged father refuses to comply with the Order to Appear, and a previous sample is not available, the Department will file a petition in circuit court to establish paternity, obtain a support order, and seek repayment from the alleged father for costs incurred by the Department. If the Department files a petition in circuit court, it will notify the mother or caregiver using the Dismissal of Administrative Proceeding, CS-OA88 form.

(9) Genetic Testing Results.

(a) A laboratory under contract with the Department performs genetic testing of the samples and notifies the Department of the results. If the genetic testing results show a statistical probability of 99% or greater that the alleged father is the biological father the Department will issue a Proposed Order of Paternity, issue a Proposed Administrative Paternity and Support Order, or refer the proceeding to the Division of Administrative Hearings without issuing a Proposed Administrative Paternity and Support Order if the Department determines that an evidentiary hearing is appropriate to determine the respondent's income.

(b) The Department will close the alleged father's case if the genetic test shows a statistical probability of less than 99% that the alleged father is the biological father. In this circumstance the Department will:

1. Send the alleged father a copy of the Results of Genetic Testing form (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), CS-PO07a effective XX/XX and incorporated by reference, by regular mail. The CS-PO07a is sent to the alleged father to inform him of the results of the genetic test. If genetic testing results indicate less than a 99% probability that the alleged father is the biological father, the form states that he is not the biological father of the child listed on the notice and the Department will take no further action, unless a second test is required.

2. The Department will close the alleged father's case unless a second test is requested within 15 days after the mailing date of the genetic testing results or a second test is required by the Department.

3. Send the mother, caregiver, or other state a copy of the Results of Genetic Testing form (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), CS-PO07b effective XX/XX and incorporated by reference, by regular mail. The CS-PO07b informs the addressee the results of the genetic test. If genetic testing results indicate less than a 99% probability that the alleged father is the biological father, it states that alleged father is not the biological father of the child named in the notice.

4. Contact the mother or caregiver if he or she is on public assistance to find out if there is another possible father. If the mother or caregiver claims there is another possible father or fathers, the Department will have the mother or caregiver complete a Paternity Declaration, CS-PO34. If he or she does not cooperate and receives public assistance, the Department will report the person to the Department of Children and Families for sanctions. If the mother or caregiver does not receive public assistance and does not provide the name of an alleged father, the Department will dismiss the administrative proceeding and close the case.

(10) Proposed Order of Paternity; Commencement of Proceeding to Establish Administrative Support Order; Proposed Order of Paternity and Administrative Support. If the Department has begun a proceeding to administratively establish paternity, and the genetic test shows a statistical probability of 99% or greater that the alleged father is the child's biological father, section 409.256(9)(a), Florida Statutes, allows the Department to proceed one of two ways. It may issue a Proposed Order of Paternity, CS-OP30, as provided in paragraph (9)(a); or if appropriate, may delay issuing a proposed order of paternity and begin a proceeding to establish both paternity and a child support obligation.

(11) Proposed Order of Paternity. The Proposed Order of Paternity (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OP30 effective XX/XX and incorporated by reference, is sent to the alleged father by regular mail. The Proposed Order of Paternity informs him that the Department intends to issue a final order establishing him as the legal father of the child or children named in the Proposed Order of Paternity. The Proposed Order of Paternity informs the alleged father of his right to an informal review and to an administrative hearing. The time frames, forms, and procedures for the informal review and administrative hearing are the same as described in paragraphs (12)(a) and (b). The Department will:

1. Serve the Proposed Order of Paternity, CS-OP30, on the alleged father by regular mail. A copy of the genetic test results from the laboratory must accompany the proposed order when the Department mails the Proposed Order of Paternity.

2. Send the alleged father the Results of Genetic Testing form, CS-PO07a. The CS-PO7a informs the alleged father that genetic testing has shown that he is the biological father of the child.

3. Mail a copy of the Proposed Order of Paternity, CS-OP30, to the mother, caregiver, or other state. The Results of Genetic Testing form, CS-PO07b, will be included in the packet indicating genetic testing has shown the alleged father is the biological father of the child or children.

(12) Proceeding to Establish an Administrative Paternity and Support Order.

(a) After paternity has been determined, the Department may serve the alleged father by regular mail with the Notice of Proceeding to Establish Administrative Support Order form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA01 effective XX/XX and incorporated by reference. The CS-OA01 informs the alleged father the Department intends to establish a paternity and a support obligation for the child named in the Notice and explains the steps the Department will take. The CS-OA01 also informs the

alleged father of his right to file an action in circuit court or request the Department to proceed in circuit court instead of administratively. The Department will:

1. Send the alleged father the Notice of Proceeding to Establish Administrative Support Order form, CS-OA01, by regular mail informing him of the Department's intent to establish an order for paternity and support. The Department uses the Notice of Proceeding to Establish Administrative Support Order form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OX01 effective XX/XX and incorporated by reference, when there is more than one child on the case and paternity has already been established for one or more children.

2. Send the alleged father, by regular mail, the Results of Genetic Testing form, CS-PO07a, which states the results of the genetic test.

3. Send the alleged father the Financial Affidavit Administrative Support Proceeding form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA11 effective XX/XX and incorporated by reference. The CS-OA11 requests information to determine an individual's income for the purpose of calculating the child support guideline amount. Also included in the packet is the Parent Information Form Administrative Support Proceeding (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA12 effective XX/XX and incorporated by reference, which asks each party for case specific information regarding employment, residence, and children.

4. Send the mother, caregiver, or other state a copy of the Notice of Proceeding to Establish Administrative Support Order, CS-OA01, by regular mail. The Department will also include the Results of Genetic Testing, CS-PO07b, and a blank Financial Affidavit Administrative Support Proceeding, CS-OA11, in the packet. The Financial Affidavit is not sent to caregivers. The Department also sends the Notice to Parent or Caregiver of Administrative Support Proceeding form (http://www.flrules.org/Gateway/reference.asp?No=Ref-____), CS-OA06 effective XX/XX and incorporated by reference. The Notice to Parent or Caregiver of Administrative Support Proceeding informs the mother or caregiver of the proceeding to establish support and directs the mother to complete the enclosed forms. Included in the packet is the Parent Information Form Administrative Support Proceeding, CS-OA12.

(b) Alleged Father's Rights; Notice of Proceeding

1. The alleged father may file a paternity action in circuit court and serve the Department with a copy of the petition. The alleged father must have the petition served on the Deputy Agency Clerk at the address specified in the notice within 20 days after the date the Notice of Proceeding to Establish

Administrative Support Order was mailed. If the Department is served timely, it will end the administrative establishment process and proceed in circuit court. If the alleged father files a petition in circuit court, but does not serve the Department in the 20-day time frame, the Department will continue with the administrative establishment proceeding by either issuing a Proposed Administrative Paternity and Support Order (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), CS-OA20 effective XX/XX and incorporated by reference, or referring the proceeding to the Division of Administrative Hearings without issuing a Proposed Administrative Paternity and Support Order if the Department determines that an evidentiary hearing is appropriate to determine the respondent's income.

2. The alleged father may ask the Department to stop the administrative proceeding and proceed in circuit court. The alleged father must make this request in writing within 20 days after the date the Notice of Proceeding to Establish Administrative Support Order was mailed. The request from the alleged father must state that he requests the Department to proceed with the establishment of paternity and a support obligation in circuit court, or that he has custody matters or parental rights issues which need to be addressed by the court. The Department will not accept oral requests to proceed in circuit court. When the Department receives a timely request to proceed in circuit court, it will file a petition with the clerk of court to obtain a civil case number. When the Department receives a stamped copy from the clerk, it will send one copy of the petition to the alleged father by certified mail, return receipt requested. Along with the copy of the petition, the Department will send a Notice of Commencement of Action and Request for Waiver of Service of Process Administrative Paternity and Support Proceeding, CS-OA18 form. The Department will also send two copies of the Waiver of Service of Process, CS-OA19 form. The alleged father has 10 days after the receipt of these forms to complete one copy of the CS-OA19 and return it to the Department.

a. If the Department does not receive the signed completed CS-OA19 within 10 days or if the alleged father does not respond to the Notice of Proceeding, the Department will proceed with the administrative establishment of paternity and support by issuing a Proposed Administrative Paternity and Support Order, CS-OA20, or referring the proceeding to the Division of Administrative Hearings if the Department determines that an evidentiary hearing is appropriate to determine the respondent's income. The Department will also file a voluntary dismissal of the civil case with the clerk of court.

b. If the alleged father completes and returns the CS-OA19 within 10 days, the Department will send the child's custodian or caregiver the Dismissal of Administrative

Proceeding, CS-OA88 form. The Department will end the administrative proceeding and proceed in circuit court.

