

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-1.045 Medicaid Forms

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-1.045, Florida Administrative Code (F.A.C.), is to include new Florida Medicaid forms in the Rule. The amendment incorporates by reference the Consent for Voluntary Suspension of Authorized Services for Florida Medicaid State Plan Recipients, AHCA Form 5000-0123, August 2017; the Acquired Immune Deficiency Syndrome (AIDS) Physician Referral and Request for Level of Care Determination, AHCA Form 5000-0607, _____; and, the Adults with Cystic Fibrosis Physician Referral and Request for Level of Care Determination, AHCA Form 5000-0608, _____. SUBJECT AREA TO BE ADDRESSED: Medicaid Forms. An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-1.045, F.A.C., will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.912 FS.

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

DATE AND TIME: November 8, 2017, 2:30 p.m. to 3:00 p.m.

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: Tiffany Glaze. 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: Tiffany Glaze, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4218, e-mail: Tiffany.Glaze@ahca.myflorida.com.

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

Official comments to be entered into the rule record will be received until 5:00 p.m., November 9, 2017 and 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-1.045 Medicaid Forms.

The following forms are incorporated by reference and are used either by other state agencies or providers rendering Florida Medicaid services to recipients. The forms are available from the Agency for Health Care Administration's Wweb site at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

(1) Acquired Immune Deficiency Syndrome (AIDS) Physician Referral and Request for Level of Care Determination, AHCA Form 5000-0607, _____, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(2) Adults with Cystic Fibrosis Physician Referral and Request for Level of Care Determination, AHCA Form 5000-0608, _____, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(3) Consent for Voluntary Suspension of Authorized Services for Florida Medicaid State Plan Recipients, AHCA Form 5000-0123, August 2017, http://www.flrules.org/Gateway/reference.asp?No=Ref-_____.

(4)(1) Medical Certification for Medicaid Long-term Care Services and Patient Transfer Form, AHCA Form 5000-3008, June 2016, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07012>.

(5)(2) State of Florida Abortion Certification Form, AHCA MedServ Form 011, June 2016, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07013>.

(6)(3) State of Florida Exception to Hysterectomy Acknowledgment Requirement, ETA-5001, June 2016, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07014>.

(7)(4) State of Florida Hysterectomy Acknowledgment Form, HAF-5000, June 2016, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07015>.

(8)(5) The United States Department of Health and Human Services' Consent for Sterilization Form - HHS-687 (10/12), <http://www.flrules.org/Gateway/reference.asp?No=Ref-07026>.

(9)(6) Unborn Activation Form, AHCA Form 5240-006, (February 2017), <http://www.flrules.org/Gateway/reference.asp?No=Ref-07915>. Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.912 FS. History—New 9-28-15, Amended 7-11-16, 4-5-17, _____.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-29.003 Child Protective Investigations

PURPOSE AND EFFECT: The Department intends to amend Rule 65C-29.003, F.A.C, Child Protective Investigations, to add a provision regarding requesting out-of-state local criminal background checks and clarify when second tier consultations are required.

SUBJECT AREA TO BE ADDRESSED: Child Protective Investigations.

RULEMAKING AUTHORITY: 39.012, 39.0121, 39.301(14)(c), FS.

LAW IMPLEMENTED: 39.301, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jodi Abramowitz. Jodi can be reached at Jodi.Abramowitz@myflfamilies.com or (850)717-4470.

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Strategic Business Development

RULE NOS.: RULE TITLES:

73A-1.001 Purpose and Scope

73A-1.002 General Policy

73A-1.003 Definitions

73A-1.004 Planning and Approving Travel

73A-1.005 Special Conditions of Travel

73A-1.006 Rates of Payment

73A-1.007 Transportation

73A-1.008 Incidental Expenses

73A-1.009 Advance Travel

73A-1.010 Special Provisions for Educational Conferences and Conventions

73A-1.012 Operational and Promotional Advances

73A-1.013 Complimentary Goods and Services

73A-1.014 Receipts

73A-1.015 Exemption from State Contract Rates

PURPOSE AND EFFECT: Amend and/or revise existing rules to comport with amendments to section 288.1253, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed with the rule revisions/amendments is reimbursement for employee travel and entertainment expenses

incurred in connection with employees' performance by statutory duties of the Office of Film and Entertainment.

