

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-1.054 Recordkeeping and Documentation Requirements

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-1.054, Florida Administrative Code (F.A.C.) is to revise recordkeeping and documentation requirements for Florida Medicaid providers. The rule describes the required procedures in recordkeeping and documentation for Florida Medicaid providers.

SUBJECT AREA TO BE ADDRESSED: Recordkeeping and Documentation Requirements.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-1.054, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907, 409.913 FS.

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

DATE AND TIME: August 30, 2016, 11:00 a.m. to 12:00 noon.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ray Aldridge. 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: Ray Aldridge, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4151, e-mail: Ray.Aldridge@ahca.myflorida.com.

Official comments to be entered into the rule record will be received from the date of this notice until August 31, 2016. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.054 Recordkeeping and Documentation Requirements.

(1) This rule applies to providers rendering Florida Medicaid services to recipients.

(2) Documentation Requirements.

(a) All Florida Medicaid providers must:

1. Ensure medical records establish the medical necessity for and the extent of services provided.

2. Sign and date each medical record within two business days from the date and time of service, or otherwise authenticate the record by signature, written initials, or computer entry. Electronic signatures are permissible as defined in Chapter 668, Part I, F.S.

3. Initial rubber stamped signatures.

(b) Providers must document the following information for each service visit or encounter with a Florida Medicaid recipient:

1. Chief complaint of the visit.

2. Dates of service.

3. Description of services rendered (as applicable).

4. Diagnosis.

5. Diagnostic tests and results (as applicable).

6. History and physical assessment (as applicable).

7. Prescribed or provided medications and supplies (as applicable).

8. Progress reports.

9. Referrals to other services (as applicable).

10. Scheduling frequency for follow-up or other services (as applicable).

11. Treatment plan.

(3) Electronic Records.

(a) Providers that create or maintain electronic records must develop and implement an electronic records policy to comply with the applicable state and federal laws, rules, and regulations to ensure the validity and security of electronic records. Electronic record policies must address the technical safeguards required by Title 45, Code of Federal Regulations, section 164.312, where applicable.

~~(b) The Agency for Health Care Administration (AHCA) reserves the right to require modifications to a provider's electronic records policy, if AHCA determines the provider's electronic records policy does not adequately ensure the validity or security of the provider's electronic records.~~

~~(b)(e)~~ Providers that maintain electronic records must have the ability to produce electronic records in a paper format within a reasonable time, upon AHCA's request.

(4) Recordkeeping Requirements. Providers must retain all business records, medical-related records, and medical records, as defined in Rule 59G-1.010, F.A.C., according to

the requirements specified below, as applicable:

(a) Providers may maintain records on paper, magnetic material, film, or other media including electronic storage, except as otherwise required by law or Florida Medicaid requirements. All records must be accessible, legible, and comprehensible.

(b) Providers must retain all records related to services rendered to Florida Medicaid recipients for a period of at least five years from the date of service.

(5) Copying or Transferring Records.

(a) Providers may seek reimbursement from a recipient for copying medical records at the recipient’s request when the provider’s standard policy is to bill all patients for copying medical records and the recipient is notified of the copying charge before the records are copied.

(b) Providers may not seek reimbursement from the recipient or AHCA for copying records requested by AHCA or any other state or federal agency or their authorized representatives.

(6) Right to Review Records.

(a) Authorized state and federal agencies, and their authorized representatives, may audit or examine provider records. This examination includes all records these agencies find necessary to determine whether Florida Medicaid payment amounts were, or are, due. This requirement applies to the provider’s records and records for which the provider is the custodian. Providers must give authorized state and federal agencies, and their authorized representatives, access to all Florida Medicaid recipient records and any other information that cannot be separated from Florida Medicaid-related records.

(b) Providers must send, at their expense, legible copies of all Florida Medicaid-related information to the authorized state and federal agencies or their authorized representatives upon their request.

(c) All records must be provided regardless of the media format on which the original records are retained by the provider at the time of the request. All medical records must be reproduced onto paper copies unless otherwise authorized by the requestor.

Rulemaking Authority 409.919 FS. Law Implemented 409.907, 409.913 FS. History—New 7-17-16, Amended _____.

Section II Proposed Rules

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designations and Distributions for FRS Investment Plan
19-11.014	Benefits Payable for Investment Plan Member Disability and In-Line-Of-Duty Death Benefits

PURPOSE AND EFFECT: To set forth proposed amendments to Rule 19-11.002, F.A.C. which serve to adopt the latest version of the beneficiary designation form. Further, the rule is being amended to indicate that if a Special Risk Class Investment Plan member is killed in the line of duty, such member’s family will be entitled to a monthly survivor benefit as outlined in detail by new Rule 19-11.014, F.A.C. The rule also is being amended to make reference to the latest versions of the applicable enrollment forms. The rule amendments further indicate that an incomplete beneficiary designation form will not be processed. Finally, the rule amendments state that if a member designates the same person/entity as both a primary and a contingent beneficiary, the person or entity designated will be deemed to be only a primary beneficiary. Rule 19-11.014, F.A.C. is being created to provide information to Investment Plan members regarding two potential benefit options. First, information is set forth in the new rule regarding the fact that an Investment Plan member is entitled, if eligible, to apply for disability benefits which are in lieu of benefits otherwise payable to the member under Section 121.591(1) Florida Statutes. If the member’s disability benefit application is approved, the member becomes a member of the FRS Pension Plan and the member’s entire Investment Plan balance is transferred to the Pension Plan. Second, special “In Line of Duty” death benefits may be paid to the families of those Special Risk Class Investment Plan members who are killed in the line of duty. In lieu of receiving the member’s vested Investment Plan account balance, the spouse and unmarried children of each such Special Risk class member may receive monthly survivor benefits equal to 100% of the member’s salary at the time of death. Monthly benefits payable will be paid to the surviving spouse for his or her lifetime, and upon his or her death, to any surviving children where each such child is either under age 18 or under age 25 if each such child is a full-time student and unmarried. This Special Risk Class In Line of Duty Death Benefit was recently enacted during the 2016 Legislative Session.

SUMMARY: To describe the new In-Line of Duty death benefit that may be available to survivors of Special Risk Class Investment Plan members who are killed in the line of duty; to clarify certain information regarding what happens if

a member files an incomplete beneficiary designation form; to specify that the same person/entity cannot be both a primary and a contingent beneficiary; to adopt the latest version of the beneficiary designation form. There are no other rules incorporating these proposed amended rules.. The proposed amendments do not have an impact on any other rules. Legislative ratification of the rule amendments is not required. 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: There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs caused by the proposed amendments to these rules.

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: 121.4501(8), F.S.

LAW IMPLEMENTED: 121.091(5)(j), (7), (8), 121.4501(20), 121.571, 121.591(3), (4), 121.5912, 121.735, 121.71, 121.74, F.S.

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

DATE AND TIME: Tuesday, September 6, 2016, 9:00 a.m. - 11:00 a.m.

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 hours before the workshop/meeting by contacting: Tina Joanos, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32801, (850)413-1197, tina.joanos@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 IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of

Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-11.002 Beneficiary Designations and Distributions for FRS Investment Plan.

(1)(a) An ~~FRS~~ Investment Plan member may designate a beneficiary to receive the benefits which may be payable in the event of the member's death. If the member does not designate a beneficiary(ies), or if no designated beneficiary survives the member, then the member's beneficiary(ies) will be those specified by Section 121.4501(20), F.S. which are: the deceased member's spouse; or if there is no surviving spouse, then the deceased member's children, or their legal guardian, on their behalf if under 18 years of age; or if no children survive, the deceased member's father or mother, if living; otherwise the deceased member's estate.

(b) An Investment Plan member enrolled in the Special Risk Class who dies in the line of duty shall have survivor benefits paid in accordance with Section 121.591(4), F.S. and in Rule 19-11.014, F.A.C.

(c) Monthly survivor benefits provided by Section 121.591(4), F.S. shall supersede any other distribution or beneficiary that may have been provided by the member's designation of beneficiary.

(2) Any such beneficiary designation may be made on Form IPBEN-1, rev. 04-16 ~~01-15~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05797>, which is hereby adopted and incorporated by reference. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866) 446-9377, Option 4 (TRS 711), Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. or by accessing the MyFRS.com website and clicking on "Resources" and then "Forms." The beneficiary designation form must be completed and received by the ~~FRS~~ Investment Plan Administrator before it becomes effective. Alternatively, a beneficiary may be designated electronically by logging on to MyFRS.com, clicking on "manage investments," and then clicking on "personal info," or by calling the Investment Plan Administrator at 1(866)446-9377, Option 4 (TRS 711).

(3) A beneficiary designation shall only be effective once it is received by the ~~FRS~~ Investment Plan Administrator. The most recent beneficiary designation filed with the ~~FRS~~ Investment Plan Administrator shall replace any previous designation whether made before or after the member's termination of employment or retirement. After submitting the designation, the member is responsible for confirming whether the designation has been received by the ~~FRS~~ Investment Plan Administrator. The beneficiary designation is printed every

quarter on the member's quarterly statement.

(4)(a) If the ~~FRS Investment Plan~~ member enrolls in the ~~FRS~~ Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 06/14, the General Retirement Plan Enrollment Form for Regular Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1, rev. 04-16 07/15, which are adopted and incorporated by reference in subsection 19-11.006(2), F.A.C., or the 2nd Election EZ Retirement Plan Enrollment Form, Form ELE-2-EZ, rev. 04-16 07/15, or the 2nd Election Retirement Plan Enrollment Form, Form ELE-2, rev. 04-16 07/15, which are adopted and incorporated by reference in subsection 19-11.007(3), F.A.C., the member agrees to the beneficiary designation contained in Section 121.4501(20), F.S., unless the member submits a beneficiary designation as provided in subsection (2) herein.

~~(b) If the member dies prior to his or her effective date of retirement, the member's spouse at the time of death shall be the member's beneficiary unless the deceased member had designated a different beneficiary after his or her most recent marriage.~~

~~(b)(e)~~ If the member marries after designating a beneficiary, the member must file an updated beneficiary designation if the member wishes to name someone else other than the spouse as a beneficiary. If the member does not file an updated beneficiary designation, the member's spouse will be the beneficiary of the member's account. The spouse must provide a copy of he marriage certificate verifying that the marriage occurred after the most recent beneficiary designation. Example: John is married to Betty and has named her as his beneficiary. John divorces Betty and marries Carol. Carol will be John's beneficiary unless he files another beneficiary form and names, for example, his son, Bob.

~~(c)(d)~~ Once a member is enrolled in the ~~FRS~~ Investment Plan, the member may designate a beneficiary at any time, as follows:

1. A member may name a beneficiary or beneficiaries to receive the assets of the member's ~~FRS~~ Investment Plan account, either sequentially or jointly.

2. A member may name as beneficiary any person, organization, trust, or the member's estate.

~~(d)(e)~~ A primary beneficiary is someone who will receive the member's funds from the ~~FRS~~ Investment Plan account, if that person is living at the death of the member. If more than one primary beneficiary is designated with specified percentages of the funds, each will receive their member-specified percentages if they are still living at the death of the member. Example: if the member names his four sons, in equal shares (25% each), but two of the four sons die before their father, the other two living sons split the funds two ways,

50% each. ~~If joint primary beneficiaries are named but the member does not specify any percentages of the funds, the beneficiaries will receive equal portions of the remaining funds.~~

~~(e)(f)~~ A contingent beneficiary is one or more person(s) who are named, in case all primary beneficiaries die before the member. Contingent beneficiaries may receive benefits jointly or sequentially. Naming a contingent beneficiary is optional and cannot be a named primary beneficiary. If a member submits a beneficiary designation listing the same person(s) or entity as primary and contingent beneficiaries, the person(s) or entity will only be accepted as a primary beneficiary designation. All other persons or entities will be accepted as contingent beneficiaries.

~~(f)(g)~~ If a member inadvertently uses an incorrect beneficiary designation form, the ~~FRS~~ Investment Plan Administrator will notify the member and request that the member complete and submit the correct form, Beneficiary Designation Form IPBEN-1, rev. 04-16 01/15. If the member should die prior to completing and submitting the IPBEN-1 form, the ~~FRS~~ Investment Plan Administrator will consider the beneficiary set forth on the incorrect form as being the member's intended beneficiary for the purpose of paying benefits.

(g) If the member submits a beneficiary form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, last four numbers of the social security number, or signature, or the shares assigned to joint primary or contingent beneficiaries are greater or less than 100%.

(5)(a) If a member is married and the spouse is designated as a primary beneficiary, regardless of whether the percentage allocated to the spouse on the form is less than 100%, the member is not required to notify the spouse.

(b) If a member is married and names a primary beneficiary(ies) and the person(s) named is not the spouse of the member, then the member is required to notify the spouse that the spouse is not a primary beneficiary of the proceeds of the member's ~~FRS~~ Investment Plan account(s). The spouse must acknowledge that the spouse understands that the spouse is not a primary beneficiary of the member's ~~FRS~~ Investment Plan account(s) by signing the beneficiary designation form, Form IPBEN-1, rev. 04-16 01/15, in the appropriate place.

(c) If a married member fails to obtain the spouse's acknowledgment on the beneficiary designation form, then the Investment Plan Administrator will send to the member an Acknowledgement of Beneficiary Designation, reminding the member of the necessity of obtaining spousal acknowledgment. The member can return this Acknowledgement of Beneficiary Designation with the spouse's signature which will provide acknowledgement that

the spouse is not the primary beneficiary of the member's ~~FRS~~ Investment Plan account(s). Alternatively, the member may provide the ~~FRS~~ Investment Plan Administrator with a notarized statement reflecting the spouse's understanding that the spouse is not the beneficiary of the member's ~~FRS~~ Investment Plan account(s).

(d) If the member fails to obtain the spouse's acknowledgement that a beneficiary, other than the spouse, has been designated as the primary beneficiary of the member's Investment Plan benefit, the beneficiary designation on file with the ~~FRS~~ Investment Plan Administrator at the time of the member's death will be honored only if the spouse's rights as a beneficiary are not compromised under Florida law.