(13) Proposed Administrative Paternity and Support Order. Not sooner than 20 days after notice is served under subsection (11) the Department may proceed with the administrative establishment of paternity and support by either sending the alleged father a Proposed Administrative Paternity and Support Order, CS-OA20, or referring the proceeding to the Division of Administrative Hearings without issuing a Proposed Administrative Paternity and Support Order if the Department determines that an evidentiary hearing is appropriate to determine the respondent's income. The Department uses a Proposed Administrative Paternity and Support

Order (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), CS-OX20 effective XX/XX and incorporated by reference, when a proceeding involves more than one child and paternity has already been established for one or more of the children. The Administrative Proposed and Final Orders Options List (http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), CS-OP100 effective XX/XX and incorporated by

reference, contains optional text for the proposed orders issued under this subsection. The Proposed Administrative Paternity and Support Order may include terms for monetary support, retroactive support, health insurance, and non-covered medical expenses as appropriate. The Proposed Administrative Paternity and Support Order tells the alleged father that the Department intends to issue an administrative order establishing paternity and a support obligation for the child or children listed in the Proposed Administrative Paternity and Support Order. The Proposed Order also informs the alleged father of his rights to contest the Proposed Administrative Paternity and Support Order. The alleged father's rights to contest the Proposed Administrative Paternity and Support Order, CS-OA20, CS-OX20, or the Proposed Order for Paternity, CS-OP30, discussed in paragraph (11), are:

(a) Informal Review. The alleged father has the right to an informal review, and may contact the Department within 10 days after the mailing date of the proposed order to ask for an informal review. The alleged father may ask for an informal review either orally or in writing. If the informal review results in a change to the proposed order or if an error is detected, the Department will issue either an Amended Proposed Order of Paternity, CS-OP30, or an Amended Proposed Administrative Paternity and Support Order, CS-OA20. The Department may discontinue the support proceeding if the alleged father provides proof that an obligation should not be established. Types of circumstances where the Department would not proceed to render a support obligation includes: all children reside with the alleged father,

or the alleged father, mother, and children reside together. If at the conclusion of the informal review the Department intends to render a final order, it will tell the alleged father using the Notice of Conclusion of Informal Discussion Administrative Paternity and Support Proceeding form, CS-OA32.

(b) Administrative Hearing. The alleged father or the Department has the right to an administrative hearing. If the alleged father wishes to ask for an administrative hearing, he has 20 days after the mailing date of the Proposed Administrative Paternity and Support Order or the Proposed Order for Paternity or, if the Department receives an informal review request timely, 10 days from the mailing date of the CS-OA32, whichever is later. If the Department receives the request for administrative hearing timely, it will refer the request to the Division of Administrative Hearings. The Department will inform the requestor that the Department sent the request to the Division of Administrative Hearings using the Acknowledgment of Hearing Request Administrative Proceeding form, CS-OA55. The genetic test results will be admitted as evidence and made part of the hearing record. If the statistical probability equals or exceeds a 99% probability that the alleged father is the biological father, there is a presumption of paternity. The presumption can be rebutted only by clear and convincing evidence to the contrary. If the Department determines that an administrative hearing is appropriate, it may refer the proceeding to the Division of Administrative Hearings without issuing a Proposed Administrative Paternity and Support Order. At the hearing, the administrative law judge may issue a final order that addresses paternity, or paternity and support. The administrative law judge will also determine any applicable retroactive support and include it as a sum certain in the final order. The retroactive support will be calculated for the 24 months prior to the date of the service of process for the Notice of Proceeding to Establish Paternity. If the administrative law judge issues an order, the Department will render it.

(14) Final Order Establishing Paternity or Paternity and Child Support.

(a) The Department will render a Final Order of Paternity (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), CS-OP50 effective XX/XX, or a Final Administrative Paternity and Support Order (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), CS-OA40 effective XX/XX, both forms incorporated by reference, if the alleged father does not ask for a hearing timely. The Department may use a Final Administrative Paternity and Support Order (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), CS-OX40 effective XX/XX and incorporated by reference, in cases where there is more than one child on the

order and paternity does not need to be established for all of the children. The Administrative Proposed and Final Orders Options List (<http://www.flrules.org/Gateway/reference.asp?No=Ref->), CS-OP100 effective XX/XX and incorporated by reference, contains optional text for the final orders issued under this subsection.

(b) Any Final Order of Paternity or Final Administrative Paternity and Support Order rendered as allowed by this rule has the same effect as a judgment entered by the circuit court pursuant to chapter 742, Florida Statutes.

(c) The Department will notify the Department of Health's Bureau of Vital Statistics when paternity is established for a child under this rule. The Department will ask the Bureau of Vital Statistics to amend the child's birth certificate to include the name of the legal father. In cases where the child was born in a state or U.S. Territory other than Florida, the Department will send a copy of the Final Order of Paternity or Final Administrative Paternity and Support Order to the birth registrar where the child was born.

(15) Right to Judicial Review.

(a) Each Final Order of Paternity or Final Administrative Paternity and Support Order rendered by the Department shall inform the adversely affected party of his or her right to judicial review. The adversely affected party must file a Notice of Appeal within 30 days after the date of rendition of the final order.

(b) The Department has 30 days to ask for judicial review of any Final Order of Paternity or Final Administrative Paternity and Support Order issued by an administrative law judge.

(16) Modification, Termination, or Suspension of a Final Administrative Paternity and Support Order. The Department shall follow the procedures in section 409.2563, Florida Statutes, to modify, terminate, or suspend the support obligation of a Final Administrative Paternity and Support Order.

(17) Dismissing the Administrative Paternity Proceeding. At any time before the entry of a Final Order of Paternity or a Final Administrative Paternity and Support Order, the Department may end the administrative proceeding and either close the case or proceed judicially. Instances when the Department will not proceed administratively include: a previous judicial support order for the children is provided by a party, the parties currently reside together as an intact family, or all the children reside with the alleged father. When the Department decides to end the administrative proceeding it will send the Dismissal of Administrative Proceeding form, CS-OA88, to the parties.

(18) Forms. Members of the public may get copies of the forms used in this rule chapter, incorporated by reference,

without cost, by writing to the Department of Revenue, Child Support Program, Attn.: Forms Coordinator, P.O. Box 8030, Tallahassee, Florida, 32314-8030.
Rulemaking Authority 409.2557(3)(p) and 409.256(17) FS. Law Implemented 409.256 FS. History – New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Steve Robinson
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 14, 2015

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.0081
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: To establish tolls and plaza names for new interchanges and to update existing toll rates.

SUMMARY: The amendment to this rule incorporates the toll rate schedule for two new interchanges on Florida Turnpike’s Mainline at SR 417 in Orange County and at Minneola in Lake County. The schedule further removes a cash option where facilities are converted to all-electronic tolling, updates toll rates to reflect the 2015-2016 rates, updates the Beachline West Expressway table to reflect the toll plaza consolidation with the Central Florida Expressway Authority, and adds toll plaza names to the First Coast Expressway table and the Wekiva Parkway table.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the rule does not impose a regulatory cost. Toll rates are not being increased beyond the inflation adjustment authorized by 338.165, F.S. and use of toll roads is at the driver’s option.

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: 334.044(2), 338.155(1), 338.231 FS.

LAW IMPLEMENTED: 334.044(16), 338.155, 338.165, 338.222, 338.2216, 338.231 FS.

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

DATE AND TIME: Thursday, January 14, 2016, 6:00 p.m.

PLACE: The hearing will be held as a statewide webinar which can be accessed by registering at the following website: <http://www.floridasturnpike.com/rulemakingnotice2015.cfm>.

Those persons wishing to participate in person may attend at Florida’s Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Justin Hannah, Project Manager, Milepost 263, Florida’s Turnpike, Building 5315, Ocoee, Florida, 34761, justin.hannah@dot.state.fl.us, (407)264-3822. 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: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

(1) The Toll Facilities Description and Toll Rate Schedule,

<https://www.flrules.org/Gateway/reference.asp?No=Ref-06279>, effective March 1, 2016

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-05450>, effective June 22, 2015~~ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule are available at no more than cost.

(2) No change.

Rulemaking Authority 334.044(2), 338.155(1), 338.231 FS. Law Implemented 334.044(16), 338.155, 338.165, 338.222, 338.2216, 338.231 FS. History–New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-

05, 2-5-06, 7-27-06, 10-26-06, 1-15-07, 5-17-10, 11-30-11, 2-19-14, 6-16-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane Gutierrez-Scaccetti, Turnpike Enterprise Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim Boxold, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2015

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:

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

PURPOSE AND EFFECT: To clarify and update the rule to include the most recent core competencies for licensed midwives.

SUMMARY: The rule is being amended to clarify the rule and to update the standards for midwifery programs to the most decent core competency standards.

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

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

RULEMAKING AUTHORITY: 456.004, 467.005, 467.205 FS.

LAW IMPLEMENTED: 467.009, 467.0125, 467.205 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: Claudia Kemp, Executive Director, 4052 Bald Cypress Way, Bin C-06, Tallahassee, FL 32399-3256 or MQA.Midwifery@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-4.001 Definitions.