RULEMAKING AUTHORITY: 288.1253(2), FS.

LAW IMPLEMENTED: 288.1253, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: M. Linville Atkins, Office of General Counsel, Department of Economic Opportunity, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399, (850)245-7150

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

**Section II
Proposed Rules**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:

61J2-3.012 Equivalency for Prelicensing Education

PURPOSE AND EFFECT: The Commission proposes the development of a rule amendment to update the language to comply with statute (4 year degree or higher in real estate).

SUMMARY: Update rule language regarding equivalency for prelicensing education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Commission meeting, the Commission concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase

any direct or indirect regulatory costs. Hence, the Commission determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, Florida 32801, lori.crawford@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.012 Equivalency for Prelicensing Education.

(1) No change.

(2) Any person who has obtained a 4-year degree or higher ~~with a major~~ in real estate from an accredited institution of higher education which substantially covers the Commission prescribed course subject matter at such college or university shall also be deemed to have satisfactorily completed the course. Application for equivalency evaluation shall be accompanied by an official transcript from the college or university or by appropriate certificate issued by a real estate school registered in Florida pursuant to Section 475.451, F.S., showing the real estate subjects taken together with date completed and grade attained. The Commission may request supportive documentation to determine course equivalency.

Rulemaking Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 9-16-84, Formerly 21V-3.12, Amended 6-28-93, Formerly 21V-3.012, Amended 12-30-97, 1-18-00, 4-28-04, 7-28-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 3, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-20.049
 RULE TITLE: Commission Member Compensation

PURPOSE AND EFFECT: The Commission proposes the rule amendment to correct the abbreviation of the Department of Business and Professional Regulation as well as to correct the name for the Florida Association of Realtor’s Legislative Days. SUMMARY: Update rule language regarding “commission member compensation”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Commission meeting, the Commission concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Commission determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.207(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, Florida 32801, lori.crawford@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-20.049 Commission Member Compensation.

Unless otherwise provided by law, a Commission member shall be compensated \$50.00 for each day in attendance at an official meeting of the Commission, including Probable Cause Panel Meetings, and for each day the member participates in any other business involving the Commission. "Other business involving the Commission" shall be defined as:

- (1) Attendance at instructors' seminars sponsored by the Commission.
- (2) Appearances before a legislative committee, upon direction of the chairperson of the Commission or the chairperson of the Committee.
- (3) Attendance at a meeting with the staff or contractors of the ~~DBPR BPR~~ at the request of the Secretary of the ~~DBPR BPR~~ or the Division Director.
- (4) Attendance at a conference or trade association meeting in the capacity of a member of the Commission.
- (5) Attendance at the Great American Realtor Florida Association of Realtor's Legislative Days in Tallahassee in the capacity of a member of the Commission regarding legislation being promoted by the Commission.

Rulemaking Specific Authority 475.05 FS. Law Implemented 455.207(4) FS. History—New 9-17-81, Amended 10-19-83, Formerly 21V-20.49, Amended 10-15-91, 7-20-93, Formerly 21V-20.049, Amended 6-5-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2017
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 29, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
 61J2-20.052 Designation of Official Reporter
 PURPOSE AND EFFECT: The Commission proposes the development of a rule amendment to address designation of official reporter and update rule language.
 SUMMARY: To update rule language and to correct the abbreviation of the Department of Business and Professional Regulation.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Commission meeting, the Commission concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Commission determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.05 FS.
 LAW IMPLEMENTED: 120.53(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, Florida 32801, lori.crawford@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-20.052 Designation of Official Reporter.