(6)(a) An Alternate Payee may name a beneficiary to receive the benefits which may be payable in the event of the Alternate Payee's death at any time, as outlined in subsection (2) and paragraphs (5)(a) through (f) above, once the Alternate Payee's account has been established by the ~~FRS~~ Investment Plan Administrator.

(b) If the Alternate Payee does not name a beneficiary(ies), then the Alternate Payee's beneficiary(ies) will be those as described in subsection (1).

(7) Per Florida Law Beneficiary Designation.

(a) If a member fails to designate a beneficiary as outlined in subsection (2) above, the member's designation of beneficiary will automatically be assigned a designation of "Per Florida Law" as outlined in Section 121.4501(20), F.S. To establish entitlement to the member's account, the beneficiary(ies) may be required to provide the following, as applicable: a copy of the marriage certificate, copy of the member's birth certificate, copy of the birth certificate(s) of the beneficiary(ies), legal guardianship documents issued by a court of competent jurisdiction, a notarized written statement confirming the identity of all surviving family members, tax identification number of the member's estate, or a notarized written document stating that the deceased is not survived by a spouse, child(ren) or parent(s).

(b) If, upon the death of a member, a beneficiary(ies) can be identified in accordance with Florida statute, but no social security number or address of the beneficiary or beneficiaries is available, the ~~FRS~~ Investment Plan Administrator will, with the assistance of the SBA, make a reasonable effort to obtain each beneficiary's Social Security Number or Taxpayer Identification Number, using available search tools, including the internet, LexisNexis Accurint, or another third party vendor providing such services. If a beneficiary can be identified and the social security number is provided, the transfer of benefits will be executed by the Investment Plan Administrator.

(c) If, upon the death of a member, a beneficiary cannot be identified, the provisions of paragraph (d) below will be

followed.

(d) After one year from the date of the member's death, if the beneficiary cannot be located or if a beneficiary cannot be identified, the account will be transferred to the Suspense Account. By calendar year-end of each year following the transfer to the Suspense Account, the ~~FRS~~ Investment Plan Administrator will attempt to locate and obtain the Social Security Number or the Taxpayer Identification Number of the beneficiary. The transferred funds shall be invested in the ~~FIAM Pyramis~~ Intermediate Duration Pool Fund. The amount will be held in the ~~FRS~~ Investment Plan Suspense Account until (1) the beneficiary contacts the ~~FRS~~ Investment Plan; or (2) another beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Suspense Account, the amount is transferred to the ~~FRS~~ Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member and the name of the beneficiary, if known.

(e) Should the beneficiary be located who then is willing to provide a social security number, a check will be issued to that beneficiary. The check will include actual earnings that have accrued on the funds from the date of transfer from the member's account to the Suspense Account and/or Forfeiture Account. Such payment will be subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of the issuance of the check to the beneficiary.

(8) Distributions to beneficiaries on the death of a member.

(a) If a member dies before his or her effective date of retirement, the member's spouse at the time of his or her death shall be the member's beneficiary, unless the member has designated a different beneficiary after the member's most recent marriage. If the member did name another beneficiary after his or her most recent marriage, the named beneficiary will receive the member's account balance.

(b) Upon notification of the member's death, the ~~FRS~~ Investment Plan Administrator will contact the designated beneficiary or the family of the deceased member and provide instructions on how to claim any benefits.

(9) Distributions to designated or per Florida law spousal beneficiaries.

(a) The member's surviving spouse, must provide a certified copy of the member's death certificate and, if the spouse is not designated by the member, but is the beneficiary according to Florida law, the surviving spouse must provide a copy of the marriage certificate before benefits will be paid.

(b) Spousal beneficiaries may request the following distributions:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the spouse no longer will be a member of the ~~FRS~~ Investment Plan.

2. Partial Distribution, which provides for a partial lump sum payment of the account balance. The remainder may be paid out through regular periodic payments that the spouse selects, such as monthly, quarterly, semi-annually or annually. The spouse also may defer payment of the remainder of the account balance and take additional partial lump sum payments as needed.

3. Periodic Payments, which allows for the establishment of a regular payment schedule of benefits, such as monthly, quarterly, semi-annually or annually. The amount of each benefit payment will be calculated by dividing the account balance on the date of the benefit payment by the remaining number of payments. As such, the amount of the benefit payment may change with each payment. If the account has multiple funds and sources, the periodic withdrawal amount will be prorated among all funds and sources in the account. The number of years over which the payments are made cannot exceed the spouse's life expectancy, which is determined by an actuarial table prepared by the U.S. Department of the Treasury.

4. Deferrals until a certain age, which allows the spouse to defer the receipt of benefits until a later date. However, the spouse must begin receiving the benefit payout no later than April 1 in the calendar year after the member would have attained age 70 1/2. The spouse may elect a full distribution, partial distribution or periodic payment. However, the total annual benefit payment must equal or exceed the federal Required Minimum Distribution (RMD). An additional benefit payment will be sent to the spouse in December of any year in which the total periodic payments for that year do not equal or exceed the spouse's RMD.

5. Roll over the account assets to another 401(a), 401(k) or a 403(b) plan, or to an Individual Retirement Account or Roth IRA.

6. Annuity, using entire or partial account balance.

(10) Distributions to designated non-spousal individual beneficiaries and look-through trusts or beneficiaries determined by Florida law.

(a) In accordance with Internal Revenue Service (IRS) rules, non-spousal beneficiary accounts cannot be held indefinitely in the FRS Investment Plan. The "required minimum distribution" is required by the Internal Revenue Service and spelled out in IRS Code s. 401(a)(9), requiring that if the beneficiary is not a spouse, the Investment Plan can hold the distribution for no more than 5 years from the date of the member's death.

(b) For a non-spousal beneficiary or a look-through trust beneficiary, there are two possibilities, depending upon whether payments from the account had commenced before the member's death:

1. Where distributions have already begun to the member, but the member dies before the entire account has been distributed, the remaining portion of the account must be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

2. If a member dies before the distribution of the member's account has begun, the entire account of the member must be distributed within 5 years after the death of the member, unless:

a. The member's account will be distributed over the life of the designated beneficiary or the beneficiary of the look-through trust (or over a period not extending beyond the life expectancy of such beneficiary), and

b. Such distributions begin no later than 1 year after the member's death.

(c) The non-spousal beneficiary must decide within 1 year of the date of death to take lifetime installment or annuity payouts.

(d) If the whole amount is not paid out during the required 5-year period, the remaining funds in the account will be paid in a lump sum to the non-spousal beneficiary.

(e) Non-spousal individual beneficiaries and look-through trusts may request the following distributions:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the beneficiary no longer will be a member of the FRS Investment Plan.

2. Partial Distribution, which provides for a partial lump sum payment of the account balance. The remainder may be paid out through regular periodic payments ~~that the spouse selects~~, such as monthly, quarterly, semi-annually or annually. The beneficiary also may defer payment of the remainder of the account balance and take additional partial lump sum payments as needed.

3. Periodic Payments, which allows for the establishment of a regular payment schedule of benefits, such as monthly, quarterly, semi-annually or annually. The amount of each benefit payment will be calculated by dividing the account balance on the date of the benefit payment by the remaining number of payments. As such, the amount of the benefit payment may change with each payment. If the account has multiple funds and sources, the periodic withdrawal amount will be prorated among all funds and sources in the account. The number of years over which the payments are made cannot exceed the life expectancy of the non-spousal beneficiary or of the beneficiary of the look-through trust, which is determined by an actuarial table prepared by the U.S. Department of the Treasury. If the beneficiary stops the payment for any reason, then the payout of the benefits will be governed by the time limitations set forth in paragraph (b).

4. Deferrals of up to 5 years, however the benefit must be distributed within 5 years after the death of the member, if the conditions in subparagraph (b)2. above have not been met.

5. Annuity, using entire or partial account balance.

(11) Distributions to the member's designated estate or to a designated non look-through trust.

(a) A beneficiary which is either the member's estate or a non look-through trust is considered as a non-person. Pursuant to Code s. 401(a)(9), the entire interest of the member must be distributed to such beneficiary within 5 years after the death of the member.

(b) The estate or non look-through trust beneficiary has two options for receiving the benefit payment:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the beneficiary no longer will be a member of FRS Investment Plan.

2. Deferrals of up to 5 years, however the benefit must be distributed within 5 years after the death of the member.

(12) Distributions to beneficiaries who are minors.

(a) A minor is a child under the age of 18.

(b) When a minor child or children are the designated beneficiaries of the member, whether the member is the minor's or minors' parent, grandparent, sibling, other relative or any other person, a copy of the birth certificate of each minor child and the social security number for each minor child must be provided to the FRS Investment Plan Administrator, and must be received prior to any payout, regardless of the amount. ~~The birth certificate provides proof as to identity of the natural guardian(s) of the children, so that appropriate payment arrangements may be made.~~

(c) Section 744.301, F.S., allows for the natural guardian (surviving parent(s)) to handle benefits to a minor child where that amount does not exceed \$15,000, without court appointment, authority or bond. The birth certificate provides proof as to identity of the natural guardian(s) of the children, so that appropriate payment arrangements may be made.

(d) In all cases in which a minor is a beneficiary of an account balance which is greater than \$15,000, the surviving parent(s), or other relative or other interested party, must apply for a formal guardianship. A court order or court appointment and Letters of Guardianship will be required prior to payout of any benefits to the minor. The FRS Investment Plan Administrator shall place a hold on any account where the minor beneficiary is to receive an amount in excess of \$15,000 and advise the SBA.

(e) If the individual responding to the correspondence sent by the Administrator and providing instructions for payout is not the surviving parent(s), the Administrator shall request the individual to provide a Court Order wherein a guardian has been appointed for the minor, prior to payout of any benefit

and the Administrator shall take directions only from the named guardian.

(f) If no instructions for payout are received, the Administrator shall notify the SBA and the SBA will contact the probate court with jurisdiction over the estate of the member to request direction on the disposition of the minor's interest in the account. Expenses shall be deducted from the member's account.

(13) A beneficiary, whether designated or pursuant to Florida law, of a deceased member who, by a verdict of a jury or by a court trying the case without a jury, is found guilty, or who has entered a plea of guilty or nolo contendere, of unlawfully and intentionally killing or procuring the death of such member shall forfeit all rights to the deceased member's retirement benefits. Any benefits will be paid as if such beneficiary had predeceased the deceased member. No benefits will be paid until there is a final resolution of such charges against the beneficiary.

(14)(a) If the deceased member has designated a beneficiary but has not provided the designated beneficiary's social security number or address, or has provided an incorrect social security number, then, after at least three unsuccessful attempts by the SBA or the FRS Investment Plan Administrator to locate the beneficiary, the FRS Investment Plan Administrator will advise the SBA accordingly and the account will not be distributed.

(b) The FRS Investment Plan Administrator will, with the assistance of the SBA, at the time of notification of death, make a reasonable effort to obtain the beneficiary's Social Security Number or Taxpayer Identification Number, using available search tools, including the internet, LexisNexis Accurant, ~~the Social Security Administration,~~ or another third party vendor providing such services.

(c) After one year from the date of the member's death, if the beneficiary cannot be located, the account will be transferred to the Suspense Account. No later than By calendar year-end, of each year following the transfer to the Suspense Account, the FRS Investment Plan Administrator will attempt to locate and obtain the Social Security Number or the Taxpayer Identification Number of the beneficiary. The transferred funds shall be invested in the FIAM Pyramis Intermediate Duration Pool Fund. The amount will be held in the FRS Investment Plan Suspense Account until (1) the beneficiary contacts the FRS Investment Plan; or (2) another beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Suspense Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, and the Administrator will maintain a record of where it is held indicating the name of the deceased member and the name of the beneficiary, if known.

(d) Should the beneficiary be located and provides a

social security number, a check will be issued to the beneficiary, with actual earnings, from the date of transfer from the member's account to the Suspense Account and/or Forfeiture Account subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of such payment to the beneficiary.

(15)(a) Pursuant to Federal guidelines, if the deceased member's account is to be paid to the member's estate but no Estate Identification Number is provided, the account will not be paid to the Estate until the Estate Identification Number is received. In the event that no Estate Identification Number is provided within one year from the date of notification to the ~~FRS~~ Investment Plan Administrator of the member's death, the ~~FRS~~ Investment Plan Administrator will transfer the deceased member's account to the Suspense Account indicating the name of the deceased member. If after 10 years after the date of death, the ~~FRS~~ Investment Plan Administrator has not received an Estate Identification Number, the deceased member's account will be transferred to the ~~FRS~~ Investment Plan Forfeiture Account and the Administrator will maintain a record of where it will be held indicating the name of the deceased member. The transferred funds shall be invested in the ~~FIAM Pyramid~~ Intermediate Duration Pool Fund.

(b) The ~~FRS~~ Investment Plan Administrator will, at the time of the transfer to the Suspense Account, make a reasonable effort to obtain the Estate Identification Number. Additionally, by calendar year-end of each year following the transfer to the Suspense Account, the ~~FRS~~ Investment Plan Administrator will attempt to locate and obtain the Estate Identification Number.

(c) The amount will be held in the ~~FRS~~ Investment Plan Suspense Account until (1) the member's estate representative contacts the ~~FRS~~ Investment Plan; or (2) a beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Suspense Account, the amount is transferred to the ~~FRS~~ Investment Plan Forfeiture Account, and the Administrator will maintain a record of where it is held indicating the name of the deceased member.

(d) Should the estate's representative subsequently provide an Estate Identification Number, a check will be issued to the estate, with actual earnings while invested in the ~~FIAM Pyramid~~ Intermediate Duration Pool Fund, from the date of transfer from the member's account to the Suspense Account and/or Forfeiture Account. Any applicable income tax withholding shall be paid to the appropriate tax authorities at the time of the benefit payment to the estate.

(16) If the social security number and date of birth of a beneficiary are known, an account will be established in the beneficiary's name and funds will be transferred thereto. If any other beneficiaries are named, accounts also will be established in their names, provided their social security

numbers and dates of birth are made known to the Investment Plan Administrator. However, no distribution will be made to any beneficiary until a certified copy of the member's death certificate has been received. In the meantime, the beneficiary will have control over any investment elections/allocations for the account. The beneficiary will be notified of the establishment of the account and will receive a PIN to access information pertaining to the account.