~~(1) “Department” means the Department of Health.~~

~~(1)(2) “Clinical expertise” means demonstrated proficiency in a specialized area of direct patient care.~~

~~(3) through (10) Renumbered (2) through (9) No change.~~

~~(10)(11) “Four month pre-licensure course” means an approved program of not less than 15 credit hours which meets the requirements of these rules subsection 64B24-4.010(4), F.A.C.~~

~~(11)(12) “Approved program” means a midwifery school or a midwifery training program which is approved by the department pursuant to Section 467.205, F.S.~~

Rulemaking Authority 467.205(2) FS. Law Implemented 467.205 FS. History—New 1-26-94, Formerly 61E8-4.001, Amended 7-25-96, Formerly 59DD-4.001, Amended 10-11-04,_____.

64B24-4.002 Approval of Training Program.

(1) Provisional approval for a term not to exceed five years shall be granted by the department to an organization to initiate a midwifery training program when it has presented documentation satisfactory to the department that it meets the accreditation requirements of Chapter 467 and the requirements for faculty, curriculum, clinical training and administration as set forth in these rules. ~~following criteria:~~

~~(a) The training program shall be conducted in either an accredited public institution, or in a non public institution licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools and which is actively seeking accreditation by a member of the Council on Postsecondary Accreditation. All training programs shall include both classroom instruction and clinical training;~~

~~(b) The time required to complete the training program shall be pursuant to Section 467.009(2), F.S.;~~

~~(c) Faculty pursuant to Rule 64B24-4.005, F.A.C.;~~

~~(d) Curriculum Guidelines and Educational Objectives pursuant to Rule 64B24-4.006, F.A.C.;~~

~~(e) Clinical Training pursuant to Rule 64B24-4.007, F.A.C.; and~~

~~(f) Administrative Procedures pursuant to Rule 64B24-4.008, F.A.C.~~

(2) Training programs which have been granted provisional approval may be granted full approval upon demonstration to the department they are in compliance with established standards of the department, and at least 80 percent of the first graduating class who took the licensing examination achieved a passing score qualified for licensure.

(3) A training program may be placed on probationary status if at any time when the department determines that the program falls below established standards, or fewer than 80 percent of the midwifery students in the most recent graduating class who took the licensing examination achieved a passing score graduates qualify for licensure. Probationary status shall be on an individual basis for a specified period of time not to exceed 12 months.

(4) The department shall rescind approval of any training program which fails to meet standards established in Chapter 467, F.S., or these rules by this chapter, or fails to make satisfactory progress for corrections of deficiencies within the probationary time period designated by the department.

~~(5) Any training program having its approval rescinded shall have the right to reapply.~~

~~(5)(6) The department shall, at least once every three (3) years, audit the program to certify the approval status of all training programs to determine if the program is in compliance with Chapter 467, F.S. and these rules established standards.~~
 Rulemaking Authority 456.004(5), 467.205(2) FS. Law Implemented 467.205 FS. History—New 1-26-94, Formerly 61E8-4.002, 59DD-4.002, Amended 10-11-04,_____.

64B24-4.003 Acceptance into Training Program.

To be accepted into a department approved midwifery training program, the program shall evidence that the applicant has:

~~(1) A high school diploma, or its equivalent; and~~

~~(2) Passed the College Level Academic Scholastic Test (CLAST), or has taken and received a passing grade in three college level credits each of math and English, or can demonstrate competencies in communication and computation by passing the College Level Equivalent Proficiency (CLEP) test in communication and computation.~~

Rulemaking Authority 456.004(5), 467.205(2) FS. Law Implemented 467.009(3), 467.205 FS. History—New 1-26-94, Formerly 61E8-4.003, 59DD-4.003, Amended _____.

64B24-4.005 Faculty.

~~(1) At a minimum, T~~he faculty of each approved midwifery training program shall be comprised of, at a minimum, a licensed midwife who is actively teaching, and either a certified nurse midwife, or a board certified physician licensed under Chapter 458 or 459, F.S., who has actively practiced obstetrics within the last 4 years.

~~(2) It shall be the responsibility of the school of midwifery to furnish current faculty information to the department upon request.~~

Rulemaking Authority 456.004(5), 467.205(2) FS. Law Implemented 467.205 FS. History—New 1-26-94, Formerly 61E8-4.005, 59DD-4.005, Amended _____.

64B24-4.006 Curriculum Guidelines and Educational Objectives.

~~(1) In order to ensure the preparation of midwives capable of competent practice, T~~he curriculum shall be an organized pattern of classroom instruction and clinical training ~~which is~~ consistent with principles of learning and educational practices, ~~and~~ which reflects the stated philosophy and objectives of the training program.

(2) Standards for midwifery programs shall ~~encompass classroom instruction and clinical training in all aspects of antepartal, intrapartal, postpartal, and neonatal care pursuant to Section 467.009(1), F.S., and shall include:~~

~~(a) T~~he core competencies established by the American College of Nurse Midwives, effective 8/2011, and the Midwives Alliance of North America, effective 12/2014, which are incorporated herein by reference, and effective 1-26-94, available _____ at <https://flrules.com/gateway/reference.asp?No=Ref-#####> and can be obtained upon request from the Council of Licensed Midwifery, Department of Health, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399 3256; and

~~(b) a~~ component on the law and rules which govern the practice of midwifery in Florida.

(3) The administration and faculty of the training program shall formulate and adopt educational objectives that ensure curriculum guideline requirements will be met. ~~Such objectives shall be based on a clearly stated philosophy that is in keeping with currently accepted midwifery standards, and which is consistent with the philosophy of the institution of which the training program is a part.~~

(4) Training program objectives shall identify competencies expected of graduates from the program. ~~Such objectives shall and~~ serve as the basis of program development. Course objectives shall state expected behavioral outcomes of the student, serve as the basis for course development and student evaluation, and evidence direct relationship to training program objectives.

(5) No change.

Rulemaking Authority 467.005, 467.205(2) FS. Law Implemented 467.009, 467.205 FS. History—New 1-26-94, Formerly 61E8-4.006, 59DD-4.006, Amended 9-10-02, 10-11-04,_____.

64B24-4.007 Clinical Training.

(1) No change.

(2) Clinical learning experiences ~~based on program objectives~~ shall include a variety of clinical settings and facilities within the State of Florida such as homes, birth centers, clinics, offices and hospitals.

(3) Clinical experiences shall be conducted under the direct supervision of a preceptor. No preceptor shall be assigned more than two students during any clinical experience.

~~(4)(3)~~ It shall be the responsibility of the ~~midwifery training~~ program to obtain and maintain current contractual agreements with each facility utilized for clinical training to insure provision of the appropriate clinical experience necessary to fulfill the requirements of this chapter.

~~(4) The faculty shall select clinical learning experiences and provide the student midwife with a variety of preceptor role models who shall be physically present at every birth and who shall supervise students at all times when the student is performing in a midwifery capacity with patients. No preceptor shall be assigned more than two students during any clinical experience.~~

(5) The student midwife, ~~during training,~~ shall undertake, ~~under the supervision of a preceptor,~~ the care of 50 women in each of the antepartal, intrapartal and postpartal periods, but the same women need not be seen through all 3 periods. The intrapartum period includes labor, birth, and the immediate postpartum. No more than five percent (5%) of the required intrapartal managements shall include transfers in active labor.

~~(6) During training under the supervision of a preceptor,~~ The student midwife shall undertake the neonatal examination of 50 newborns.

(7) through (8) No change.

(9) The student shall perform 5 vaginal sutures.

Rulemaking Authority 467.005, 467.205(2) FS. Law Implemented 467.205 FS. History–New 1-26-94, Formerly 61E8-4.007, 59DD-4.007, Amended 9-10-02, 10-11-04,_____.

64B24-4.008 Administrative Procedures.

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

(b) Admission, promotion, and retention policies ~~and procedures~~ for students;

(c) through (f) No change.

(g) An organized system of record making and record keeping which includes, but is not limited to, ~~pertinent~~ information on students, faculty, preceptors, and facilities relative to classroom instruction and clinical training.

(2) Upon request of a student or a graduate, the ~~institution or the midwifery training~~ program shall furnish a copy of the student's final record to the agency department ~~within 60 days following the successful completion of the program.~~

Rulemaking Authority 456.004(5), 467.205(2) FS. Law Implemented 467.205 FS. History–New 1-26-94, Formerly 61E8-4.008, 59DD-4.008, Amended _____.

64B24-4.010 Four-month Pre-licensure Course.

(1) ~~The Four (4)~~ month pre-licensure course programs shall must be approved by the department and shall include, at a minimum:

(a) through (b) No change.

(c) Provisions for five ~~(5)~~ supervised labor and deliveries and ten ~~(10)~~ supervised prenatal visits by each course participant.