- (1) The Commission designates the Department of Business and Professional Regulation (~~DBPR BPR~~) as its official reporter for the purpose of publishing and indexing by subject matter, after a proceeding has been held, all orders rendered which affect substantial interests.
- (2) The ~~DBPR BPR~~ maintains and stores such orders in the offices of the agency clerk at the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-~~1000 0796~~. The agency clerk's office is open to the public between the hours of 9:00 a.m. and 4:00 p.m., excluding holidays and weekends. ~~For further information~~

~~regarding the indexing of orders by the BPR, refer to Rule Chapter 61-14, F.A.C.~~

Rulemaking Authority 475.05 FS. Law Implemented 120.53(2) FS. History—New 8-23-93, Amended 4-19-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 29, 2017

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:
69A-64.005 Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The purpose of the amendment is to adjust the firefighter death benefits provided in section 112.191, F.S., for the 2017-2018 year based on the Consumer Price Index (CPI) for All Urban Consumers published by the United States Department of Labor.

SUMMARY: In May 2017, the CPI for All Urban Consumers increased 1.9 percent over the last 12 months. The proposed amendments will adjust the firefighter death benefits provided in Section 112.191, F.S., for the 2017-2018 year, based on the CPI for All Urban Consumers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an economic analysis of the potential impact of the proposed rule and determined that there will be no adverse economic impact or regulatory increases that would 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: 112.191(2)(h) FS.

LAW IMPLEMENTED: 112.191 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: Tuesday, November 21, 2017, 10:00 a.m.
PLACE: Division of State Fire Marshal, 3rd Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jason Fryar, telephone: (850)413-3647, email: Jason.Fryar@MyFloridaCFO.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: Jason Fryar, Government Analyst II, Division of State Fire Marshal, address: 200 E. Gaines Street, Tallahassee, FL 32399-0342, telephone: (850)413-3647, or email: Jason.Fryar@MyFloridaCFO.com. The rule draft is also available at: <https://www.myfloridacfo.com/Division/GeneralCounsel/RuleWorkshopMeetings/default.asp>.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.
(1) No change.

(2) The amounts payable for the period from July 1, ~~2017~~, ~~2016~~ through June 30, ~~2017~~, ~~2016~~, using the Consumer Price Index for All Urban Consumers published by the United States Department of Labor for ~~May~~ ~~April~~, ~~2017~~ ~~2016~~, which is the most recent month for which data is available pursuant to the statutory deadline for calculating the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$67,900.72~~ ~~66,634.66~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$67,900.72~~ ~~66,634.66~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$189,173.34~~ ~~185,646.06~~.

Rulemaking Authority 112.191(2)(h) FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08, 4-13-09, 11-22-09, 9-9-10, 5-21-12, 2-6-13, 11-3-13, 11-23-14, 11-25-15, 11-21-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jason Fryar, Division of State Fire Marshal
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Jimmy Patronis, Chief Financial Officer,
 Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 17, 2017
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: August 16, 2017

Section III

Notice of Changes, Corrections and Withdrawals

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

**Miscellaneous Businesses and Professions - Asbestos
 Consultants/Asbestos Consultant Examination**

RULE NO.: RULE TITLE:
 61E1-1.001 Asbestos Consultants/Contractors; Licensure
 Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 43
 No. 205, October 23, 2017 issue of the Florida Administrative
 Register has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
 64B9-3.015 Licensure Examination Preparatory Courses

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 43
 No. 128, July 3, 2017 issue of the Florida Administrative
 Register has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
 65C-30.018 Out-of-County Services
 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. 43 No. 168, August 29,
 2017 issue of the Florida Administrative Register.

65C-30.018 Out-of-County Services.

(1) through (4) No change.