(17)(a) A designated beneficiary may disclaim any monetary interest as provided in Chapter 739, F.S., and Internal Revenue Code s. 2518. A beneficiary can make a partial disclaimer or disclaim the entire interest. When a beneficiary makes a disclaimer, the beneficiary is considered to have predeceased the member, and the other beneficiaries designated by the member may then accept or disclaim any interest to which they are entitled.

(b) The general requirements for a valid disclaimer are that:

1. The beneficiary must provide an irrevocable and unqualified refusal to accept the assets.
2. The refusal must be in writing.
3. The written disclaimer must be submitted to the ~~FRS~~ Investment Plan Administrator at the later of the following times:

- a. Nine months after the retirement account owner dies.
- b. Nine months after the beneficiary attains age 21, or if the beneficiary is 21 when the retirement account owner dies.
- c. The beneficiary must not have accepted any of the inherited assets prior to the disclaimer.
- d. The assets must pass to the successor beneficiary without any direction on the part of the person making the disclaimer.

(c) There is no special form or document that an individual must complete to disclaim inherited assets. A letter, duly notarized, is sufficient as long as it meets the requirements set forth in paragraph (b).

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.091(5)(j), (8), 121.4501(20), 121.591(3), 732.802 FS. History—New 10-21-04, Amended 3-9-06, 11-26-07, 12-8-08, 1-7-10, 8-7-11, 7-12-12, 12-16-12, 10-15-13, 1-28-14, 12-30-15, _____.

19-11.014 Benefits Payable for Investment Plan Disability and In-Line-Of-Duty Death Benefits.

(1) An Investment Plan member shall be eligible to apply for a disability benefit in accordance with Section 121.591(2), F.S., and in Rule 60S-4.007, F.A.C.

(a) Disability benefits are payable in lieu of benefits otherwise payable under Section 121.591(1), F.S.

(b) Upon approval for Investment Plan disability retirement, the member's entire Investment Plan account

balance, consisting of vested and non-vested monies, plus earnings, shall be transferred to the Division of Retirement (Division) for deposit in the disability account of the Florida Retirement System (FRS) Trust Fund.

1. The Investment Plan member will become a member of the Pension Plan effective upon his or her disability retirement effective date. If the member has a second election remaining, this transfer shall not constitute a second election as provided in Section 121.4501(4)(g).

2. The member shall receive a monthly benefit that is payable on the last day of the month for his or her lifetime and continued disability.

(c) An Investment Plan member approved for disability retirement may cancel the application by submitting a cancellation request to the Division before a disability warrant has been deposited, cashed or received by direct deposit.

1. Upon cancellation, the member shall be transferred back to the Investment Plan.

2. All monies transferred to the disability account of the FRS Trust Fund will be transferred back to the members Investment Plan account.

3. The member may elect to receive benefits as provided under Section 121.591(1), F.S., in lieu of the disability benefits.

(d) If a member recovers sufficiently to return to employment from disability, the member shall be returned as an active member to the Investment Plan.

1. The member's total disability benefits paid shall be subtracted from the amount transferred in paragraph (1)(b) above. Any remaining account balance shall be transferred to the Investment Plan Administrator for deposit into the member's Investment Plan account. The monies will be deposited based on the member's last investment elections.

2. Vested and non-vested amounts shall be accounted for separately as provided in Section 121.4501(6).

3. If the member does not return to employment with an FRS-participating employer, he or she may elect to receive the remaining account balance as provided under Section 121.591(1), F.S. Any non-vested amounts will be forfeited.

4. If the member does not return to employment with an FRS-participating employer and elects not to receive benefits as provided in Section 121.591(1), F.S., any non-vested amount shall be transferred to the suspense account. Such amount shall be forfeited if the member does not returned to FRS-covered employment within five (5) years of the termination date or request benefits as provided under Section 121.591(1), F.S.

(2) In Line of Duty death benefits are only available for Special Risk Class members enrolled in the Investment Plan:

(a) In lieu of receiving the member's vested account balance as provided in Section 121.591(3), F.S., the spouse

and/or unmarried child(ren) of Investment Plan members in the Special Risk Class killed in the line of duty on or after July 1, 2013, may receive monthly survivor benefits equal to 100% of the member's monthly salary at the time of death, if the Division determines that the member's death occurred in the line of duty, in accordance with Section 121.591(4), F.S.

(b) Monthly survivor benefits provided by this subsection shall supersede any other distribution or beneficiary that may have been provided by the member's designation of beneficiary.

(c) A hold will be placed on the member's Investment Plan account if notification is received that the member may have been killed in the line of duty or died due to a specified disease that occurred in the line of duty. If it is determined that the member's death was not in the line of duty, the hold will be removed.

(d) The SBA, Division or Investment Plan Administrator will send a letter to the surviving spouse or unmarried children. The letter will include the member's current Investment Plan account balance, estimated monthly salary at time of death, Florida Retirement System Application of Investment Plan Beneficiary for Special Risk In-Line-of-Duty Death Benefits, Form FST-11B-IP, incorporated by reference in Rule 60S-4.008, F.A.C., and items to submit with the completed application.

(e) The surviving spouse or unmarried children may cancel the application by submitting a notarized statement to the Division affirmatively declining the in line of duty death benefits. Once the statement is received, the hold placed pursuant to (2)(c) above will be removed. The benefits will be distributed according to the member's beneficiary designation. If the member did not designate a beneficiary(ies), then the member's beneficiary(ies) will be those specified by Section 121.4501(20), F.S.

(f) Upon approval for in line of duty death benefits, the member's entire Investment Plan account balance, including the balance of monies that may have been transferred to an account in the name of the surviving spouse or child(ren), will be transferred to the Division for deposit in the survivor benefit account of the FRS Trust Fund before monthly benefits can begin.

1. The monthly benefit payment will be actuarially reduced if the surviving spouse or child(ren) has taken any payments from the Investment Plan as a beneficiary of the member.

2. Monthly benefits will be paid to the surviving spouse for his or her lifetime or upon his or her death, to the surviving children who are under age 18 or age 25, if a full time student and unmarried.

Rulemaking Authority 121.4501(8), (5)(e) FS. Law Implemented 121.4501(8), (9), (10), (11), (12), (13), (14), (15), 121.591(4) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joan Haseman, Chief, Defined Contribution Programs
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 02, 2016
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 1, 2016

COMMISSION ON ETHICS

RULE NO.: RULE TITLE:
34-8.002 General Rules for Filing the CE Form 6 - Full and Public Disclosure of Financial Interests
34-8.008 Final Filing Using the CE Form 6F
34-8.009 Amended Filing Using the CE Form 6X
34-8.202 General Rules for Filing the CE Form 1 - Statement of Financial Interests
34-8.208 Final Filing Using the CE Form 1F
34-8.209 Amended Filing Using the CE Form 1X

PURPOSE AND EFFECT: The purpose of the proposed amendment is to update, clarify, and re-adopt the rules related to the forms incorporated by reference in Chapter 34-8, F.A.C., to address changes required by law and to clarify and re-adopt the forms and their instructions. Amendments to all of the forms and instructions will update the form year and filing year. Rules 34-8.002, 34-8.009, 34-8.202, and 34-8.209, F.A.C. are amended to clarify on form instructions that the ethics training requirement refers to "service" (not "term") in office; Rules 34-8.002 and 34-8.208 are amended to add to CE Form 1 and CE Form 1F instructions a filing exception, reflecting a legislative change, for certain representatives of military installations; Rule 34-8.209 is amended to clarify in instructions for CE Form 1X the timing and number of forms required to be filed; Rules 34-8.002 and 34-8.008, F.A.C. are amended to clarify in instructions for CE Form 6 and CE Form 6X that judges are among the required filers.

SUMMARY: This rulemaking affects the CE Form 6 - Full and Public Disclosure of Financial Interests; CE form 6F - Final Full and Public Disclosure of Financial Interests; CE Form 6X - Amendment to CE Form 6 Full and Public Disclosure of Financial Interests; CE Form 1 - Statement of Financial Interests; CE Form 1F - Final Statement of Financial Interests; CE Form 1X Amendment to CE Form 1 Statement of Financial Interests. The rulemaking also affects instructions for completing all of those forms.

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: Approximately 40,000 persons are required by law to file the CE Form 6 or the CE Form 1 (and related forms) each year, depending on their positions. Other than the amount of time they expend to complete the forms, any economic impact on these filers is nominal. The Commission absorbs in its annual budget the costs of printing and distributing its forms. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Art. II, Section 8, Fla. Const., 112.3144, 112.3145, 112.3147, 112.322(9), FS.

LAW IMPLEMENTED: Art II, Section 8, Fla. Const., 112.3144, 112.3145, 112.3147, 112.322, F.S., Chapter 2016-148, Section 2, LOF F.

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

DATE AND TIME: September 9, 2016, 8:30 a.m.
PLACE: First District Court of Appeal, Third Floor Courtroom, 2000 Drayton Drive, 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 3 days before the workshop/meeting by contacting: Diana Westberry, Executive Secretary, Commission on Ethics, (850)488-7864. 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: Betsy Daley, Senior Attorney, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-8.002 General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each

year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Commission. Full and public disclosure of financial interests means filing a sworn statement showing net worth, assets and liabilities on the form prescribed by the Commission, CE Form 6 – Full and Public Disclosure of Financial Interests, together with either a copy of the person's most recent federal income tax return, including all attachments, or the completed income disclosure portion of CE Form 6. The CE Form 6 (1/2017~~2016~~) <http://www.flrules.org/Gateway/reference.asp?No=Ref-05895>, and instructions for filing CE Form 6 <http://www.flrules.org/Gateway/reference.asp?No=Ref-05896> is ~~are~~ incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003, F.A.C., or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2017.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History–New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-7-01, 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, _____.

34-8.008 Final Filing Using the CE Form 6F.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, file with the Commission a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be on the form prescribed by the Commission, CE Form 6F – Final Full and Public Disclosure of Financial Interests. The CE Form 6F (1/2017 ~~2016~~) <http://www.flrules.org/Gateway/reference.asp?No=Ref-05897>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2017.

Rulemaking Authority 112.3144, 112.3147, 112.322(9) FS. Law Implemented 112.3144(5), (6) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, _____.

34-8.009 Amended Filing Using the CE Form 6X.

(1) A person may amend his or her full and public disclosure of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended filing shall be filed with the same office where the original form was filed and shall be on the form prescribed by the Commission, CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests. The CE Form 6X (1/2017 ~~2016~~) <http://www.flrules.org/Gateway/reference.asp?No=Ref-05898>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2017.

Rulemaking Authority 112.3144(6), (7), 112.3147, 112.322(9) FS. Law Implemented 112.3144(7) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, _____.

34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests, with the supervisor of elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency's headquarters, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Supervisor of Elections. The CE Form 1 (1/2017 ~~2016~~) <http://www.flrules.org/Gateway/reference.asp?No=Ref-05892>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) through (6) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2017.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS, Chapter 2016-148, Section 2, LOF. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16,_____.

34-8.208 Final Filing Using the CE Form 1F.

(1) No change.

(2) The final filing shall be on the form prescribed by the Commission, CE Form 1F – Final Statement of Financial Interests. The CE Form 1F (1/2017 ~~2016~~) <http://www.flrules.org/Gateway/reference.asp?No=Ref-05893> is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2017.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145(2)(b) FS. Chapter 2016-148, Section 2, LOF. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16,_____.

34-8.209 Amended Filing Using the CE Form 1X.

(1) A person may amend his or her statement of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended statement shall be filed with the same office where the original form was filed and shall be made on the form prescribed by the Commission, CE Form 1X – Amendment to Form 1 Statement of Financial Interests. The CE Form 1X (1/2017 ~~2016~~) <http://www.flrules.org/Gateway/reference.asp?No=05894> is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2017.

Rulemaking Authority 112.3145(9), 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betsy Daley, Senior Attorney, Florida Commission on Ethics
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Virindia Doss, Executive Director, Florida Commission on Ethics

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2016
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 11, 2016

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-9.035: Abortion Referral or Counseling Agency Registration

PURPOSE AND EFFECT: The Agency proposes to create a new section of rule to include the administration of abortion referral or counseling agency registration as required by 390.025, F.S.

SUMMARY: The Agency will address minimum registration requirements for this new type of regulated entity including the development of a registration form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. For rules listed where no SERC was prepared, the Agency prepared a checklist for each rule to determine the necessity for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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: 390.025(5), FS.

LAW IMPLEMENTED: 390.025, 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: September 2, 2016, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, Conference Room D, 2727 Mahan Drive, Building #3, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jessica Munn, Hospital & Outpatient Services Unit, 2727 Mahan Drive, Tallahassee, Florida, (850) 412-4359.. 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: Jessica Munn, Hospital & Outpatient Services Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4359.

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-9.035 Abortion Referral or Counseling Agency Registration.

(1) All applicants requesting registration for the operation of an abortion referral or counseling agency under the provisions of Chapter 390, F.S., shall make application to the Agency on the Health Care Licensing Application, Abortion Referral or Counseling Agency, AHCA Form 3130-1020, July 2016, which is incorporated by reference. The form can be obtained

at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> and from the Agency for Health Care Administration, Hospital and Outpatient Services Unit, Mail Stop #31, 2727 Mahan Drive, Tallahassee, Florida 32308 or on the agency website at: <http://ahca.myflorida.com/HQAlicensureforms>.

(2) A registration fee as listed on the application shall accompany each application for initial or renewal registration. The fee shall be made payable to the agency and is not refundable.

(3) Each registration shall be valid only for the licensee to whom it is issued and shall not be subject to sale, assignment, or other transfer, voluntary or involuntary, nor shall a registration be valid for any premises other than for which it was originally issued.

(4) A current registration shall be posted in a conspicuous place within the premises where it can be viewed by patients.

(5) A registration, unless sooner suspended or revoked, shall automatically expire two years from the date of issuance, and shall be renewable biennially upon application for renewal and payment of the fee prescribed by the application, provided that the applicant and abortion referral or counseling agency meet the requirements established under Chapter 390, F.S. and Rule Chapter 59A-9, F.A.C.