~~(2) Applicants who are applying for licensure as a midwife through endorsement pursuant to Rule 64B24-2.004, F.A.C., shall successfully complete a four (4) month pre-licensure course conducted within an approved midwifery training program pursuant to Rule 64B24-4.002, F.A.C.~~

~~(2)(3)~~ Upon completion, ~~t~~The applicant shall provide evidence to the department having completed a four (4) month pre-licensure course which shall include the following:

~~(a) An official transcript sent directly from the institution, or midwifery training approved program where the course was taken which shall include course titles, grades received, dates of attendance and dates the applicant attended the program, date of completion~~

~~(b) An original letter on letterhead stationery from the director of the training program which states that the applicant successfully completed the pre-licensure course.~~

~~(4) To be admitted to the 4 month pre-licensure course, a person shall meet admission requirements as established by the approved training program and requirements pursuant to Rule 64B24-4.003, F.A.C.~~

Rulemaking Authority 456.004(5) FS. Law Implemented 467.0125 FS. History–New 1-26-94, Formerly 61E8-4.010, 59DD-4.010, Amended 10-11-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Claudia Kemp

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2015

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:

64B24-5.003 Reactivation of Inactive License

64B24-5.004 Retired Status License

PURPOSE AND EFFECT: To update the rule and the application for reactivation.

SUMMARY: The rule is being amended to update the rule and the application for reactivation.

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

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

RULEMAKING AUTHORITY: 456.004(5), 456.036(15), 467.005 FS.

LAW IMPLEMENTED: 456.004(1), 456.036(2), (4), (8), (12), 467.013 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: Claudia Kemp, Executive Director, 4052 Bald Cypress Way, Bin C-06, Tallahassee, FL 32399-3256 or MQA.Midwifery@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-5.003 Reactivation of Inactive License.

(1) Any person desiring to reactivate an inactive license shall apply to contact the department on form DH-MQA 5006, Application for Reactivation (08/2015), incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-#####> in writing to request such from the department.

(2) ~~The department shall reactivate the license of applicants who pay~~ the active status renewal fee, the reactivation fee, the change of status fee, and if applicable, the delinquency fee, if applicable, and documentation of 10 clock hours of approved clinically related continuing education for each year after the first year the license was inactive should be submitted with the application. A general emergency care plan and completion of the continuing education requirement for the last biennium the license was active is also required as required by Chapter 64B24-3, F.A.C., and meet who have met

~~the continuing education requirement established in Rule 64B24-6.002, F.A.C.~~

Rulemaking Authority 456.004(5), 467.005 FS. Law Implemented 456.004(1), 467.013 FS. History—New 1-26-94, Formerly 61E8-5.003, 59DD-5.003, Amended 9-26-02,_____.

64B24-5.004 Retired Status License.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal, the licensee shall pay the retired status fee ~~provided in Rule Chapter 64B24-3, F.A.C.~~ If the license is placed in retired status at any other time other than at the time of license renewal, the licensee shall also pay the change of status processing fee ~~as required by Chapter 64B24-3, F.A.C.~~

(2) A licensee may request to reactivate a retired status license. by: Such request shall be in writing and must demonstrate compliance with Section 456.036(12), F.S.

~~(a) Paying the renewal fee for an active status license for each biennial licensure period in which the licensee was in retired status and the reactivation fee as established in Rule Chapter 64B24-3, F.A.C.;~~

~~(b) Demonstrating satisfaction of the continuing education requirements established in Rule 64B24-6.001, F.A.C., for each licensure biennial period in which the licensee was in retired status.~~

(3) For a license in retired status over five years, the licensee also must:

~~(a) sSuccessfully complete the an approved four-month pre-licensure course required of endorsement applicants by Rule 64B24-4.010, F.A.C.; and~~

~~(b) sSubmit a general emergency care written plan for the management of emergencies as provided in Rule 64B24-2.003, F.A.C.~~

Rulemaking Authority 456.036(15), 467.005 FS. Law Implemented 456.036(2), (4), (8), (12) FS. History—New 5-4-06, Amended 9-28-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Claudia Kemp

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2015

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

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

PURPOSE AND EFFECT: To clarify the rule and update the approval process for continuing education providers.

SUMMARY: The rule is being amended to clarify the rule, update the approval process for continuing education providers and define under-served and areas of critical need.

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

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

RULEMAKING AUTHORITY: 467.005 FS.

LAW IMPLEMENTED: 467.019 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: Claudia Kemp, Executive Director, 4052 Bald Cypress Way, Bin C-06, Tallahassee, FL 32399-3256 or MQA.Midwifery@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-6.001 Continuing Education for Biennial Renewal.

(1) through (2) No change.

(3) One hour in HIV/AIDS, one hour in laws and rules governing the Midwifery Practice Act and two hours in medical error prevention are required every biennium.

(4) Two hours in domestic violence is required every third biennium.

~~(3) The following courses are part of each licensee's continuing education requirements:~~

~~(a) One hour in HIV/AIDS every biennium;~~

~~(b) Two hours in domestic violence during every third biennium;~~

~~(c) One hour in the laws and rules governing the Midwifery Practice Act every biennium; and~~

~~(d) Two hours in medical error prevention every biennium.~~

Rulemaking Authority 456.004(1), 456.031, 467.005 FS. Law Implemented 381.0034, 456.013, 456.031, 467.012(2) FS. History—New 1-26-94, Formerly 61E8-6.001, Amended 6-20-96, Formerly 59DD-6.001, Amended 9-10-02, 12-26-06,_____.

64B24-6.002 Continuing Education Requirements for Reactivation.

Rulemaking Authority 467.005 FS. Law Implemented 467.013 FS. History—New 1-26-94, Formerly 61E8-6.002, 59DD-6.002, Amended 9-10-02, Repealed_____.

64B24-6.004 Continuing Education Providers.

(1) Any institution, organization, agency or individual seeking to offer approved provider status for the purpose of conducting continuing education programs for licensed midwives shall apply submit an electronic request for approval on the department's website at www.doh.state.fl.us/mqa/midwifery to the department, by completing Form DH MQA-1055, Application for Continuing Education Provider, incorporated herein by reference and revised 8/01, which may be obtained from the Council of Licensed Midwifery, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256; and remitting the provider application fee required by Rule Chapter 64B24-3, F.A.C. Submissions must include, at a minimum, a program outline of each of the courses offered, the number of clock hour credit to be awarded, the program learning objectives, the name(s) of the instructor(s), the qualifications of the instructor(s), a sample of the evaluation form that will be used, and a sample of the certificate of completion that will be awarded to participants completing the program.

(2) The department shall issue a provider number to all approved providers which must be pursuant to Rule 64B24-6.005, F.A.C. The provider number shall appear on all documents relating to each continuing education program conducted by the provider.

(3) Approved provider status shall be effective for the biennium in which such status was granted by the department and, Provider status may be renewed biennially upon meeting requirements of Rule 64B24-6.005, F.A.C., completing the form provided by the department, and remitting the renewal fee pursuant to Rule 64B24-3.001, F.A.C.

~~(4) Approved providers shall maintain records of each program offering for 4 years following each licensure biennium during which the program was offered. Program records shall be limited to the following items:~~

- ~~(a) A program outline which reflects its educational objectives;~~
- ~~(b) The instructor's name;~~
- ~~(c) The date and location of the program;~~
- ~~(d) Participants' evaluations of the program;~~
- ~~(e) The number of clock hours of credit awarded to each participant; and~~
- ~~(f) A roster of participants by name and licensure number.~~

~~(4)(5) The approved provider is responsible for issuing shall certify the participation of any midwife who completes the program by providing the midwife with a certificate or comparable documentation to program participants after completion of verifying that the midwife completed the program. The verification shall contain:~~

- ~~(a) The provider's name and provider number;~~
- ~~(b) The title of the program;~~
- ~~(c) The name of the instructor;~~
- ~~(d) The date and location of the program; and~~
- ~~(e) The number of hours of continuing education earned.~~

~~(6) Presenters of programs may receive the same amount of credit, on a one time basis, as program participants. The presenters must have developed the program, been in attendance for the entire program and received documentation of completion from the approved provider. A maximum of 3 hours of continuing education credit per biennium may be received for presenting programs.~~

~~(7) The department retains the right and authority to audit or monitor programs and review records and program materials given by any provider approved pursuant to this section. The department may rescind provider status or reject individual programs given by a provider if they do not have clinical relevance to the practice of midwifery, or if any false or misleading information has been disseminated in connection with the continuing education program, or if the provider has failed to conform to and abide by the conditions outlined in the application and rules of the department.~~

~~Rulemaking Authority 467.005 FS. Law Implemented 467.012 FS. History—New 1-26-94, Formerly 61E8-6.004, 59DD-6.004, Amended 9-10-02,_____.~~

64B24-6.006 Performance of Pro Bono Services.