(5) If the receiving county is recommending a denial of the
 adoption home study, the case will be reviewed by an Adoption
 Applicant Review Committee (AARC) in the county of
 jurisdiction, in accordance with subsection 65C-16.005(9),

F.A.C. ~~If the county of jurisdiction cannot complete the staffing
 due to a conflict of interest, a request shall be made, in
 consultation with the regional managing director or designee,
 to transfer the staffing to another county.~~ If the AARC
 determines that the home study should be approved, the home
 study must be updated in the Florida Safe Families Network
 (FSFN) by the receiving county, showing the home study as
 approved based on the recommendation of the AARC.

(6) through (10) No change.

(11) The case managers or child welfare professionals in
 the county of jurisdiction and the receiving county shall
 collaborate and reach ~~an a timely~~ agreement prior to taking any
 significant case actions. If the sending and receiving counties
 are not in agreement, the dispute resolution procedures in
 subsection (9) of this rule must be followed. Significant case
 actions include the following:

(a) through (d) No change.

(12) The case manager in the county of jurisdiction shall
 notify the case manager or child welfare professional in the
 receiving county within two (2) business days of the court's oral
 pronouncement granting termination of parental rights. The
 case manager in the county of jurisdiction shall provide the case
 manager or child welfare professional in the receiving county a
 copy of a court's signed termination order no longer than 30
 days from the order being signed. The case manager or child
 welfare professional in the receiving county shall be provided
 with a copy of a court's termination order within two (2)
 business days of the order being received by the case
 manager and no longer than 30 days from the order being
 signed.

Rulemaking Authority 39.012, 39.0121(13) FS. Law Implemented
 39.521, 39.6011, 39.6012, 39.701 FS. History—New 5-4-06, Amended
 2-25-16,_____.

Section IV

Emergency Rules

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:
 64ER17-6 Disciplinary Guidelines and Fines

SPECIFIC REASONS FOR FINDING AN IMMEDIATE
 DANGER TO THE PUBLIC, HEALTH, SAFETY, OR
 WELFARE: Pursuant to Chapter 2017-232, § 14, at 45, Laws
 of Florida, the Department is not required to make findings of
 an immediate danger to the public, health, safety, or welfare.

REASONS FOR CONCLUDING THAT THE PROCEDURE
 USED IS FAIR UNDER THE CIRCUMSTANCES:

The Department of Health is directed by Chapter 2017-232, §
 14, at 45, Laws of Florida, to adopt emergency rules to
 implement section 381.986, Florida Statutes.

SUMMARY: Emergency rule 64ER17-6 provides for the disciplinary guidelines and fines for violations of section 381.986, Florida Statutes and department rules.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64ER17-6 Disciplinary Guidelines and Fines

(1) The penalties listed for the following violations of section 381.986, Florida Statutes, or department rule, shall be used as guidelines in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this rule. Penalties are applicable per instance of each violation and every day that a violation occurs shall be considered a separate violation.

(a) Approval and renewal violations.

Attempt by any person or entity to procure initial medical marijuana treatment center approval by bribery, fraudulent misrepresentation, or extortion. Any violation, revocation or denial of approval and \$5,000 fine.

Attempt by any person or entity to renew a license by bribery or fraud. For the first violation, revocation of the license with the ability to reapply upon payment of a \$5,000 fine to permanent revocation. After the first violation, permanent revocation with a \$5,000 fine.

(b) Improper Dispensations and Misuse of the Medical Marijuana Use Registry (MMUR).

Dispensation by a MMTC of more than a 70-day supply of low-THC cannabis or medical cannabis to a patient or caregiver. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure of a MMTC to enter an employee name or unique employee identifier into the MMUR for each dispensation of low-THC cannabis, medical cannabis, or cannabis delivery device. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure of a MMTC to verify in the MMUR, prior to dispensing to the patient or their caregiver, that a physician has entered a valid order for low-THC cannabis, medical cannabis, or a cannabis delivery device for that patient. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure of a MMTC to verify in the MMUR, prior to dispensing to the patient or their caregiver, that: (1) the patient has an active registration in the MMUR, (2) the patient or the patient's caregiver holds a valid and active identification card,