Rulemaking Authority 390.025(5) FS. Law Implemented 390.025, FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jessica Munn

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 04, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 05/27/2016

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: 6M-4.620
RULE TITLE: Health and Safety Checklists
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. 42 No. 132, July 8, 2016 issue of the Florida Administrative Register.

6M-4.620 Health and Safety Inspections and Checklists

(1) Inspections.

(a) No change.

(b) Prior to participation in the school readiness program, and annually thereafter, each school readiness program facility shall be inspected for compliance with the requirements of section 1002.88, F.S., and minimum standards contained within the provider-type specific health and safety checklist and corresponding handbook adopted under this rule. Annual inspections shall be unannounced and shall take place within the contract year at a time as scheduled by the department or local licensing agency (as applicable) three (3) months before or after the renewal of a school readiness contract. The process for such inspections can be found in each of the corresponding handbooks for the provider-type specific checklists adopted under this rule.

(c) No change.

(2) Checklist(s) and Handbook(s).

(a) Licensed child care providers, faith-based child care providers (religious-exempt), and all other child care facilities who are contracted pursuant to Rule 6M-4.610 to provide school readiness services must comply with the standards outlined in Form OEL-SR-6201 (~~October August~~ 2016) entitled “School Readiness Program Health and Safety Checklist for Licensed, License-Exempt, and School-Age Center-based Programs” and the corresponding Form OEL-SR-6202 (~~October August~~ 2016) entitled “School Readiness Program Health and Safety Standards Handbook for Licensed,

License-Exempt, and School-Age Center-based Programs,” each incorporated by reference.

(b) Public and non-public schools who are contracted pursuant to Rule 6M-4.610 to provide school readiness services must comply with the standards outlined in Form OEL-SR-6203 (~~October August~~ 2016) entitled “School Readiness Program Health and Safety Checklist for Public and Non-public School Programs” and the corresponding Form OEL-SR-6204 (~~October August~~ 2016) entitled “School Readiness Program Health and Safety Standards Handbook For Public and Non-public School Programs,” each incorporated by reference.

(c) Informal child care providers, Large Family Child Care Homes, and Family Day Care Homes, whether licensed or registered, who are contracted pursuant to Rule 6M-4.610 to provide school readiness services must comply with the standards outlined in Form OEL-SR-6205 (~~October August~~ 2016) entitled “School Readiness Program Health and Safety Checklist for Family Child Care Homes and Informal Providers” and the corresponding Form OEL-SR-6206 (~~October August~~ 2016) entitled “School Readiness Program Health and Safety Standards Handbook for Family Child Care Homes and Informal Providers,” each incorporated by reference.

(d) Form OEL-SR-6207 (~~October August~~ 2016), entitled “In-Service Training Record,” and Form OEL-SR-6208 (~~October August~~ 2016), entitled “Child Abuse and Neglect Reporting Requirements,” are each incorporated by reference.

(e) No change.

(3) Enforcement. Any issue of noncompliance with the standards outlined in the provider-type specific health and safety checklist(s) or corresponding handbook(s), as identified by the Department of Children and Families or local licensing agency (as applicable), will be forwarded to the appropriate early learning coalition for corrective action, probation, or termination in accordance with enforcement procedures outlined in the corresponding provider-type specific handbook and the Statewide Provider Contract for the School Readiness Program adopted pursuant to Rule 6M-4.610.

(4) Compliance.

(a) All school readiness program providers ~~and personnel~~ must be in compliance with the active credential requirements outlined for group size no later than 24 months from the date of enactment of this rule.

(b) All school readiness program providers must be in compliance with preservice training ~~all other health and safety, training, and inspection~~ requirements of this rule no later than March 31, 2017.

(c) All school readiness program providers must be in compliance with all other requirements of this rule no later than June 30, 2017.

(5) The following documents and forms are also incorporated by reference as part of this rule:

(a) Title 16 CFR, Parts 1219 and 1220 (January 2016 Edition) [FAR link].

(b) School Entry Health Exam, Florida Department of Health Form DH 3040-CHP (July 2013) [FAR link].

(c) Florida Certification of Immunization, Florida Department of Health Form DH 680 (July 2010), Part A-1, B, or C [FAR link].

(d) Religious Exemption from Immunization, Florida Department of Health Form DH 681 (July 2008) [FAR link].

(e) Immunization Guidelines – Florida Schools, Childcare Facilities and Family Daycare Homes, Florida Department of Health Form DH 150-615 (March 2013) [FAR link].

(f) Center for Disease Control guidelines for handwashing (May 2015) [FAR link].

(g) USDA Child and Adult Care Food Program Guidelines (April 2016) [FAR link].

(h) USDA MyPlate Guidelines (January 2016) [FAR link].

(i) Child Abuse & Neglect Reporting Requirements, form CF-FSP 5337 (October 2012) [FAR link].

(j) Background Screening & Personnel File Requirements, form CF-FSP 5131 (July 2012) [FAR link].

(k) In-Service Training Record – Child Care Facility, form CF-FSP 5268 (July 2012) [FAR link].

(l) In-Service Training Record – Family Day Care Home, form CF-FSP 5268A (March 2009) [FAR link].

(m) Each form listed above is available on the Office of Early Learning website at www.floridaearlylearning.com or by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, Florida. The incorporated forms are also available at the link following the associated form name.

Rulemaking Authority 1001.213(2), 1002.82(2)(i),(t)-(w), FS. Law Implemented 1002.82(2)(i),(t)-(w) and 1002.88(1)(c), FS. History–New 7-1-14, Amended _____.

Form OEL-SR 6201, School Readiness Program Health and Safety Standards Checklist for Licensed, License-Exempt, and School-Age Center-based Programs has the following changes:

In the lower left corner of each page, delete each reference to “August” and insert “October.”

On page 2 under 5. Supervision, tenth standard down, delete the words “in writing.”

On page 7, under 17. Outdoor Play Area/Fencing, last standard of the section, delete violation level of “3” and insert “2.”

Form OEL-SR 6202, School Readiness Program Health and Safety Standards Handbook for Licensed, License-Exempt, and School-Age Center-based Programs has the following changes:

On cover page of handbook:

Delete both references to August and replace with “October.”

On page 7 under Inspections section, second paragraph on the page:

Delete the words “thirty (30)” and insert “forty-five (45).”

Delete the words “three (3)” and insert “four (4).”

At the end of the second paragraph insert:

“However, prior to execution of an initial school readiness contract a provider must be in full compliance with all school readiness program health and safety standards.”

On page 7 under Inspections section, third paragraph on the page:

Delete the words “fourteen (14)” and insert “ten (10).”

After the words “received by the early learning coalition” insert “indicating full compliance with school readiness program health and safety standards.”

After the words “and all other” insert the word “program.”

On page 7 under Inspections section, fourth paragraph on the page:

Delete the second sentence and replace with “Annual inspections will be unannounced and will be completed within the contract year by the department or local licensing agency, as applicable, at a time scheduled by the department or local licensing agency.”

On page 8 under Definitions section, definition of “Classroom”:

After the words “refers to any” insert “well-defined.” Delete everything after the words “the classroom walls must be” and insert “defined by stable barriers, and must adhere to the requirements for such barriers as outlined in this section.”

On page 10 under Definitions section, between the definition of “Serious Injury” and “Substitute” insert:

“Stable Walls or Barriers” refer to the boundaries that define a classroom space. Walls or barriers must be constructed in a sturdy manner and anchored together, or to floor or walls. Walls or barriers must be stable and secure and must not pose a threat to falling over. The material for the barriers or walls must be non-hazardous and may not be made of materials such

as see-thru or plastic curtains, fabric or mesh materials. The stable walls or barriers must be a minimum of 32 inches in height from the floor in classrooms for children ages birth through 2, and must be a minimum of four (4) feet in height from the floor in classrooms for children ages 3 and older. All classrooms must continue to meet fire code requirements for entrance(s) and exit(s) of the classroom.”

On page 14 under 4 Group Size, the following changes are made:

4 Group Size

Children benefit from social interactions with peers. However, larger groups are generally associated with less positive interactions and developmental outcomes. Group size works to raise program quality due to increased individual attention and interaction for each child in care. In addition to the following maximum group sizes within each classroom, as defined in this handbook, all school readiness programs must adhere to ratio requirements and minimum square footage requirements outlined in section 1.1 of this handbook at all times while children are in care:

1. For infants from birth to 12 months of age, group size may not exceed twelve (12) children in a single classroom. For infant classrooms operating with 9 to 12 children, two ~~Two~~ of the three program personnel assigned to that classroom and necessary ~~required~~ to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. For infant classrooms operating with 5 to 8 children, one of the two program personnel assigned to that classroom and necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to an infant classroom operating with 4 or less children.

2. For children age 1 year to 24 months of age, group size may not exceed twelve (12) children in a single classroom. For classrooms operating with 7 to 12 children, one ~~One~~ of the two program personnel necessary ~~required~~ to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 6 or less children.

3. For children age 2 years to 3 years of age, group size may not exceed twenty-two (22) children in a single classroom. For classrooms operating with 12 to 22 children, one ~~One~~ of the two program personnel necessary ~~required~~ to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized

by the Department. An active credential is not required for the staff member assigned to a classroom operating with 11 or less children.

4. For children age 3 years to 4 years of age, group size may not exceed thirty (30) children in a single classroom. For classrooms operating with 16 to 30 children, one ~~One~~ of the two program personnel necessary ~~required~~ to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 15 or less children.

5. For children age 4 years to 6 years of age, group size may not exceed forty (40) children in a single classroom. For classrooms operating with 21 to 40 children, one ~~One~~ of the two program personnel necessary ~~required~~ to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 20 or less children.

6. For school-age children age 6 years and older, group size may not exceed fifty (50) children in a single classroom. For classrooms operating with 26 to 50 children, ~~At least~~ one of the two program personnel necessary ~~required~~ to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 25 or less children.

7. In groups of mixed age ranges, where children one year of age but under two years of age are included, the group size for the youngest population present within the group applies.

8. In groups of mixed age ranges, where children two years of age or older are included, the group size for the majority population present within the group applies.

9. Group size requirements do not apply during times of outdoor play, provided that ratios and the applicable square footage requirements are maintained at all times.

10. Active credential requirements do not apply during times of napping or sleeping, provided that supervision requirements during napping and sleeping are met as provided in Section 5 below.

On page 15 under 5 Supervision, number 9, after the words “must be identified” delete the words “in writing.”

On page 17 under 6.1 Vehicles, number 3:

After the words “appropriate for their age and size” insert “in accordance with s. 316.613, F.S.”

In subsections a. and b. – delete “8” and insert “6.”

On page 22 under 10 Physical Environment, number 5:

After the first sentence insert “General cleaning refers to cleaning necessary to maintain a sanitary environment but that does not pose a hazard to children, such as cleaning with hazardous materials or cleaning which poses a risk of slipping or falling.”

On page 23 under 10.4 Nap and Sleep Space(s)/Safe Sleep Practices, number 6:

After the words “year of age must” delete the word “be” and insert “nap and sleep.”

Delete “, December 28, 2010” and insert (January 2016).

On page 27 under 12.2 Handwashing, number 1:

After the words “guidelines for hand washing” insert “(May 2015), which is incorporated by reference.”

On page 28 under 12.3 Diapering, number 1:

After the words “must be provided in the” delete the words “infant room” and insert “room where children in diapers are in care.”

After the words “opens into the room where” delete the words “infants or children with special needs” and insert “children.”

On page 41 under 18.1 Pre-service Timeframe:

After the words “within 90 days of” insert “initial.”

After the word “employment” delete the words “or service with a” and insert “with any provider participating in the.”

Between the first and second sentence in the introductory paragraph insert “This timeframe does not start over if personnel change employment to another school readiness provider within this 90 days.”

On page 41 under 18.2 Training Courses:

Delete entirety of number 2 (relating to Better Kid Care courses) and renumber accordingly.

On page 42 under 18.2 Training Courses, number 3:

After the words “no later than January,” delete “6” and insert “13.”

On page 42 under 18.2 Training Courses, add new number 3:

3. Personnel employed by a public school district may show verification of completion of a course covering the identification and prevention of child abuse and neglect, which has been approved and administered by the school district, to meet the course requirement(s) above on the same subject matter.

On page 43 under 18.4 Documentation of Training, delete number 3.

On page 43 under 18.5 Training Exemptions, delete number 2 and renumber accordingly.

On page 43 under 18.6 Annual In-Service Training, number 2, third check mark:
Delete “three” and insert “two.”

On page 45 under 19.2 Children’s Files, number 1:
After the words “DH 3040 (July 2013),” insert “which is.”
Delete the words “in Rule 6A-6.024.”

On page 46 under 19.2 Children’s Files, number 2:
After the words “DH 681 (July 2008),” insert “which are.”
Delete the words “in Rule 64D-3.046, F.A.C.”

On page 46 under 19.2 Children’s Files, number 2, second checkmark:
After the words “Family Day Care Homes (March 2013),” insert “which is.”
Delete the words “in Rule 64D-3.046, F.A.C.”

On page 47 under 19.3 Attendance, numbers 1 and 2:
After the words “and recorded” delete the words “by program personnel.”
After the words “custodial parent” delete “or guardian” and insert “guardian, or designee.”

On page 48 under 19.4 Personnel Records, number 3, first check mark:
After the words “Reporting Requirements form,” insert “, which is.”
Delete the words “in Rules 65C-22.006 and 65C-20.008, F.A.C.”

On page 48 under 19.5 Background Screening, Initial Screening, after the words “documented on,” delete the rest of the sentence and insert: “Form CF-FSP 5131, Background Screening and Personnel File Requirements (July 2012), which is incorporated by reference.”

On page 50 under 22.1 Definitions, “Class II Violation:”
After the words “Class II Violation is” add the word “an” and delete the words “the third or subsequent.”

On page 50 under 22.1 Definitions, “Class III Violation:”
After the words “Class III Violation is” add the word “an” and delete the words “the fourth or subsequent.”