(1) Up to 5 hours, per biennium, of continuing education credit may be awarded for providing fulfilled by the performance of pro bono services to the indigent or to under served populations or in areas of critical need within the state pursuant to Section 456.013(9)(8), F.S. ~~The standard for determining indigence shall be that recognized by the Federal~~

~~Poverty Income Guidelines produced by the United States Department of Health and Human Services.~~

(2) In order to receive credit under this rule, licensees must notify the department in writing and request receive approval prior to in advance of providing the services. Credit shall be given on an hour per hour basis. In the ~~formal~~ written request to the department, licensees must state with specificity shall disclose the following:

- ~~(a) [The type, nature and extent of services to be rendered;~~
- ~~(b) [The location where the services will be rendered; and~~
- ~~(c) [The number of patients expected to be served; and~~
- ~~(d) A statement indicating evidencing that the patients to be served are indigent shall be included if applicable.~~

(3) If the licensees intend to provide services will be provided in under-served or critical need areas, the request for approval shall provide a brief explanation as to those facts include evidence that the area contains a population with too few primary care providers, a high infant mortality rate, or a high poverty or elderly population. If the services will be provided in an area of critical need, the request shall include evidence that the geographic area, a particular population or a particular facility has a shortage of primary care and has been designated an area of critical need.

~~Rulemaking Authority 456.025(4) FS. Law Implemented 456.013(8) FS. History—New 1-26-94, Formerly 61E8-6.006, 59DD-6.006, Amended_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Claudia Kemp

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2015

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:

64B24-7.014 Patient Records

PURPOSE AND EFFECT: To clarify the rule and update forms.

SUMMARY: The rule is being amended to streamline the rule and update the forms required for emergency care plans and annual reports.

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

implementation of the rule. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 467.005 FS.

LAW IMPLEMENTED: 467.019 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: Claudia Kemp, Executive Director, 4052 Bald Cypress Way, Bin C-06, Tallahassee, FL 32399-3256 or MQA.Midwifery@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-7.014 Patient Records and Reports.

(1) The midwife shall keep a record of each patient served ~~which. Such record~~ shall contain:

(a) ~~the~~ the ~~n~~ Name, address and telephone number of patient;

(b) ~~the~~ the ~~informed consent form, and all~~ documentation of all care given during the prenatal, intrapartum and postpartum period relevant to midwifery services; a copy of the Certificate of Live Birth; and

(c) ~~an~~ an ~~The~~ The ~~emergency care plan for delivery specific to each patient. The emergency care plan shall be completed by the midwife and the patient at initial consultation or before 36 weeks of pregnancy on Form DH-MQA 1077, Emergency Care Plan for Delivery (08/2015), incorporated by reference and~~ available ~~at~~ at ~~http://flrules.org/Gateway/reference.asp?No=Ref-#####.~~

(d) ~~Documentation of all consultations, referrals, transport, transfer of care and emergency care rendered, and all subsequent updates.~~

(e) ~~A copy of form DH511, Certificate of Live Birth, submitted to the registrar of vital statistics pursuant to Section 467.019(4), F.S.~~

(2) The patient's records shall be ~~retained~~ kept on file for a minimum of 5 years from date of last entry in records.

(3) ~~Patient records are confidential and may not be released unless authorized by the patient in writing. This confidentiality prohibits review of the records by a licensed~~

~~midwife other than the midwife of record or by other health care providers unless they are actually involved in care or treatment of the patient. Maintenance of patient records by a deceased licensed midwife's estate, authorized agent of the estate or by a successor owner midwife of a practice does not authorize review of patient records. However, limited review for the purpose of obtaining a patient's name, address and last date of treatment in order to comply with this rule is permitted.~~

(3)(4) Within 90 days of a midwife's death, the midwife's estate or agent shall place all patient records of the deceased midwife in the care of another Florida licensed midwife who shall notify the department and each patient in writing of the death, the transfer of records, and the name, address and telephone number of the person from whom copies of records may be obtained.

(a) The original patient records of the deceased midwife shall be maintained and copies made available to patients for a period of 5 years from receipt.

(b) ~~Within 90 days of a midwife's death the midwife's estate or agent shall cause a notice to be published in the newspaper of greatest general circulation in the county where the midwife practiced which advises patients of the licensed midwife's death. The notice shall advise patients that they may obtain copies of their medical records and specify the name, address and telephone number of the person from whom the copies of records may be obtained. The notice shall appear at least once a week for four consecutive weeks.~~

(c) ~~The subsequent Florida licensed midwife shall cause to be published a similar notice whenever the patient records of the deceased midwife are subsequently transferred to another Florida licensed midwife if such transfer is within 5 years of the midwife's death.~~

(d) ~~During the five year retention period required by this rule each Florida licensed midwife who is in possession of the deceased midwife's patient records shall insure that the original patient records, or in cases where the patient has requested that the records be released or transferred, copies thereof remain in their possession.~~

(4)(5) Medical records of a licensed midwife who is terminating or relocating their private practice shall be retained by the licensed midwife or their authorized agent, which may be a successor-owner midwife, and copies made available to patients for 5 years from the date of the last entry in the records.

(5)(6) Within one month of a licensed midwife's termination of practice or relocation of practice outside the ~~local telephone directory service area, of their current practice,~~ a notice shall be published in the newspaper of greatest general circulation in the county where the midwife practiced ~~which advises patients of the midwife's termination of~~

~~practice or relocation. The notice the midwife shall advise patients in writing of the termination or relocation that they may obtain copies of their medical records and specify the name, address and telephone number of the person from whom copies of records may be obtained. The notice shall appear at least once a week for 4 consecutive weeks.~~

~~(7) Records shall be made available at a location within the county where the midwife practices or practiced and shall be made available at reasonable times.~~

~~(8) When a licensed midwife has been employed by a practice or facility such as a birth center and the laws and rules of that practice/facility maintain that the patients' records belong to the facility, the licensed midwife shall be allowed to review on the premises of the practice/facility the patients records as needed for statistical information pursuant to Sections 467.004(3)(e) and 456.071, F.S., or, the facility may provide the required information in writing to the licensed midwife at reasonable and customary cost to the midwife pursuant to Section 119.08, F.S.~~

(6) Each licensed midwife, temporary certificate holding midwife, and midwife supervising a student midwife in assisting in childbirth that occurs in an out-of-hospital setting, shall file an annual report no later than July 31 for the prior fiscal year on Form DH-MQA 5011, Annual Report of Midwifery Practice (08/2015), incorporated by reference and available at <http://flrules.com/gateway/reference.asp?No=Ref-#####>.

(7) The Department shall send a notice of noncompliance to each licensee who fails to meet the reporting requirement. Rulemaking Specific Authority 467.005 FS. Law Implemented 467.019 FS. History—New 7-14-94, Formerly 61E8-7.014, Amended 3-20-96, Formerly 59DD-7.014, Amended 9-11-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Claudia Kemp
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2015

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:
 64B24-8.002 Disciplinary Action and Guidelines
 64B24-8.003 Citations

PURPOSE AND EFFECT: To clarify the rule, incorporate materials by reference and provide for mediation.

SUMMARY: The rule is being amended to streamline the rule, incorporate materials and provide for mediation as required by statute.

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

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

RULEMAKING AUTHORITY: 456.004(5), 456.072(3), 456.077, 456.079, 467.005, 467.203(4) FS.

LAW IMPLEMENTED: 456.072(3), 456.07, 456.079, 467.203 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: Claudia Kemp, Executive Director, 4052 Bald Cypress Way, Bin C-06, Tallahassee, FL 32399-3256 or MQA.Midwifery@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-8.002 Disciplinary Action and Guidelines.

(1) Purpose. Pursuant to Sections 456.079 and 467.203, F.S., the department provides for disciplinary guidelines in this rule which shall be imposed upon applicants or licensees it regulates under Chapter 467, F.S. The purpose of this rule is to notify applicants and licensees of the range of penalties which will routinely be imposed unless the department finds it necessary to deviate from the guidelines for the stated reasons given in this rule. The range of penalties are based upon a single count violation of each provision listed. Multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between, including appropriate probation, supervision, and continuing education.

For applicants, all offenses listed in the Disciplinary Guidelines are sufficient for refusal to certify an application for licensure.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees the department shall act in accordance with guidelines and shall impose a penalty within a range corresponding to the violations set forth in form DH5015-MQA, Council of Licensed Midwifery Disciplinary Guidelines (09/2015), incorporated herein by reference and available at <https://flrules.com/gateway/reference.asp?No=Ref-#####>.

(3)(1) The department shall take into consideration the following factors in determining the appropriate disciplinary action to be imposed:

- (a) ~~t~~The danger to the public;
- (b) ~~t~~The number of repetitions of offenses;
- (c) ~~t~~The length of time since date of violation;
- (d) ~~t~~The number of disciplinary actions taken against the licensee;
- (e) ~~t~~The length of time licensee has practiced;
- (f) ~~t~~The actual damage, physical or otherwise, to the patient;
- (g) ~~t~~The deterrent effect of the penalty imposed;
- (h) ~~a~~Any efforts for rehabilitation; and
- (i) ~~a~~Any other mitigating or aggravating circumstances in determining the appropriate disciplinary action to be imposed.