and (3) that there is a sufficient number of milligrams of recommended product remaining to fill an order. Failure to verify any of these three requirements constitutes a violation. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure of a MMTC to record in the MMUR the: (1) date, (2) time, (3) quantity of medical marijuana dispensed, (4) form of medical marijuana dispensed, (5) type of marijuana delivery device dispensed if applicable, and (6) the name and MMUR identification number of the patient or caregiver for each dispensation. Failure to record any of these six requirements constitutes a violation. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Dispensation of low-THC cannabis, medical cannabis, or cannabis delivery device by a MMTC to a qualified patient who is younger than 18 years of age. First violation, \$500 fine; subsequent violation, from a \$500 fine to a \$500 fine and suspension or revocation.

Dispensation or selling of any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana as specified in a physician certification, by an MMTC at a dispensing facility. First violation, \$500 fine; subsequent violation, from a \$500 fine to a \$500 fine and suspension or revocation.

Dispensation of low-THC cannabis, medical cannabis, or a cannabis delivery device from the premises of a MMTC between the hours of 9 p.m. and 7 a.m. First violation, \$500 fine; subsequent violation, from a \$500 fine to a \$500 fine and suspension or revocation.

Creates a patient or caregiver in the MMUR using misleading, incorrect, false, or fraudulent information. Any qualified ordering physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR. This penalty does not prohibit any further appropriate action by the department or respective board against the qualified ordering physician.

Creates a duplicate patient or caregiver in the MMUR. Any qualified ordering physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR. This penalty does not prohibit any further appropriate action by the department or respective board against the qualified ordering physician.

Failure to update the MMUR within 7 days after any change(s) is made to the original physician certification to reflect such change(s). Any qualified ordering physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR. This penalty does not prohibit any

further appropriate action by the department or respective board against the qualified ordering physician.

Improper disclosure of personal information of a qualified patient or caregiver. Personal information includes the patient and caregiver names, birth dates, telephone numbers, addresses, electronic mail addresses, social security numbers and biometric identifiers. Violations of this subparagraph by an MMTC or an approved law enforcement MMUR user, first violation, from a letter of warning to a \$500 fine; second violation, \$500 fine and a 180-day suspension from access to the MMUR; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation of access to the MMUR. Any physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR and this penalty does not prohibit any further appropriate action by the department or respective board against the physician.

Misuse of or improper access to the MMUR. Misuse or improper access includes:

Failure of a MMTC or other approved user to establish or enforce policies and procedures restricting access to the MMUR only to those individuals authorized by section 381.986, Florida Statutes, and whose access has been approved by the department;

Failure of a MMTC or other approved user to establish or enforce policies and procedures preventing personnel from sharing login and password information or accessing the MMUR on another individual's account; and

Use of data from the MMUR for cold-calling or otherwise soliciting patients or caregivers.

Violations of this subparagraph by an MMTC or an approved law enforcement MMUR user, first violation, from a letter of warning to a \$500 fine; second violation, \$500 fine and a 180-day suspension from access to the MMUR; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation of access to the MMUR. Any physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR and this penalty does not prohibit any further appropriate action by the department or respective board against the physician.

(c) MMTC operational violations.

Failure of a MMTC to maintain qualifications for approval. Suspension or revocation of MMTC license.

Endangering the health, safety, or security of a qualified patient by a MMTC. First violation, a letter of warning and a fine up to \$500; second violation, \$1,000 fine; subsequent violation, \$1,000 fine to a \$1,000 fine and suspension or revocation.

Employment of an owner, officer, board member, manager, or employee by a MMTC who has been rendered ineligible under section 381.986(9), Florida Statutes, or who has been convicted or found guilty of, or entering a plea of

guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a medical marijuana treatment center. First violation, a \$250 to \$500 fine and license suspension. Subsequent violation, from a \$1,000 fine and license suspension to a \$5,000 fine and license revocation.