On page 51 under 22.2 Disciplinary Sanctions:

In the section title, delete “Sanctions” and insert “Actions.”

1. (a) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

(b) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

(c) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

2. No change.

3. Delete each reference to “sanction” and insert “action”

4. No change.

5. No change.

6. Delete the word “sanctions and insert “actions.”

(a) Class I Violations.

i. Delete the word “placing” and insert “and place.”

After the words “exceed six months” insert “, or terminate the provider’s school readiness contract if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

ii. Delete the word “to” and insert “, or.”

After the words “terminate the provider’s school readiness contract” insert “if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

(b) Class II Violations.

i. No change.

ii. No change.

iii. Delete the word “placing” and insert “and place.”

iv. Delete the word “to” and insert “, or.”

After the words “terminate the provider’s school readiness contract” insert “if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

v. If a provider receives three or more of the same or different class II violations within the contract year, the coalition may place the provider on a corrective action plan if the coalition concludes corrective action will resolve the failure to comply.

vi. If the coalition concludes that corrective action will not resolve the failure to comply, the coalition may terminate the provider’s contract.

(c) Class III Violations.

i. No change.

ii. No change.

iii. Delete the word “placing” and insert “and place.”

iv. Delete the word “to” and insert “, or.”

After the words “terminate the provider’s school readiness contract” insert “if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

v. If a provider receives five or more of the same or different class III violations within the contract year, the coalition may

place the provider on a corrective action plan if the coalition concludes corrective action will resolve the failure to comply. vi. If the coalition concludes that corrective action will not resolve the failure to comply, the coalition may terminate the provider's contract.

On page 52 under 22.3 Probationary Status, add new number 5:

5. If the provider has not satisfactorily completed the terms of its probation by the end of the contract term, the provider will still be held accountable for the terms of the probation of the previous contract if the provider remains eligible to deliver the School Readiness Program and executes a new contract with the coalition.

On page 52, add new section 22.4 Termination:

22.4 Termination

1. The coalition has the right to terminate a provider's contract for cause at any time, pursuant to the School Readiness Provider Contract. The following are grounds for termination for cause:

(a) Action, or lack of action, which immediately threatens the health, safety or welfare of children; or

(b) Failure to comply with the terms of the provider's contract, including failure to implement corrective action or comply with the terms of probation.

Form OEL-SR 6203, School Readiness Program Health and Safety Standards Checklist for Public and Non-public School Programs has the following changes:

On page 2 under 5. Supervision, tenth standard down, delete the words "in writing."

Form OEL-SR 6204, School Readiness Health and Safety Standards Handbook for Public and Non-public School Programs has the following changes:

On cover page of handbook:

Delete both references to August and replace with "October."

On page 7 under Inspections section, second paragraph on the page:

Delete the words "thirty (30)" and insert "forty-five (45)."

Delete the words "three (3)" and replace with "four (4)."

At the end of the second paragraph insert:

"However, prior to execution of an initial school readiness contract a provider must be in full compliance with all school readiness program health and safety standards."

On page 7 under Inspections section, third paragraph on the page:

Delete the words "fourteen (14)" and insert "ten (10)."

After the words "received by the early learning coalition" insert "indicating full compliance with school readiness program health and safety standards."

After the words "and all other" insert the word "program."

On page 7 under Inspections section, fourth paragraph on the page:

Delete the second sentence and replace with "Annual inspections will be unannounced and will be completed within the contract year by the department or local licensing agency, as applicable, at a time scheduled by the department or local licensing agency."

On page 8 under Definitions section, definition of "Classroom":

After the words "refers to any" insert "well-defined." Delete everything after the words "the classroom walls must be" and insert "defined by stable barriers, and must adhere to the requirements for such barriers as outlined in this section."

On page 9 under Definitions section, between the definition of "Serious Injury" and "Substitute" insert:

"Stable Walls or Barriers" refer to the boundaries that define a classroom space. Walls or barriers must be constructed in a sturdy manner and anchored together, or to floor or walls. Walls or barriers must be stable and secure and must not pose a threat to falling over. The material for the barriers or walls must be non-hazardous and may not be made of materials such as see-thru or plastic curtains, fabric or mesh materials. The stable walls or barriers must be a minimum of 32 inches in height from the floor in classrooms for children ages birth through 2, and must be a minimum of four (4) feet in height from the floor in classrooms for children ages 3 and older. All classrooms must continue to meet fire code requirements for entrance(s) and exit(s) of the classroom."

On page 13 under 4 Group Size, the following changes are made:

4 Group Size

Children benefit from social interactions with peers. However, larger groups are generally associated with less positive interactions and developmental outcomes. Group size works to raise program quality due to increased individual attention and interaction for each child in care. In addition to the following maximum group sizes within each classroom, as defined in this handbook, all school readiness programs must adhere to ratio requirements and minimum square footage requirements outlined in section 1.1 of this handbook at all times while children are in care:

1. For infants from birth to 12 months of age, group size may not exceed twelve (12) children in a single classroom. For

infant classrooms operating with 9 to 12 children, two ~~Two~~ of the three program personnel assigned to that classroom and necessary required to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. For infant classrooms operating with 5 to 8 children, one of the two program personnel assigned to that classroom and necessary to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to an infant classroom operating with 4 or less children.

2. For children age 1 year to 24 months of age, group size may not exceed twelve (12) children in a single classroom. For classrooms operating with 7 to 12 children, one ~~One~~ of the two program personnel necessary required to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 6 or less children.

3. For children age 2 years to 3 years of age, group size may not exceed twenty-two (22) children in a single classroom. For classrooms operating with 12 to 22 children, one ~~One~~ of the two program personnel necessary required to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 11 or less children.

4. For children age 3 years to 4 years of age, group size may not exceed thirty (30) children in a single classroom. For classrooms operating with 16 to 30 children, one ~~One~~ of the two program personnel necessary required to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 15 or less children.

5. For children age 4 years to 6 years of age, group size may not exceed forty (40) children in a single classroom. For classrooms operating with 21 to 40 children, one ~~One~~ of the two program personnel necessary required to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 20 or less children.

6. For school-age children age 6 years and older, group size may not exceed fifty (50) children in a single classroom. For

classrooms operating with 26 to 50 children, At least ~~At least~~ one of the two program personnel necessary required to meet ratio requirements for this age group must possess at a minimum an active credential pursuant to s. 402.305(3), F.S., as recognized by the Department. An active credential is not required for the staff member assigned to a classroom operating with 25 or less children.

7. In groups of mixed age ranges, where children one year of age but under two years of age are included, the group size for the youngest population present within the group applies.

8. In groups of mixed age ranges, where children two years of age or older are included, the group size for the majority population present within the group applies.

9. Group size requirements do not apply during times of outdoor play, provided that ratios and the applicable square footage requirements are maintained at all times.

10. Active credential requirements do not apply during times of napping or sleeping, provided that supervision requirements during napping and sleeping are met as provided in Section 5 below.

On page 15 under 5 Supervision, number 8, after the words “must be identified” delete the words “in writing.”

On page 17 under 6.1 Vehicles, number 3:

After the words “appropriate for their age and size” insert “in accordance with s. 316.613, F.S.”

In subsections a. and b. – delete “8” and insert “6.”

On page 21 under 10 Physical Environment, number 5:

After the first sentence insert “General cleaning refers to cleaning necessary to maintain a sanitary environment but that does not pose a hazard to children, such as cleaning with hazardous materials or cleaning which poses a risk of slipping or falling.”

On page 23 under 10.4 Nap and Sleep Space(s)/Safe Sleep Practices, number 6:

After the words “year of age must” delete the word “be” and insert “nap and sleep.”

Delete “, December 28, 2010” and insert (January 2016).

On page 27 under 12.2 Handwashing, number 1:

After the words “guidelines for hand washing” insert “(May 2015), which is incorporated by reference.”

On page 27 under 12.3 Diapering, number 1:

After the words “must be provided in the” delete the words “infant room” and insert “room where children in diapers are in care.”

After the words “opens into the room where” delete the words “infants or children with special needs” and insert “children.”

On page 37 under 18.1 Pre-service Timeframe:

After the words “within 90 days of” insert “initial.”

After the word “employment” delete the words “or service with a” and insert “with any provider participating in the.”

Between the first and second sentence in the introductory paragraph insert “This timeframe does not start over if personnel change employment to another school readiness provider within this 90 days.”

On page 38 under 18.2 Training Courses:

Delete entirety of number 2 (relating to Better Kid Care courses) and renumber accordingly.

On page 38 under 18.2 Training Courses, number 3:

After the words “no later than January,” delete “6” and insert “13.”

On page 38 under 18.2 Training Courses, add new number 3:

3. Personnel employed by a public school district may show verification of completion of a course covering the identification and prevention of child abuse and neglect, which has been approved and administered by the school district, to meet the course requirement(s) above on the same subject matter.

On page 39 under 18.4 Documentation of Training, delete number 3.

On page 39 under 18.5 Training Exemptions, delete number 2 and renumber accordingly.

On page 40 under 18.6 Annual In-Service Training, number 2, third check mark:

Delete “three” and insert “two.”

On page 42 under 19.3 Attendance, numbers 1 and 2:

After the words “and recorded” delete the words “by program personnel.”

After the words “custodial parent” delete “or guardian” and insert “, guardian, or designee.”

On page 43 under 19.4 Personnel Records, number 3, first check mark:

After the words “Reporting Requirements form,” insert “, which is.”

Delete the words “in Rules 65C-22.006 and 65C-20.008, F.A.C.”

On page 43 under 19.5 Background Screening, Initial Screening, after the words “documented on,” delete the rest of the sentence and insert: “Form CF-FSP 5131, Background Screening and Personnel File Requirements (July 2012), which is incorporated by reference.”

On page 45 under 22.1 Definitions, “Class II Violation.”

After the words “Class II Violation is” add the word “an” and delete the words “the third or subsequent.”

On page 46 under 22.1 Definitions, “Class III Violation.”

After the words “Class III Violation is” add the word “an” and delete the words “the fourth or subsequent.”

On page 46 under 22.2 Disciplinary Sanctions:

In the section title, delete “Sanctions” and insert “Actions.”

1. (a) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

(b) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

(c) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

2. No change.

3. Delete each reference to “sanction” and insert “action”

4. No change.

5. No change.

6. Delete the word “sanctions and insert “actions.”

(a) Class I Violations.

i. Delete the word “placing” and insert “and place.”

After the words “exceed six months” insert “, or terminate the provider’s school readiness contract if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

ii. Delete the word “to” and insert “, or.”

After the words “terminate the provider’s school readiness contract” insert “if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

(b) Class II Violations.

i. No change.

ii. No change.

iii. Delete the word “placing” and insert “and place.”

iv. Delete the word “to” and insert “, or.”

After the words “terminate the provider’s school readiness contract” insert “if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

v. If a provider receives three or more of the same or different class II violations within the contract year, the coalition may place the provider on a corrective action plan if the coalition concludes corrective action will resolve the failure to comply.

vi. If the coalition concludes that corrective action will not resolve the failure to comply, the coalition may terminate the provider's contract.

(c) Class III Violations.

i. No change.

ii. Delete the last sentence of the paragraph.

iii. Delete the word "placing" and insert "and place."

iv. Delete the word "to" and insert ", or."

After the words "terminate the provider's school readiness contract" insert "if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.

v. If a provider receives five or more of the same or different class III violations within the contract year, the coalition may place the provider on a corrective action plan if the coalition concludes corrective action will resolve the failure to comply.

vi. If the coalition concludes that corrective action will not resolve the failure to comply, the coalition may terminate the provider's contract.

On page 47 under 22.3 Probationary Status, add new number 5:

"5. If the provider has not satisfactorily completed the terms of its probation by the end of the contract term, the provider will still be held accountable for the terms of the probation of the previous contract if the provider remains eligible to deliver the School Readiness Program and executes a new contract with the coalition."

On page 47, add new section 22.4 Termination:

22.4 Termination

1. The coalition has the right to terminate a provider's contract for cause at any time, pursuant to the School Readiness Provider Contract. The following are grounds for termination for cause:

(a) Action, or lack of action, which immediately threatens the health, safety or welfare of children; or

(b) Failure to comply with the terms of the provider's contract, including failure to implement corrective action or comply with the terms of probation.

Form OEL-SR 6205, School Readiness Program Health and Safety Standards Checklist for Licensed/Registered Family Child Care Homes and Informal Providers has the following changes:

In the lower left corner of each page, delete each reference to "August" and insert "October."

On page 12 under 33. Ratios/Group Size, second standard down, insert "2" for missing violation level.

Form OEL-SR 6206, School Readiness Program Health and Safety Standards Handbook for Licensed/Registered Family Child Care Homes and Informal Providers has the following changes:

On cover page of handbook:

Delete both references to August and replace with "October."

On page 7 under Inspections section, second paragraph on the page:

Delete the words "thirty (30)" and insert "forty-five (45)."

Delete the words "three (3)" and replace with "four (4)."

At the end of the second paragraph insert:

"However, prior to execution of an initial school readiness contract a provider must be in full compliance with all school readiness program health and safety standards."

On page 7 under Inspections section, third paragraph on the page:

Delete the words "fourteen (14)" and insert "ten (10)."

After the words "received by the early learning coalition" insert "indicating full compliance with school readiness program health and safety standards."

After the words "and all other" insert the word "program."

On page 7 under Inspections section, fourth paragraph on the page:

Delete the second sentence and replace with "Annual inspections will be unannounced and will be completed within the contract year by the department or local licensing agency, as applicable, at a time scheduled by the department or local licensing agency."

On page 9 under Definitions section, "Preservice Training:"

After the words "or within," delete "60" and insert "90."

On Page 13 under 4 Supervision, number 6, after the words "must be identified" delete the words "in writing."

On page 14 under 5.1 Vehicles, number 3:

After the words "appropriate for their age and size" insert "in accordance with s. 316.613, F.S."

In subsections a. and b. – delete "8" and insert "6."

On page 18 under 9 Physical Environment, number 6:

After the first sentence insert "General cleaning refers to cleaning necessary to maintain a sanitary environment but that does not pose a hazard to children, such as cleaning with hazardous materials or cleaning which poses a risk of slipping or falling."