(4)(2) Except as provided in subsection (1), the department shall discipline violations within the following specified range of penalty guidelines inclusive of the lesser and intermediate penalties set forth in Section 456.072(2), F.S., which fall within the identified range. For all persons subject to this rule, conditions of probation including having to work under a preceptor may be required during the period of probation, which is either the maximum penalty imposed or follows a period of suspension of license. For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to any other discipline imposed, the department shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the department shall impose a fine of \$10,000 per count or offense.

(a) Section 467.203(1)(a) or 456.072(1)(h), F.S.: Procuring, attempting to procure, or renewing a license to practice midwifery by bribery, by fraudulent misrepresentation, or through an error of the department.

Obtain license by bribery from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. For a subsequent offense, revocation;

Obtain license by fraudulent misrepresentation from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a subsequent offense, a fine of \$10,000 and revocation;

Obtain license by Department error from a minimum letter of concern and/or a fine of \$250, up to a maximum of suspension of license for one year, followed by two years of probation, and a fine of \$1,000. For a subsequent offense, from a minimum fine of \$5,000 to revocation of license;

(b) Section 467.203(1)(b) or 456.072(1)(f), F.S.: Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country—action consistent with the disciplinary guidelines for the offense that would have been taken had the violation occurred in Florida with consideration of the penalty imposed by the other jurisdiction. For a subsequent offense, action consistent with the disciplinary guidelines for a repeat offense had the violation occurred in Florida with consideration of the penalty imposed by the other jurisdiction.

(c) Section 467.203(1)(c) or 456.072(1)(c), F.S.: Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of midwifery or to the ability to practice midwifery. A plea of nolo contendere shall be considered a conviction for purposes of this provision—misdemeanor: from a minimum fine of \$600 and six months probation, up to a fine of \$3,000 and one year's suspension with conditions followed by two years probation; felony: from a minimum of a fine of \$1,500 and two years probation, up to a fine of \$10,000 and revocation. After the first offense, from a minimum of one year of probation, up to a maximum fine of \$10,000 and revocation of license;

(d) Section 467.203(1)(d) or 456.072(1)(a), (g) or (l), F.S.: Making or filing a false report or record, which the licensee knows to be false; intentionally or negligently failing to file a report or record required by State or federal law; or willfully impeding or obstructing such filing or inducing another to do so. Such reports or records shall include only those which are signed in the midwife's capacity as a licensed midwife.

Negligent filing of false report from a minimum fine of \$500, up to a maximum of one year probation and a fine of \$2,500. For a second offense, a minimum fine of \$1,000 and a reprimand to a maximum fine of \$3,000 and two years suspension. After the second offense, up to a maximum fine of \$5,000 and/or revocation;

Willful filing of false report, impeding, or inducing another to file false report from a minimum fine of \$2,000 and/or suspension of license for three months, followed by six months of probation, up to a maximum of revocation of

license. After the first offense, up to a maximum fine of \$10,000 and/or revocation.

~~(e) Section 467.203(1)(e) or 456.072(1)(m), F.S.: Advertising falsely, misleadingly, or deceptively from a minimum fine of \$500 and a letter of concern up to a maximum fine of \$10,000 and/or three months suspension of license. For a subsequent offense, a fine of up to \$10,000 and/or one year suspension to the maximum \$10,000 fine and revocation;~~

~~(f) Section 467.203(1)(f), F.S.: Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of midwifery as established by the department, in which case actual injury need not be established from a reprimand and minimum fine of \$250 to suspension of license for up to three years and/or a fine of \$3,000. For a second offense, from two years probation and a minimum fine of \$500 to revocation and/or a fine of up to \$10,000. After the second offense, revocation and a fine of up to \$10,000;~~

~~(g) Section 467.203(1)(g) or 456.072(1)(z), F.S.: Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A midwife affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate the ability to resume the competent practice of midwifery with reasonable skill and safety from three years of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation. For a subsequent offense, from a fine of up to \$1,500, referral for a PRN evaluation, and two years of probation to a maximum fine of \$5,000 and/or revocation;~~

~~(h) Section 467.203(1)(h) or 456.072(1)(i), F.S.: Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department from a minimum letter of concern and/or a fine of \$250, up to a maximum fine of \$750 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$800 to a maximum fine of \$5,000 and/or revocation;~~

~~(i) Section 467.203(1)(i) or 456.072(1)(q), F.S.: Violating any lawful order of the department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department from a minimum fine of \$500 and a letter of concern, up to a maximum fine of \$10,000 and/or revocation. For a subsequent offense, from a minimum fine of \$1,500 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license;~~

~~(j) Section 467.203(1)(j) or 456.072(1)(b) or (dd), F.S.: Violating any provision of this chapter or Chapter 456, F.S., or~~

~~any rules adopted pursuant thereto from a minimum fine of \$500 and/or a letter of concern up to a maximum fine of \$5,000 and/or suspension of license for two years followed by two years of probation. For a second offense, from a minimum fine of \$1,500 and/or two years of probation up to a maximum fine of \$7,500 and/or revocation of license. After the second offense, from a minimum fine of \$3,000 and/or six months of suspension followed by one year of probation up to a maximum fine of \$10,000 and/or revocation;~~

~~(k) Section 456.072(1)(j) or (p), F.S.: Knowingly or willfully allowing a midwifery student to practice midwifery without a preceptor present, except in an emergency or aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to the chapter regulating the profession or the applicable rules from a minimum fine of \$750 and/or six months of probation, up to a maximum fine of \$2,500 and suspension of license for three years, followed by up to three years of probation. For a subsequent offense, from a minimum fine of \$1,000 and/or suspension of license for one year followed by two years of probation up to a maximum fine of \$7,500 and/or revocation;~~

~~(l) Section 456.072(1)(k), F.S.: Failing to perform any statutory or legal obligation placed upon a licensee from a minimum fine of \$250 and a letter of concern, up to a maximum fine of \$3,000 and/or up to two years of suspension followed by two years of probation;~~

~~(m) Section 456.072(1)(o), F.S.: Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform from a minimum fine of \$500 and/or one year of probation, up to a maximum of suspension of license for three years followed by probation and a fine of \$3,000. For a subsequent offense, up to a maximum fine of \$10,000 and/or revocation;~~

~~(n) Section 456.072(1)(r), F.S.: Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding from a minimum fine of \$500 and/or one year of probation up to a maximum fine of \$3,000 and/or up to suspension for two years followed by two years probation. For a subsequent offense, a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or revocation;~~

~~(o) Section 456.072(1)(v), F.S.: Engaging or attempting to engage in sexual misconduct from a reprimand and/or a PRN referral for evaluation, up to a maximum fine of \$10,000 and/or revocation. For a subsequent offense, from a minimum fine of \$1,000, referral to PRN for evaluation, and suspension for up to three years followed by probation for three years up to a maximum fine of \$10,000 and revocation;~~

~~(p) Section 456.072(1)(x), F.S.: Failing to report to the department in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo~~

~~contendere to, regardless of adjudication, a crime in any jurisdiction from a minimum fine of \$500 and/or a letter of concern, up to a maximum fine of \$2,000 and or six months suspension followed by one year of probation. For a subsequent offense, a fine of up to \$3,000 and/or probation for one year up to suspension of license for two years followed by two years of probation;~~

~~(q) Section 456.072(1)(bb), F.S.: Performing or attempting to perform health care services on the wrong patient, a wrong site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition including the preparation of the patient from a minimum fine of \$500 and one year of probation to a maximum fine of \$1,500 and one year suspension of the license followed by two years of probation. For a subsequent offense, from a fine of up to \$5,000 to revocation;~~

~~(r) Section 456.072(1)(cc), F.S.: Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in examination or other diagnostic procedures from a minimum fine of \$500 and one year of probation to a maximum fine of \$1,500 and one year suspension of the license followed by two years of probation. For a subsequent offense, from a fine of up to \$5,000 to revocation;~~

~~(s) Section 456.072(1)(hh), F.S.: Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug or alcohol treatment program from a minimum fine of \$300 and a stayed suspension with advocacy and demonstration of a current signed contract with PRN to a maximum fine of \$2,000 and revocation of license. For a subsequent offense, a fine of up to \$3,000 and suspension for two years and until the subject demonstrates to the department the ability to practice with skill and safety followed by three years probation to revocation.~~

~~(t) Section 456.072(1)(ii), F.S.: Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program — misdemeanor: from a minimum fine of \$600 and one year of probation up to a fine of \$3,000 and revocation; felony: from a minimum fine of \$1,500 and six months of suspension followed by two years of probation, up to a maximum fine of \$10,000 and revocation of license. For a subsequent offense, a fine of up to \$10,000 and revocation.~~

~~(u) Section 456.072(1)(jj), F.S.: Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or agreement from a minimum fine of \$300 and a letter of concern to a maximum fine of \$3,500 and up to six months suspension followed by up to three years of probation. For a subsequent offense, from a minimum fine of \$1,000 and two years of probation to a maximum fine of \$10,000 and revocation.~~

~~(v) Section 456.072(1)(kk), F.S.: Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., and other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored from a minimum fine of \$500 and a letter of concern to one year suspension and a fine of \$3,000. For a subsequent offense, from a year of probation and a minimum fine of \$1,000 to revocation and a fine of \$10,000.~~

~~(w) Section 456.072(1)(ll), F.S.: Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud — misdemeanor and unintentional fraud: from a minimum fine of \$600 and one year of probation up to a fine of \$3,000 and up to three years of probation; intentional fraud or felony: from a minimum fine of \$10,000 and three months suspension followed by two years probation to a maximum fine of \$10,000 and revocation. For a subsequent offense, a fine of \$10,000 and revocation.~~

~~Rulemaking Authority 456.004(5), 456.079, 467.005, 467.203(4) FS. Law Implemented 456.079, 467.203 FS. History—New 7-14-94, Formerly 61E8-8.002, 59DD-8.002, Amended 10-3-06, 10-28-10,~~

64B24-8.003 Citations and Mediation.