On page 19 under 9.4 Nap and Sleep Space(s)/Safe Sleep Practices, number 7:

After the words “year of age must” delete the word “be” and insert “nap and sleep.”

Delete “, December 28, 2010” and insert (January 2016).

On page 32 under 17.1 Pre-service Timeframe:

After the words “within 90 days of” insert “initial.”

After the word “employment” insert “with any provider participating in the school readiness program.”

Between the first and second sentence in the introductory paragraph insert “This timeframe does not start over if personnel change employment to another school readiness provider within this 90 days.”

On page 32 under 17.2 Training Courses:

Delete entirety of number 2 (relating to Better Kid Care courses) and renumber accordingly.

On page 33 under 17.2 Training Courses, number 3:

After the words “no later than January,” delete “6” and insert “13.”

On page 33 under 17.2 Training Courses, add new number 3:

3. Personnel employed by a public school district may show verification of completion of a course covering the identification and prevention of child abuse and neglect, which has been approved and administered by the school district, to meet the course requirement(s) above on the same subject matter.

On page 34 under 17.4 Documentation of Training, delete number 3.

On page 34 under 17.5 Training Exemptions, delete number 2 and renumber accordingly.

On page 34 under 17.6 Annual In-Service Training, number 2, third check mark:

Delete “three” and insert “two.”

On page 36 under 18.2 Children’s Files, number 1:

After the words “DH 3040 (July 2013),” insert “which is.”

Delete the words “in Rule 6A-6.024.”

On page 37 under 18.2 Children’s Files, number 2:

After the words “DH 681 (July 2008),” insert “which are.”

Delete the words “in Rule 64D-3.046, F.A.C.”

On page 37 under 18.2 Children’s Files, number 2, second checkmark:

After the words “Family Day Care Homes (March 2013),” insert “which is.”

Delete the words “in Rule 64D-3.046, F.A.C.”

On page 38 under 18.4 Personnel Records, number 3, first check mark:

After the words “Reporting Requirements,” insert “, which is.”

Delete the words “in Rules 65C-22.006 and 65C-20.008, F.A.C.”

On page 39 under 18.4 Background Screening, Initial Screening, after the words “documented on,” delete the rest of the sentence and insert: “Form CF-FSP 5131, Background Screening and Personnel File Requirements (July 2012), which is incorporated by reference.”

On page 41 under 21.1 Definitions, “Class II Violation:”

After the words “Class II Violation is” add the word “an” and delete the words “the third or subsequent.”

On page 41 under 21.1 Definitions, “Class III Violation:”

After the words “Class III Violation is” add the word “an” and delete the words “the fourth or subsequent.”

On page 41 under 21.2 Disciplinary Sanctions:

In the section title, delete “Sanctions” and insert “Actions.”

1. (a) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

(b) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

(c) At the end of the sentence, insert the words “, or within the timeframe recommended by the inspection authority.”

2. No change.

3. Delete each reference to “sanction” and insert “action”

4. No change.

5. No change.

6. Delete the word “sanctions and insert “actions.”

(a) Class I Violations.

i. Delete the word “placing” and insert “and place.”

After the words “exceed six months” insert “, or terminate the provider’s school readiness contract if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

ii. Delete the word “to” and insert “, or.”

After the words “terminate the provider’s school readiness contract” insert “if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”

(b) Class II Violations.

i. No change.

ii. No change.

- iii. Delete the word “placing” and insert “and place.”
 - iv. Delete the word “to” and insert “.or.”
After the words “terminate the provider’s school readiness contract” insert “if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”
 - v. If a provider receives three or more of the same or different class II violations within the contract year, the coalition may place the provider on a corrective action plan if the coalition concludes corrective action will resolve the failure to comply.
 - vi. If the coalition concludes that corrective action will not resolve the failure to comply, the coalition may terminate the provider’s contract.
- (c) Class III Violations.
- i. No change.
 - ii. Delete the last sentence of the paragraph.
 - iii. Delete the word “placing” and insert “and place.”
 - iv. Delete the word “to” and insert “.or.”
After the words “terminate the provider’s school readiness contract” insert “if the coalition determines that the class violation(s) pose an immediate and serious danger to the health and safety or welfare of children in care.”
 - v. If a provider receives five or more of the same or different class III violations within the contract year, the coalition may place the provider on a corrective action plan if the coalition concludes corrective action will resolve the failure to comply.
 - vi. If the coalition concludes that corrective action will not resolve the failure to comply, the coalition may terminate the provider’s contract.

On page 47 under 22.3 Probationary Status, add new number 5:
“5. If the provider has not satisfactorily completed the terms of its probation by the end of the contract term, the provider will still be held accountable for the terms of the probation of the previous contract if the provider remains eligible to deliver the School Readiness Program and executes a new contract with the coalition.”

On page 47, add new section 22.4 Termination:
22.4 Termination

- 1. The coalition has the right to terminate a provider’s contract for cause at any time, pursuant to the School Readiness Provider Contract. The following are grounds for termination for cause:
 - (a) Action, or lack of action, which immediately threatens the health, safety or welfare of children; or
 - (b) Failure to comply with the terms of the provider’s contract, including failure to implement corrective action or comply with the terms of probation.

Form OEL-SR 6207, School Readiness In-Service Training Record School Readiness Program has the following changes:
 At bottom of the page, delete “August,” and insert “October.”

Form OEL-SR 6208, Child Abuse & Neglect Reporting Requirements School Readiness Program has the following changes:
 At bottom of the page, delete “August,” and insert “October.”

Mid-page, number 3. First Aid: delete “3” and insert “2.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-4.322: Respiratory Therapy Services
 NOTICE OF PUBLIC HEARING

The Agency for Health Care Administration announces an additional hearing regarding the above rule, as noticed in Vol. 42 No. 36, February 23, 2016 Florida Administrative Register.
 DATE AND TIME: August 23, 2016 from 11:00 a.m. to 12:00 noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Agency is scheduling a public hearing for the purpose of discussing The Agency will discuss Rule 59G-4.322, F.A.C., Respiratory Therapy Services.

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: Derica Smith, Bureau of Medicaid Policy, (850)412-4239, Derica.Smith@ahca.myflorida.com. Official comments to be entered into the rule record will be received from the date of this notice until August 24, 2016. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
 69K-7.0012 Care and Maintenance Trust Fund
 Withdrawals
 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. 42 No. 119, June 20, 2016 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated July 7, 2016. The changes are as follows:

69K-7.0012 Care and Maintenance Trust Fund Withdrawals

- (1) No change
- (2) Procedure for making withdrawal election.

(a) Regarding the election referenced under section 497.2675(2), F.S., the initial election and each subsequent change of election shall be made by filing a completed, signed, and dated Election of Care and Maintenance Trust Fund Distribution Method, Form DFS-N1-2177, effective 05/2016 Form A with the Division at least 60 days prior to the effective date specified in the election. This form is incorporated herein by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or from the Board's office or from the Board's website <http://www.myfloridacfo.com>.

(b) Upon receipt by the Division of a completed, signed, and dated Election of Care and Maintenance Trust Fund Distribution Method, Form DFS-N1-2177, effective 05/2016 Form A, the Division shall affix the Division's dated receipt stamp to the form Form A and shall within five business days return a copy of the form Form A as thus stamped to the contact person shown on the form Form A. This form is incorporated herein by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or from the Board's office or from the Board's website <http://www.myfloridacfo.com>.

- (c) No change

(3) Calculation of distribution under total return withdrawal method.

- (a) through (b) No change

(c) The fair market value of trust assets shall be determined by the trustee or the servicing agent who is not under common control with the cemetery licensee to whom the trust relates. Neither the trustee nor the servicing agent shall rely on asset valuations provided by or on behalf of the cemetery. Provided, a cemetery that is authorized to act as its ~~its~~ own trustee under section 497.266(2), F.S., may calculate the fair market value of its trust assets and calculate the amount of its total return distribution.

- (d) through (e) No change.

Example A

(a) Example A ignores growth or reduction in investment values, and distributions from the trust. Assume the trustee or servicing agent wants to determine ~~determine~~ the average fair market value of the trust for a 2016 distribution under the total

return withdrawal method. This computation will involve averaging the trust fair market value as of January 1, 2014, 2015, and 2016. Assume the fair market value of the trust was \$100 on 1-1 -2014. Assume that cemetery sales of interment spaces resulted in deposits to the Care and Maintenance Trust Fund of \$2.00 in 2014 and \$2.20 in 2015. The computation of average fair market value for the 2016 distribution under the total return withdrawal method will be as follows:

Table A 1

	2014	2015	2016
Beginning market value	\$100	\$102.00	\$104.20
Principal addition	2.00 + 2.20	2.20	
FMV for averaging purposes	\$104.20	\$104.20	\$104.20

The average fair market value for the 2016 distribution equals \$104.20.

- (b) through (c) No change

Example B

- (a) through (c) No change

Example C

- (a) through (b) No change

- (4) No change

- (5) Application of Prudent Investor Rule.

- (a) No change

(b) For purposes of application of section 518.11, F.S., the trustee of the Care and Maintenance trust shall consider the primary purpose of the Care and Maintenance Trust Fund to be providing for the future care and maintenance of the cemetery, as defined at section 497.005(~~11~~ ~~40~~), F.S., after the cemetery ceases to produce any revenue stream from which care and maintenance costs may be paid.

- (c) No change

(6) Monitoring Trust Fair Market Value; action or adverse trends.

(a) The Division shall monitor the fair market value of care and maintenance trust funds as reported by trustees in annual trust reports. If the Division shall detect that the ending fair market value of the trust for the most recent calendar year has decreased as compared to the average ending balance of the trust for the over the three most recent calendar years, the Division may ~~shall~~ conduct such investigation of the matter as it deems merited and may thereafter set the matter for review and action by the Board at a regularly scheduled meeting of the Board, and shall provide the licensee with 30 days advance notice that the matter will be set before the Board. The Board shall thereupon review the matter and for the protection of the

care and maintenance trust fund may order any one or a combination of the following corrective measures as the Board finds appropriate for the protection of the care and maintenance trust fund:

1. through 3. No change

(b) Exceptions. The Board may in particular cases temporarily except a licensee that comes before the Board under subparagraph (a) above, from imposition of corrective measures, if the Board finds that the cause of the adverse trend in the fair market value of the trust is due to one or more unusual temporary factors affecting all or a majority of the licensed cemeteries in the state or in a particular area of the state, and that for the protection of such cemeteries from insolvency the exception is necessary and appropriate.

(7) Miscellaneous provisions

(a) No change

(b) The effective date of an initial election and any subsequent change in an election shall coincide with the first day of a care and maintenance trust fund accounting year to which the election relates. All elections shall be prospective only; no retroactive elections shall be allowed.

(c) through (d) No change

(e) No Election of Care and Maintenance Trust Fund Distribution Method, Form DFS-NI-2177, effective 05/20/16, shall be filed unless the cemetery licensee has been advised by the Care and Maintenance Trust Fund trustee or servicing agent that the trustee or servicing agent will be able to implement the change of distribution method indicated in the form Form A to be filed.

(f) No change

~~(g)~~ (e) A trustee shall not make a distribution under the total return withdrawal method unless the trustee or servicing agent determines it has reliable records establishing all fair market values needed to calculate average fair market value of the trust in prior periods included in the averaging calculation.

(8) Annual Report of Trustee

(a) Any entity which for all or any part of a calendar year served as trustee of a Care and Maintenance Trust Fund under section 497.266, F.S., shall by not later than April 1 of the following year file a Care and Maintenance Trust Fund, Annual Trustee Report (Revised), Form DFS-N1-2178, effective 05/2016, on Form B for all or that portion of the said calendar year in which it acted as trustee of the trust. This form is incorporated herein by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or from the Board's website <http://www.myfloridacfo.com>.

(b) No change

Rulemaking Authority ~~497.101(8)~~, 497.103, 497.2675 FS, Law Implemented 497.266, 497.2675, 497.268, ~~498~~7.269 F.S., History - New

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@MyFloridaCFO.com.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NO.: RULE TITLE:

6M-8.301: Standard Statewide Provider Contract for the VPK Program

The Office of Early Learning hereby gives notice:

On August 1, 2016, the Office of Early Learning issued an Order granting Eglin Air Force Base, Hurlburt Field Air Force Base, MacDill Air Force Base and Patrick Air Force Base a waiver from Rule 6M-8.301, Florida Administrative Code. The petition for waiver was received by the Office of Early Learning on June 24, 2016. Notice of receipt was published in the Florida Administrative Register, Volume 42, Number 128 on July 1, 2016. A public comment was received. The Order grants a waiver to the prohibition of any amendments to the Standard Statewide Provider Contract, Form OEL-VPK20. The waiver permits the addition of an amendment or supplement to the contract to allow for necessary individualized provider information specific to the additional Federal rules and regulations that the military base VPK program providers are subject to. The Office determined that Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if denied the ability to amend select terms of the standard statewide provider contract for the VPK Program.

A copy of the Order or additional information may be obtained by contacting Shonda Goldsmith, Agency Clerk, Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399, Shonda.Goldsmith@OEL.MyFlorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On August 10, 2016, the Division issued a Final Order in response to a Petition for a temporary Variance from The Oaks, filed June 21, 2016, and advertised on June 23, 2016, in Vol. 42, No. 122, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, A.S.M.E. A17.3, 1996 edition, and Rule 303.3d, A.S.M.E. A17.1, 1984 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires fire fighter service and a shut off valve in the machine room because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2016-144).

A copy of the Order or additional information may be obtained by contacting Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, chr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

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

On July 21, 2016 the Division of Hotels and Restaurants received a Petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from MDM Distributor located in Orlando. 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. 42, No. 144, F.A.R., on July 26, 2016.

The Order for this Petition was signed and approved on August 11, 2016. 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 purpose of 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 George.Koehler@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Rd., Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

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

On August 3, 2016 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), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Deli To Go Catering located in Orlando . 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. 42, No. 151, F.A.R., on August 4, 2016. The Order for this Petition was signed and approved on August 11, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship for the food service establishment. Furthermore, the Division

finds that the Petitioner meets the burden of demonstrating that the purpose of 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 George.Koehler@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

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

On August 3, 2016 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2009 FDA Food Code from Birdie's Coffee & Stuff located in Destin. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers and employees.

The Petition for this variance was published in Vol. 42, No. 152, F.A.R., on August 5, 2016. The Order for this Petition was signed and approved on August 11, 2016. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship for the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the purpose of the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within La Dolce Vita, Harbor Boulevard, Destin FL 32541, are maintained in a

clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Birdie's Coffee & Stuff (Birdie's Coffee & Stuff, LLC) and/or La Dolce Vita (La Dolce Vita, LLC) changes, an updated signed agreement for use of the bathroom facilities will be required immediately.

A copy of the Order or additional information may be obtained by contacting George.Koehler@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

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

DATE AND TIME: August 19, 2016, 9:00 a.m. (Central Time) to conclusion

PLACE: Jackson County Agricultural Center, 3631 Highway 90 Marianna, Florida 32446

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting to discuss recommendations regarding the creation and maintenance of a memorial honoring the children who lived and died at the former Arthur G. Dozier School for Boys located in Marianna, Florida. The task force will also recommend the location of a site for the re-interment of unidentified or unclaimed remains that were part of a forensic investigation conducted by the University of South Florida at the school. A copy of the agenda may be obtained by contacting Nicholas Yarbrough with the Division of Historical Resources at (850)245-6300 or Nick.Yarbrough@DOS.MyFlorida.com.

A copy of the agenda may be obtained by contacting Nicholas Yarbrough with the Division of Historical Resources at (850)245-6300 or Nick.Yarbrough@DOS.MyFlorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Nicholas Yarbrough with the Division of Historical Resources at (850)245-6300 or Nick.Yarbrough@DOS.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida

Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Nicholas Yarbrough with the Division of Historical Resources at (850)245-6300 or Nick.Yarbrough@DOS.MyFlorida.com.

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Department of State, Division of Cultural Affairs announces a workshop to which all persons are invited.

DATE AND TIME: August 18, 2016, 12:00 Noon – 1:00 p.m.

PLACE: Webinar

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Arts & Economic Prosperity 5 - What's in It for Me?

In this session, we'll discuss Americans for the Arts' economic study Arts & Economic Prosperity 5. Topics will include an overview of this important study, how to access and complete the survey, and the benefits to arts and cultural organizations that participation in the study offers.

A copy of the agenda may be obtained by contacting Curtis Young, (850)245-6337, Curtis.Young@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Rachele Ashmore at Rachele.Ashmore@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Division of Cultural Affairs at (850)245-6470 or visit our website, florida-arts.org.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 29, 2016, 3:00 p.m. – 4:00 p.m.

PLACE: Telephone conference: 1(888)670-3525, participant code 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Florida Rehabilitation Council Workgroup - Annual Report.

A copy of the agenda may be obtained by contacting Roy Cosgrove at roy.cosgrove@vr.fldoe.org or (850)245-3317.

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 Roy Cosgrove at roy.cosgrove@vr.fldoe.org or (850)245-3317. 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 Roy Cosgrove at roy.cosgrove@vr.fldoe.org or (850)245-3317.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 5, 2016, 3:00 p.m. – 4:00 p.m.

PLACE: Conference line 1(888)670-3525, participant code 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Florida Rehabilitation Council - Annual Report.

A copy of the agenda may be obtained by contacting Roy Cosgrove at roy.cosgrove@vr.fldoe.org or (850)245-3317.

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 Roy Cosgrove at roy.cosgrove@vr.fldoe.org or (850)245-3317. 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 Roy Cosgrove at roy.cosgrove@vr.fldoe.org or (850)245-3317.

DEPARTMENT OF EDUCATION

State Board of Education

The Florida Department of Education announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 12, 2016, 11:00 a.m.

PLACE: Conference call: 1(888)339-2688, participant code 720 991 34

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This meeting will be limited to two items, namely Jefferson County School District's Financial Emergency and Duval County School District's Revised Turnaround Plan for Hyde Grove Elementary and Oak Hill Elementary Schools.

Jefferson County School District. The purpose of this meeting is to appoint members and a chair of a financial emergency board for the Jefferson County School District, under the provisions of Sections 1011.051 and 218.503, F.S. An emergency meeting is necessary because the Commissioner has determined that the district does not have a plan that is reasonably anticipated to avoid a financial emergency and the district needs immediate assistance.

Duval County School District. The purpose of this meeting is to discuss approval of Duval County School District's revised turnaround option plans for two elementary schools, Hyde Grove and Oak Hill. An emergency meeting is necessary because the district initially did not reassign students from these low performing schools to higher performing schools as required by law under the state system of school improvement and must do so before school opening on August 15.

A copy of the agenda may be obtained by contacting the Department of Education's website at <http://www.fldoe.org/board/meetings/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 hours before the workshop/meeting by contacting Cathy Schroeder, (850)245-9661, Cathy.Schroeder@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661, Cathy.Schroeder@fldoe.org.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

The Florida Prepaid College Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 15, 2016, 11:00 a.m.

PLACE: The Hermitage Centre, Sun Coast Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida, 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To validate and aggregate the Evaluators' individual scores to determine the total score for each responsive reply to Invitation to Negotiate, ITN 16-02, Audit Services for the Florida Prepaid College Board, the Stanley G. Tate Florida Prepaid College Foundation, and Florida ABLE, Inc.

A copy of the agenda may be obtained by contacting The Florida Prepaid College Board, ITN Administrator at ITNinfo.Prepaid@MyFloridaPrepaid.com.

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Children and Youth Cabinet Statewide Suicide Prevention Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: August 18, 2016, 10:00 a.m. – 12:00 Noon

PLACE: Senate Office Building, Room 301S, 404 South Monroe Street, Tallahassee FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss coordination of efforts to address needs related to suicide prevention in the state.

A copy of the agenda may be obtained by contacting Lindsey Perkins, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.Perkins@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Lindsey Perkins, Executive Director, Florida

Children and Youth Cabinet, (850)921-4875 or Lindsey.Perkins@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact Lindsey Perkins, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.Perkins@myflfamilies.com.

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Children and Youth Cabinet announces a public meeting to which all persons are invited.

DATE AND TIME: August 25, 2016, 9:00 a.m. – 2:00 p.m.

PLACE: Memorial Regional Hospital South, 3600 Washington Street, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cabinet members will meet to conduct regular business of the Children and Youth Cabinet.

A copy of the agenda may be obtained by contacting Lindsey Perkins, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.Perkins@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Lindsey Perkins, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.Perkins@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lindsey Perkins, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.Perkins@myflfamilies.com.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

DATES AND TIMES: Wednesday, September 14, 2016, 10:00 a.m.; Thursday, September 15, 2016, 9:00 a.m.

PLACE: South Florida Water Management District, Lower West Coast Service Center, First Floor Conference Room, 2301 McGregor Boulevard, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a 2-day public science symposium at which the South Florida Water Management District will present and receive technical comments on recently completed studies assessing the responses of a suite of ecological indicators in the Caloosahatchee River Estuary to low freshwater inflows in the dry season. This science symposium will not address the Minimum Flow and Level rule criteria or other technical details associated with the MFL re-evaluation process.

A copy of the agenda may be obtained by contacting Toni Edwards at tedwards@sfwmd.gov or by visiting <http://www.sfwmd.gov/MFL>.

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 South Florida Water Management District Clerk at 1(800)432-2045, ext. 2087 or (561)682-2087. 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 Toni Edwards, Senior Scientist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL, (561)682-6387, tedwards@sfwmd.gov, or visit <http://www.sfwmd.gov/MFL>.

SPACE FLORIDA

Space Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 24, 2016, 10:30 a.m. ET

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Space Florida Audit and Accountability Committee Meeting.

A copy of the agenda may be obtained by contacting Emma Newsham, enewsham@spaceflorida.gov, (321)730-5301, ext. 231.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Emma Newsham, enewsham@spaceflorida.gov, (321)730-5301, ext. 231. 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 Emma Newsham, enewsham@spaceflorida.gov, (321)730-5301, ext. 231.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: August 18, 2016, 3:00 p.m. ET

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 32399; telephone conference: 1(888)670-3525, participant code 8912126970#

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, Florida Statutes, a public meeting is hereby noticed for a vendor roundtable discussion regarding Medical and Dental Supplies.

A copy of the agenda may be obtained by contacting Stephanie Sanford at Stephanie.Sanford@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Stephanie Sanford. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 8, 2016, 1:30 p.m.

PLACE: Telephone conference: 1(888)909-7654, participant code 128126

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Board will address official business of the Florida Mobile Home Relocation Corporation which will include, among other matters, a review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use and such other business as may come before the Board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting Vicky Krentz at 1(888)862-7010.

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 Vicky Krentz at 1(888)862-7010. 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 Vicky Krentz, Executive Director, FMHRC, PO Box 7848, Clearwater, FL, 33758, 1(888)862-7010, vicky@fmhrc.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

PLACE: Renaissance Center, Second Floor Conference Room, 435 N. Macomb Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Wakulla Springs Alliance to discuss matters associated with Wakulla Springs. The meeting is also being noticed as a public meeting of the OSTDS advisory committee associated with the Wakulla Springs Basin Management Action Plan. This notice is only to facilitate the optional attendance and participation of OSTDS advisory committee members at the Wakulla Springs Alliance meeting. A copy of the agenda may be obtained by contacting Tom Taylor, (850)933-9444, ttaylor@fsu.edu.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Tom Taylor, (850)933-9444, ttaylor@fsu.edu. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CHILDREN AND FAMILIES

Office on Homelessness

The Office on Homelessness announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 17, 2016, 10:00 a.m.

PLACE: Toll-free: 1(888)670-3525, enter participant code 701-539-8451#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Data Committee - this conference call will address the committees' data collection process in the development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida.

A copy of the agenda may be obtained by contacting Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.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).

For more information, you may contact Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

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

DATE AND TIME: Tuesday, August 30, 2016, 10:00 a.m.

PLACE: State Fire Marshal Conference Room, Third Floor, Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303; telephone conference: (850)413-1558, participant code 509599

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board. Anyone wishing to do so may attend in person or by telephone conference call. Those attending by telephone conference call should dial (850)413-1558 (Cisco VoIP Internal callers may reach the conference call by dialing 11558.) Once you have dialed the initial number you will be prompted to enter the Conference ID which is 509599. The connection will be available 5 to 10 minutes before 10:00 a.m.

A copy of the agenda may be obtained by contacting Shelia Thomas, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3610.

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 Shelia Thomas at the number listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF FINANCIAL SERVICES

OIR - Administration

RULE NO.: RULE TITLE:

69N-121.007 Public Records and Availability of Forms: Procedures for Inspecting and Copying Public Records and for Obtaining Office Forms

69N-121.010 Indexing, Management, and Availability of Final Orders

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: September 20, 2016, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The date for the Final Public Hearing on the adoption of proposed repeal to Rule 69N-121.007, .010, Florida Administrative Code, published on May 12, 2016 in Vol. 42, No. 93, of the Florida Administrative Register has been changed from August 30, 2016 to September 20, 2016. No notice of change was published.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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 Stephen Fredrickson at Steve.Fredrickson@flor.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).

For more information, you may contact Stephen Fredrickson at Steve.Fredrickson@flor.com.

DEPARTMENT OF FINANCIAL SERVICES

OIR - Administration

RULE NO.: RULE TITLE:

- 69N-3.001 Purpose and Scope
- 69N-3.002 Definitions
- 69N-3.003 Prohibition
- 69N-3.004 No-Smoking Areas
- 69N-3.005 Action by Office Officials and Employees
- 69N-3.006 Posting of Signs
- 69N-3.007 Enforcement, Penalties

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: September 20, 2016, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed repeal to Rule 69N-3.001, .002, .003, .004, .005, .006, .007, Florida Administrative Code, published on May 12, 2016 in Vol. 42, No. 93, of the Florida Administrative Register has been changed from August 30, 2016 to September 20, 2016. No notice of change was published.

A copy of the agenda may be obtained by contacting The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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 Stephen Fredrickson at Steve.Fredrickson@flor.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).

For more information, you may contact Stephen Fredrickson at Steve.Fredrickson@flor.com.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-137.001 Annual and Quarterly Reporting Requirements

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: September 20, 2016, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 69O-137.001, Florida Administrative Code, published on May 10, 2016 in Vol. 42, No. 91, of the Florida Administrative Register has been changed from August 30, 2016 to September 20, 2016. No notice of change was published.

A copy of the agenda may be obtained by contacting The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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 Stephen Fredrickson at Steve.Fredrickson@flor.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).

For more information, you may contact Stephen Fredrickson at Steve.Fredrickson@flor.com.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-138.001 NAIC Financial Condition Examiners Handbook Adopted

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: September 20, 2016, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Final Public Hearing on the adoption of proposed amendments to Rule 69O-138.001, Florida Administrative Code, published on May 10, 2016 in Vol. 42, No. 91, of the Florida Administrative Register has been changed from August 30, 2016 to September 20, 2016. No notice of change was published.

A copy of the agenda may be obtained by contacting The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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 Stephen Fredrickson at Steve.Fredrickson@flor.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).

For more information, you may contact Stephen Fredrickson at Steve.Fredrickson@flor.com.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-186.010 Insurer's Assumption of Certain Liabilities

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: September 20, 2016, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Final Public Hearing on the adoption of proposed repeal of Rule 69O-186.010, Florida Administrative Code, published on May 5, 2016 in Vol. 42, No. 88, of the Florida Administrative Register has been changed from August 30, 2016 to September 20, 2016. No notice of change was published.

A copy of the agenda may be obtained by contacting The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

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 Jeffrey Joseph at Jeffrey.Joseph@flor.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).

For more information, you may contact Jeffrey Joseph at Jeffrey.Joseph@flor.com.

DEPARTMENT OF MILITARY AFFAIRS

The Department of Military Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: August 12, 2016, 8:00 a.m.