(1) The Department designates the following as citation violations:

~~(a) Failure to pay the one time fee assessment by December 31, 2008 — \$100 fine.~~

~~(b) Failure to notify the Department of a change of address within 60 days — \$250 \$100 fine.~~

~~(c) First time failure to complete the continuing education requirements within the biennium as required by Section 467.012(3), F.S. and Rule 64B24-6.001, F.A.C. — \$25 fine per continuing education hour plus proof of completing the continuing education within three months.~~

~~(d) First time engagement in unprofessional conduct under Section 467.203(1)(f), F.S., where no patient harm occurred — \$300 fine.~~

~~(e) First time failure to maintain proof of professional liability insurance for less than three months — \$200 fine.~~

~~(f) First time printing or publication of a misleading or deceptive advertisement – \$150 fine.~~

~~(b)(g) Failure to identify through written notice, or name tag, or orally to a patient that the practitioner is a licensed midwife – \$100 fine.~~

(2) through (3) No change.

(4) The Department designates the following as appropriate for mediation which is an informal, non-adversarial process to encourage and facilitate resolution of a legally-sufficient complaint:

(a) Failure to timely file the annual report, provided that the report is filed within 30 days of the due date;

(b) Failure to report address changes, provided the failure does not constitute failure to comply with an order of the Department.

Rulemaking Authority 456.072(3), 456.077, 467.005 FS. Law Implemented 456.072(3), 456.07, 456.079, 467.203 FS. History--New 2-2-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Claudia Kemp
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 12, 2015

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

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

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 234, December 4, 2015 issue of the Florida Administrative Register.

Form IEPC-M1, Model Florida Charter School Application and Form IEPC-VI, Model Florida Virtual Charter School Application are amended to read:

Page 3, 5. Attachments:

Throughout the Narrative, specific documents are requested in addition to narrative answers. Attachments may not contain additional narrative unless specifically requested. A comprehensive list of the attachments is provided on p. 28 of

this application. An applicant may include ten (10) pages of attachments in addition to those requested in the chart of attachments.

Page 4, D. Before approving or denying any final application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, excess pages pursuant to the page limits set forth in this form, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application. A sponsor may, at its discretion, receive and consider substantive revisions.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: 60S-4.010 RULE TITLE: Retirement Benefit Payment Options
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 220, November 12, 2015 issue of the Florida Administrative Register.

The following language is added to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification:

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.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: 11B-27.013 RULE TITLE: Canine Team Certification

NOTICE IS HEREBY GIVEN that on December 11, 2015, the Criminal Justice Standards and Training Commission received a petition for a permanent waiver of subparagraph 11B-27.013(7)(a)2., F.A.C., by Ryan T. Glaze of the Citrus County Sheriff's Office. Petitioner wishes to waive that portion of the rule that states Documentation on form CJSTC-

70 that the evaluator applicant has taught the Canine Team Training Course number 1198 or equivalent training in its entirety to a minimum of six canine teams that have successfully completed the canine team certification process. Canine teams trained exclusively for tracking and trailing or specific detection shall not be included in this total. Petitioner states that the current rule requires him to have taught 6 K9 teams that have successfully passed the canine team certification process under course number 1198 or equivalent training. Petitioner states that he has trained 9 dual purpose K9 teams over the last 9 years through the previous 480 hour Basic Canine Course and all have successfully passed FDLE canine certification with 13 K9 Evaluator Internships appropriately documented on CJSTC form 83. Petitioner requests that the CJSTC recognize the previous 480 hour Basic Canine Course he has taught as equivalent training to comply with the Canine Team Training Course number 1198. Petitioner states that the purpose of Section 943.12(1), F.S. will be achieved if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

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

On November 18, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), F.A.C., and subsection 61C-4.010(6), F.A.C., from Los Tres Potrillos located in Plant City. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 41, No. 227, F.A.R., on November 23, 2015. The Order for this Petition was signed and approved on December 7, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner

ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on December 15, 2015, the Board of Massage Therapy received a petition for Jennifer H. La Coa, seeking a variance or waiver of Chapter 28-124, F.A.C., in order to waive late fees of her license renewal. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Claudia Kemp, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4588, Claudia.Kemp2@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on December 15, 2015, the Board of Massage Therapy received a petition for Tina M. Grant seeking a variance or waiver regarding the requirements for proof of graduation. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Claudia Kemp, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4588, Claudia.Kemp2@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on December 14, 2015, the Board of Massage Therapy received a petition for Yanjun Wang, seeking a variance or waiver regarding the requirements for proof of graduation. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Claudia Kemp, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4588, Claudia.Kemp2@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On December 21, 2015, the State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Jill Kathleen Calvert, R.N., License #: RN 9183317. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section VI

Notice of Meetings, Workshops and Public Hearings

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, January 6, 2016, 9:00 a.m.; Thursday, January 7, 2016, 9:00 a.m.; Wednesday, January 13, 2016, 9:00 a.m.; Thursday January 14, 2016, 9:00 a.m.

PLACE: Florida Commission on Offender Review, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Florida Commission on Offender Review at ada@fpc.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

EXECUTIVE OFFICE OF THE GOVERNOR

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

DATE AND TIME: January 8, 2016, 11:00 a.m. and 2:00 p.m. until all business is complete

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the National Service Programs Committee (11:00 a.m.) and Executive Committee (2:00 p.m.)

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.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

DATE AND TIME: January 6, 2016, 9:00 a.m.

PLACE: 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at www.watermatters.org/calendar/calendar.php/.

A copy of the agenda may be obtained by contacting Carol Lynch, (813)985-7481, ext. 2004.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting SWFWMD, Human Resources Bureau Chief at 1(800)423-1476, ext. 4702; TDD (FL only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: January 20, 2016, 2:00 p.m. – 4:00 p.m.

PLACE: Douglas Building, Room 137, 3900 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss the issues and recommendations for management of the FY 2016 Drinking Water State Revolving Fund (SRF) priority list of projects to be funded with loans under Chapter 62-552, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Paul Brandl, SRF Program, 3900 Commonwealth Boulevard, Mail Station 3505, Tallahassee, Florida 32399-3000, (850)245-2986, paul.brandl@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 5 days before the workshop/meeting by contacting: Venkata Panchakarla, SRF Program, 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida 32399-3000, (850)245-2981, Venkata.Panchakarla@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

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

DATE AND TIME: January 12, 2016, 10:00 a.m.

PLACE: Department of Health, Tallahassee, 1(888)670-3525, pass code: 9908086106

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The Department of Health/CMS: Early Steps announces public meetings to which all persons are invited.

DATES AND TIMES: January 7, 2016, 1:30 p.m. – 3:30 p.m., ET; January 21, 2016, 1:30 p.m. – 3:30 p.m., ET; February 4, 2016, 1:30 p.m. – 3:30 p.m., ET; February 18, 2016, 1:30 p.m. – 3:30 p.m., ET

PLACE: Conference call only: 1(888)670-3525, pass code: 6272156732

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida's IDEA Part C Statewide Systemic Improvement Plan. This meeting is to be held every two weeks from January 7, 2016 to February 18, 2016 from 1:30 p.m. to 3:30 p.m. ET.

A copy of the agenda may be obtained by contacting Laura Rumph at Laura.Rumph@flhealth.gov or (850)245-4857.

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 Laura Rumph at Laura.Rumph@flhealth.gov or (850)245-4857. 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).

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: January 5, 2016, 8:00 a.m.

PLACE: Teleconference only: 1(605)475-3220, participant access code: 588858#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of FY 15-16 Florida's Wildlife Legacy Initiative's State Wildlife Grants project ideas.

A copy of the agenda may be obtained by contacting Andrea Alden, Fish and Wildlife Conservation Commission, State Wildlife Grants Coordinator at (850)617-9558.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Andrea Alden, Fish and Wildlife Conservation Commission, State Wildlife Grants Coordinator at (850)617-9558.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:RULE TITLES:

69A-70.001 Scope

69A-70.005 Codes Adopted

69A-70.010 Installation Requirements

The Division of State Fire Marshal announces a workshop to which all persons are invited.