PLACE: Command Conference Room, St. Francis Barracks, 82 Marine Street, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Armory Board Meeting. The Armory Board will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

IN ACCORDANCE WITH FLORIDA STATUTE 286.0105

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.

OTHER AGENCIES AND ORGANIZATIONS

Pasco-Pinellas Area Agency on Aging

The Area Agency on Aging of Pasco-Pinellas announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 22, 2016, 9:30 a.m.

PLACE: 9549 Koger Blvd., Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting Brenda Black at (727)570-9696, ext. 233.

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 Brenda Black at (727)570-9696, ext. 233. 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 Brenda Black at (727)570-9696, ext. 233.

OTHER AGENCIES AND ORGANIZATIONS

Northwest Florida Area Agency on Aging

The Northwest Florida Area Agency on Aging, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: August 25, 2016, 6:00 p.m.

PLACE: John Horton Senior Center, 194 Co. Hwy. 393 N., Santa Rosa Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a change of venue of previously advertised notice of regular board of directors meeting.

A copy of the agenda may be obtained by contacting Amber P. McCool, (850)494-7101.

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 Amber P. McCool. 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 Amber P. McCool, (850)494-7101.

OTHER AGENCIES AND ORGANIZATIONS

Florida Self-Insurers Guaranty Association

The Florida Self-Insurers Guaranty Association, Inc. Audit Committee of its Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 23, 2016, 12:00 Noon

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting Brian Gee, Executive Director, (850)222-1882.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Jane Strickland, Administrative Assistant, Florida Self-Insurers Guaranty Association at (850)222-1882. 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).

OTHER AGENCIES AND ORGANIZATIONS

Florida Self-Insurers Guaranty Association

The Florida Self-Insurers Guaranty Association, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 23, 2016, 2:30 p.m.

PLACE: Orlando World Center Marriott, 8701 World Center Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to discuss general business of the Association.

A copy of the agenda may be obtained by contacting Brian Gee, Executive Director, Florida Self-Insurers Guaranty

Association, Inc., 1427 E. Piedmont Drive, Second Floor, Tallahassee, FL 32308, (850)222-1882.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Jane Strickland, Administrative Assistant, Florida Self-Insurers Guaranty Association at (850)222-1882. 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.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has issued an order disposing of the petition for declaratory statement filed by inmate Juan Hernandez, DC# 732285, on June 28, 2016. The following is a summary of the agency's disposition of the petition:

As an inmate of the Florida Department of Corrections, Juan Hernandez, DC# 732285, may only participate in administrative proceedings that are brought pursuant to §§120.54(3)(c) and (7), Florida Statutes. Pursuant to §120.81(3), Florida Statutes, the Petitioner lacks standing to bring a Petition for Declaratory Statement, and the Department lacks jurisdiction to issue a declaratory statement in this case.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting Valerie Robinson, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to Paul Vazquez, Assistant General Counsel, 501 S. Calhoun Street, Tallahassee, Florida 32399.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Facility Licensing and Regulation

NOTICE IS HEREBY GIVEN that the Agency for Health Care Administration received a Petition for Declaratory Statement from DaVita HealthCare Partners Inc. on August 8, 2016, seeking an interpretation of Section 400.464, Florida Statutes. A copy of the Petition may be obtained by contacting Richard J. Shoop, Agency Clerk, Agency for Health Care Administration via mail at 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, via email at

Richard.Shoop@ahca.myflorida.com, or via telephone at (850)412-3671. Persons other than the original parties to a pending proceeding whose substantial interests will be affected by the disposition of the declaratory statement and who desire to become parties may file a motion to intervene with the Agency. The motion should be filed with the Agency Clerk at the above address within twenty one (21) days of publication of this notice. Any petition for leave to intervene must comply with the requirements set forth in Fla. Admin. Code R. 28-105.0027.

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

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

NONE

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

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION
University of Florida
Commissioning Consultant Services

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the disciplines of engineering and architecture for Total Building Commissioning will be required for the project listed below:

Project: UF-591, UF Health, “OOO” Building, West of Main Campus, Gainesville, Florida

The UF Health Otolaryngology, Ophthalmology and Orthopaedics building (“OOO”) is projected as a 4 story, approximately 100,000 (final size TBD during the ASD) gross square foot state of the art multidisciplinary facility engaged in the teaching, research, surgery, rehabilitation and clinical care of all patients with conditions affecting their eyes, ears, nose, throat, and musculoskeletal system.

The estimated construction budget is approximately \$28M. The project will be delivered using the Construction Manager At-Risk method. Design and construction will be fast tracked. Occupancy is July 2018. GOLD LEED (Leadership in Energy and Environmental Design) certification (V4) by the U.S. Green Building Council is mandatory, however, platinum is desired.

The contract for Commissioning services will consist of several phases, pre-construction, construction and post occupancy. The services will begin prior to completion of the schematic design and will include complete peer review of the design, systems and envelope constructability reviews, maintenance of the Owner’s Project Requirement (OPR), development of the commissioning plan, and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation and building envelope systems.

Blanket professional liability insurance will be required for this project in the amount of \$1,000,000. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, and Worker’s Compensation.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet for Commissioning Consultants, and other background information. The proposal shall be limited to 20 single-sided pages OR 10 double-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant’s understanding of the scope of services.
2. A completed, project-specific Commissioning proposal form with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant’s corporate status in Florida (if applicable) and copies of current licenses for the applicant

firm and its consultants (firms) from the appropriate governing board.

5. Proof of the applicant’s ability to be insured for the level of professional liability coverage demanded for this project.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected applicant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

The Commissioning Services Proposal Form and Instructions, Project Fact Sheet, UF Design Services Guide, UF Design & Construction Standards, PD&C non-technical specifications, standard University of Florida Owner-Commissioning Consultant agreement, and other project and process information can be found on the Planning Design & Construction website. Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the electronic copy of the proposals as prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 PM local time, on Friday, August 26, 2016. Facsimile (FAX) submittals are not acceptable and will not be considered.

Planning Design & Construction
 245 Gale Lemerand Drive / P.O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)273-4000

Internet: www.facilities.ufl.edu

DEPARTMENT OF MANAGEMENT SERVICES
 Division of Building Construction
 SFM-15045000
 ADVERTISEMENT TO BID CONSTRUCTION
 STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES
 DIVISION OF REAL ESTATE DEVELOPMENT AND MANAGEMENT
 PUBLIC ANNOUNCEMENT REQUESTING BIDS FROM QUALIFIED GENERAL CONTRACTORS
 AUGUST 12, 2016

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: SFM-15045000

PROJECT NAME: Design and Construction of Burn Building-Phase I and Design Construction of Site Foundation Phase II, for State Fire College.

PROJECT LOCATION: Ocala, Florida

MANDATORY PRE-BID MEETING: August 22, 2016

BID OPENING: September 13, 2016

ESTIMATED CONSTRUCTION BUDGET: \$1,134,679.00

PREQUALIFIED BIDDERS: Refer to DMS website (below) for further details

The award will be made in accordance with Section 255.29, Florida Statutes, and the procedures and criteria of the Departments Division of Real Estate Development and Management.

Please visit the Department’s website http://www.myflorida.com/apps/vbs/vbs_www.main_menu and click on “Search Advertisements” – “Division of Real Estate Development and Management”; look for “Opportunities for Design and Construction Firms” and click on link.

OTHER AGENCIES AND ORGANIZATIONS

Sarasota County Public Hospital Board

REQUEST FOR STATEMENTS OF QUALIFICATIONS for ARCHITECTURAL AND ENGINEERING SERVICES

The Sarasota County Public Hospital Board of Sarasota, Sarasota Memorial Hospital, County, Florida (“the Hospital”) is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants’ Competitive Negotiation Act, Section 287.055; Florida Statutes. The scope of work may include programming, schematic design, design development, construction documents, and construction administration for all architectural, interior design, civil, site work, mechanical, electrical, plumbing, fire protection and structural design work for the tenant build-out of approximately 7,437 sq. ft. of existing shell space and approximately 1,500 sq. ft. of common area. The project is located at 2345 Bobcat Center Village (level two), North Port, FL. Services required include architectural design, mechanical, electrical, plumbing, fire protection and structural design and engineering; and construction administration. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least of the following data, to be organized in the following order:

1. A copy of professional architectural licensure to practice in the State of Florida.
2. Proof of General and Professional Liability Insurability.

3. A separate statement as to whether the firm is a certified Minority Business Enterprise. If your firm claims MBE, WMBE status, a copy of your firm’s current, valid MBE, WMBE certificate is required as part of the submission package.
4. Proposed design team with resumes.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project specified.
6. Past design experience on medical office tenant build-out.
7. Design and permitting experience within the County of Sarasota, FL, City of North Port and other permitting agencies.
8. Location of the design firm’s main office.

All interested firms are further informed as follows:

1. The Hospital reserves the right to reject any or all submittals at any time during this process.
2. The basis for selecting candidates includes, but not limited to, the firm’s experience with local regulatory agency having jurisdiction, consideration of related project experience, qualifications of proposed team, design criteria experience as stated above, ability to respond, and project approach.
3. The Hospital reserves the right to request additional information beyond the data set forth above.
4. Questions regarding submissions shall be directed only to Thomas Perigo, (941)917-1804.

Submissions shall be titled
Statement of Qualifications
for

ARCHITECTURAL AND ENGINEERING SERVICES
Sarasota Memorial Health Care System
North Port Tenant Build-out

5. Submittals must be received by the Hospital no later than 3:30 p.m. Friday, August 26, 2016. Submit statements to Thomas Perigo, Director of Architecture and Construction at 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239. Submittals received after this deadline will remain unopened and available for pick up.
6. Only Thomas Perigo shall be contacted with regard to this Request. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification at the discretion of the Director of Architecture and Construction.
7. Interested persons should contact Thomas Perigo, (941)917-1804 with any project-related questions.
8. The selection committee will meet in a public meeting on Wednesday August 31, 2016 from 1:00 p.m. to 3:00 p.m. at Sarasota Memorial Hospital, 1700 S. Tamiami Trail, Sarasota, FL 34239, in Conference Room 3C (from the B elevators, 3rd floor, take a left at the large window; the room will be down

the hall to your left) to discuss and announce the top three ranked firms with whom the Hospital will subsequently engage in contract negotiations. All interested parties are invited to attend.

OTHER AGENCIES AND ORGANIZATIONS

Sarasota County Public Hospital Board

**REQUEST FOR STATEMENTS OF QUALIFICATIONS
for GENERAL CONTRACTING WORK**

The Sarasota County Public Hospital Board of Sarasota, Sarasota Memorial Hospital, County, Florida (“the Hospital”) is accepting statements of qualifications from General Contracting Firms. The scope of work may include pre-construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to phased construction management services for the tenant build-out of approximately 7,437 sq. ft. of existing shell space and approximately 1,500 sq. ft. of common area. The project is located at 2345 Bobcat Center Village (level two), North Port, FL. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least of the following data, to be organized in the following order:

1. A copy of Florida construction licensure and corporate registration certificates.
2. Completed AIA Document A305 Contractor’s Qualification Statement, latest edition.
3. Proof of general, automobile and workers’ compensation liability insurance coverage.
4. A separate statement as to whether the firm is a certified Minority Business Enterprise. If your firm claims MBE, WMBE status, a copy of your firm’s current, valid MBE, WMBE certificate is required as part of your qualification statement submittal.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project specified.
6. Resumes of key personnel that would be used on this project.
7. Past design experience on medical office tenant build-out.
8. Construction building experience within the County of Sarasota, FL, and City of North Port, FL.
9. Location of the firm’s main office.

All interested firms are further informed as follows:

1. The Hospital reserves the right to reject any or all submittals at any time during this process.
2. The basis for selecting candidates includes, but not limited to, the firm’s experience with local regulatory agency having jurisdiction, consideration of related project experience, qualifications of proposed team, ability to respond, and project approach.

3. The Hospital reserves the right to request additional information beyond the data set forth above.

4. Any general contracting firm previously engaged in phasing, scheduling, or pricing on this project is excluded from participating in the selection of or providing general contracting work on this project.

Submissions shall be titled

Statement of Qualifications
for
GENERAL CONTRACTING WORK
Sarasota Memorial Health Care System
North Port Tenant Build-out

5. Submittals shall not contain pricing information.

6. Submittals must be received by the Hospital no later than 3:30 p.m. Friday, August 26, 2016. Submit statements to Thomas Perigo, Director of Architecture and Construction at 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239.

7. Only Thomas Perigo shall be contacted with regard to this Request. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification at the discretion of the Director of Architecture and Construction.

8. Interested persons should contact Thomas Perigo, (941)917-1804 with any project-related questions.

9. The selection committee will meet in a public meeting on Wednesday August 31, 2016 from 8:00 a.m. – 11:00 a.m. at Sarasota Memorial Hospital, 1700 S. Tamiami Trail, Sarasota, FL 34239, in Conference Room 3C (from the B elevators, 3rd floor, take a left at the large window; the room will be down the hall to your left) to discuss and announce the top three ranked firms with whom the Hospital will subsequently engage in contract negotiations. All interested parties are invited to attend.

Section XII
Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid

State Plan Amendment

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan for Advanced Registered Nurse Practitioner (ARNP) and Physician’s Assistant (PA) services. The amendment will make technical corrections, update the fee schedule, and remove outdated language. These revisions will not impact services to eligible Medicaid recipients.

Interested parties may contact the following staff for further information:

Jessica Kenny, Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)412-4227, email Jessica.Kenny@ahca.myflorida.com.

DEPARTMENT OF HEALTH

Board of Medicine

Notice of Emergency Action

On August 10, 2016, the State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Bernard Howard Stern, M.D., License # ME 34794. 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 (2016). 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 Medicine

Notice of Emergency Action

On August 11, 2016, the State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Lindsey M. Browe, P.A., License # PA 9108978. 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 (2015-2016). 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 Order Lifting Emergency Action

On August 10, 2016, the State Surgeon General issued an Order Lifting Emergency Restriction of License with regard to the license of William Clayton Rome, R.N., License #RN 3192782. The Department orders that the Emergency Restriction of License be lifted.

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.