DATE AND TIME: January 13, 2016, 9:30 a.m.

PLACE: Division of State Fire Marshal, Third Floor Conference Room, The Atrium Bldg., 325 John Knox Rd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This notice is to include the time of the workshop previously noticed in FAR Vol. 41No. 241, published on December 15, 2015.

A copy of the agenda may be obtained by contacting: Mike Burns, (850)413-3614, mike.burns@myfloridacfo.com.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

RULE NOS.:RULE TITLES:

6M-8.601 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

6M-8.603 Voluntary Prekindergarten (VPK) Provider Placed on Probation and Required to Apply for a Good Cause Exemption

NOTICE IS HEREBY GIVEN that the Office of Early Learning has declined to rule on the petition for declaratory statement filed by Eric B. Epstein, Esq. on behalf of Scholar Tots, Inc. d/b/a Children’s Learning Academy on September 25, 2015. The following is a summary of the agency’s declination of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 191, of the October 1, 2015 Florida Administrative Register. The petition sought a declaratory statement from the Office regarding the validity of agency action with respect to VPK provider readiness rates

and the petitioner’s status as a provider on probation. On December 21, 2015, the Office issued a Final Order denying the Petition for Declaratory Statement stating that the issue raised by the petition is more appropriately addressed under section 120.56, F.S.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Early Learning, 250 Marriott Drive, Tallahassee, Florida 32399, (850)717-8550.

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

DEPARTMENT OF EDUCATION

University of Central Florida

Mobile Ultrafast High Energy Laser Facility

NOTICE TO SPECIALITY CONTRACTORS

The University of Central Florida, on behalf of its Board of Trustees, announces that services will be required for the project listed below:

Project and Location: Mobile Ultrafast High Energy Laser Facility - Kennedy Space Center’s “Townes Innovative Science and Technology Experimentation Facility”.

The University of Central Florida’s College of Optics and Photonics (hereafter referred to as CREOL) is in the process of developing a Mobile Ultrafast High Energy Laser Facility (MU-HELFL). As part of this effort, CREOL is presenting these specifications for the design and procurement of a mobile laboratory to be contained in a forty foot ISO HC intermodal container (hereafter referred to as “the laboratory” or “the container” when discussing the structure).

Instructions for submitting a proposal can be found on the Project Fact Sheet. The Project Fact Sheet, the Contractor form and the Specifications may be obtained by contacting: website www.fp.ucf.edu or by contacting: Gina Seabrook, gina.seabrook@ucf.edu, (407)823-5894.

We are accepting only electronic submissions, to be uploaded at: <https://ucf.bonfirehub.com/p/1126>.

Submittals must be received by 5:00 p.m. local time February 1, 2016. Late submissions or additional documentation will not be accepted.

Section XII Miscellaneous

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

Notice of Availability VOCA Grant Funds

Announcement: The Office of the Attorney General (OAG) is pleased to announce the anticipated availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose of VOCA grant funds is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims of crime to understand and participate in the criminal justice system, and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida, or a combination thereof, that can demonstrate the following:

- 1) Proof that the Internal Revenue Service recognizes the organization as being tax exempt under 501(c)(3) of the Internal Revenue Code;
- 2) A statement from a state taxing body or state secretary of state certifying that the organization is a nonprofit

organization and that no part of the organization's net earnings may benefit any private shareholder or individual;

3) A certified copy of a certificate of incorporation or similar document establishing nonprofit status; or

4) Any of the above, if it applies to a state or national parent organization, with a statement by the state or national parent organization that the applicant is a local nonprofit affiliate.

The funding cycle for the VOCA grant funds under this notice is October 1, 2016, through September 30, 2017.

Application and Deadline: Organizations may participate in the annual competitive grant process which involves submission of an application followed by an application review.

The VOCA application may be accessed using the Office of the Attorney General’s new online system EGrants, which can be accessed through <https://egrants.myfloridalegal.com/> after January 8, 2016. This electronic system replaces the paper application process previously used.

Technical assistance workshops throughout the State are being scheduled, as well as pre-recorded webinars. Applicant agencies are strongly encouraged to view the webinars or send an employee responsible for grant applications to one of the workshops, which will be provided in the following cities:

Tallahassee	1/6/2016	1:00 p.m. – 4:00 p.m.
Jacksonville	1/12/2016	1:00 p.m. – 4:00 p.m.
Tampa	1/13/2016	1:00 p.m. – 4:00 p.m.
Orlando	1/20/2016	9:00a.m. – 12:00 Noon
Ft. Lauderdale	To be determined	To be determined
Destin	To be determined	To be determined

Due to limited seating pre-registration is required for all workshops. Contact the Bureau of Advocacy and Grants Management at (850)414-3380 to register for a workshop.

The deadline for applying for a VOCA grant under this notice is no later than 5:00 p.m. Eastern Time on Friday, February 26, 2016. Mailed, faxed, or hand delivered applications or required documentation will not be accepted.

DEPARTMENT OF JUVENILE JUSTICE

Policy and Procedure Updates

The Department of Juvenile Justice has posted one revised policy for comment and review: FDJJ 2020, Incident Operations Center and Incident Review. The policy will be posted until January 7, 2016, on the Department’s web page at <http://www.djj.state.fl.us/partner/policies-resources/department-policies/policies-under-review>.

Directions for submitting comments can be found at the above web page.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On December 21, 2015, State Surgeon General issued an Order of Emergency Suspension of Certification with regard to the certificate of Traci L. Sapp, C.N.A., Certification #: CNA 166996. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On December 21, 2015, the State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of George Russell Birchill, L.P.N., License #: LPN 5179142. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On December 21, 2015, the State Surgeon General issued an Order of Emergency Suspension of Certificate with regard to the certificate of Diantha David Miller, A.R.N.P., Certificate #: RN 9322768. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On December 21, 2015, State Surgeon General issued an Order of Emergency Suspension of Certification with regard to the certificate of Nicole M. Fields, C.N.A., Certification #: CNA 207494. This Emergency Suspension Order was

predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-206

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-206 on December 16, 2015, in response to a petition for administrative hearing submitted by Langton Associates, Inc., pertaining to Contract C1393.

The Department’s Final Order dismissed the petition without prejudice because the petition was insufficient to comply with applicable law, including Rule 28-106.201, Florida Administrative Code.

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.

INDEX TO RULES FILED BETWEEN DECEMBER 14, 2015 AND DECEMBER 18, 2015

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION
State Board of Education**

6A-1.001	12/18/2015	1/7/2016	41/216	
6A-1.093	12/18/2015	1/7/2016	41/216	
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6A-6.0526	12/18/2015	1/7/2016	41/214
6A-6.0527	12/18/2015	1/7/2016	41/214
6A-6.0528	12/18/2015	1/7/2016	41/214
6A-6.05291	12/18/2015	1/7/2016	41/214
6A-6.05292	12/18/2015	1/7/2016	41/214
6A-6.055	12/18/2015	1/7/2016	41/214
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6A-10.042	12/18/2015	1/7/2016	41/217
6A-14.0261	12/18/2015	1/7/2016	41/214
6A-14.0432	12/18/2015	1/7/2016	41/214
6A-14.0571	12/18/2015	1/7/2016	41/214
6A-20.050	12/18/2015	1/7/2016	41/209
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DEPARTMENT OF TRANSPORTATION

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14-10.00401	12/18/2015	1/7/2016	41/209
14-10.0041	12/18/2015	1/7/2016	41/203
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19-8.010	12/14/2015	1/3/2016	41/211
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PUBLIC SERVICE COMMISSION

25-30.029	12/15/2015	1/4/2016	41/220
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25-30.037	12/15/2015	1/4/2016	41/220
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AGENCY FOR HEALTH CARE ADMINISTRATION Health Facility and Agency Licensing

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59A-35.020	12/15/2015	1/4/2016	41/216

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59G-4.120	12/14/2015	1/3/2016	41/145	41/213

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

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61G4-15.010	12/18/2015	1/7/2016	41/218
61G4-15.014	12/18/2015	1/7/2016	41/218
61G4-17.008	12/18/2015	1/7/2016	41/208

Board of Professional Engineers

61G15-31.006	12/15/2015	1/4/2016	41/211	41/223
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DEPARTMENT OF HEALTH

Board of Nursing

64B9-13.001	12/17/2015	1/6/2016	41/224
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Board of Respiratory Care

64B32-1.007	12/18/2015	1/7/2016	41/218
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DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Program

65A-1.709 12/18/2015 1/7/201641/207

Family Safety and Preservation Program

65C-17.001 12/14/2015 1/3/201641/221

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

73B-11.030 12/18/2015 1/7/201641/210

**LIST OF RULES AWAITING LEGISLATIVE
APPROVAL PURSUANT TO SECTION 120.541(3),
FLORIDA STATUTES**

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Licensing Procedures

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DEPARTMENT OF HEALTH

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DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

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