Employment of an owner, officer, board member, manager, or employee by a MMTC whose license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a medical marijuana treatment center has been suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. First violation, a \$250 fine to \$500 fine and license suspension; subsequent violation, from a \$1,000 fine and license suspension to a \$5,000 fine and license revocation. If the license or authority to engage in a regulated profession, occupation, or business has been reinstated or otherwise cleared of disciplinary obligations, the department will consider such reinstatement as a mitigating factor.

Making or filing a report or record that the MMTC knows to be false. First violation, from a letter of warning to a \$500 fine; second violation, \$1,000 fine; subsequent violations, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Willfully failing to maintain a record required by section 381.986, Florida Statutes, or department rule. First violation, letter of warning and a fine up to \$500; second violation, \$1,000 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Willfully impeding or obstructing an employee or agent of the department in furtherance of his or her official duties. First violation, letter of warning to a \$500 fine; subsequent violation, from a \$1,000 to \$5,000 fine up to a \$1,000 to \$5,000 fine and suspension or revocation.

Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a MMTC. First violation, letter of warning and a fine up to \$500; second violation, \$1,000 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Making misleading, deceptive, or fraudulent representations in or related to the business practices of a MMTC. First violation, from a letter of warning to a \$500 fine; second violation, \$1,000 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Making misleading, deceptive, or fraudulent representations in its advertising. Advertising means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication, to induce directly or indirectly any person to patronize a particular MMTC, or to purchase particular medical

marijuana or a medical marijuana-infused product. Advertising includes marketing, but does not include packaging or labeling. Advertising proposes a commercial transaction or otherwise constitutes commercial speech. First violation, from a letter of warning to a \$500 fine; second violation, \$1,000 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Violating a lawful order of the department or an agency of the state, or failure to comply with a lawfully issued subpoena of the department or an agency of the state. First violation, from a letter of warning to a \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Employment of a qualified physician by a MMTC or independent testing laboratory. First violation, from a letter of warning to a \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Use of a pesticide, fungicide, or herbicide other than those permitted for use by department rule. The presence of an unapproved pesticide, fungicide, or herbicide in the proximity of a MMTC facility or a failed test for an unapproved pesticide, fungicide, or herbicide constitute the use of an unapproved pesticide, fungicide, or herbicide. In addition to the mitigating or aggravating factors listed in subsection (2) below, the following factors will be considered:

a. The toxicity of the unapproved pesticide, fungicide, or herbicide;

b. The number of plants exposed; and

c. The number of individuals exposed.

For the first violation, from a \$1,000 to \$5,000 fine up to a \$1,000 to \$5,000 fine and license suspension; subsequent violations, from a \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and license suspension or revocation.

The wholesale of low-THC cannabis, medical cannabis, low-THC cannabis products, or medical cannabis products to any entity other than a licensed MMTC. The sale of each plant or cannabis product constitutes a separate violation. From a \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and suspension or revocation.

Operating a cultivation, processing, or dispensing facility without prior authorization from the department. First violation, a letter of warning and fine up to \$500; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Operating a number of dispensing facilities that exceed the provision of section 381.986(8)(a)5., Florida Statutes. First violation, a letter of warning and fine up to \$500; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure to notify the department of a sale of a dispensing facility slot within 3 days of sale. First violation, a letter of

warning and fine up to \$500; subsequent violation, \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure to possess a valid certification of registration issued by the Department of Agriculture and Consumer Services pursuant to section 581.131, Florida Statutes, unless the licensee was licensed under the provisions of section 381.986(8)(a)2.b., Florida Statutes. First violation, a letter of warning and fine up to \$500; subsequent violation, \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure to employ a medical director to supervise the activities of the MMTC. Any violation, \$1,000 fine to a \$1,000 fine and suspension or revocation.

The wholesale purchase of marijuana or low-THC cannabis from, or a distribution of marijuana or low-THC cannabis to, another MMTC, without the MMTC seeking to make a wholesale purchase of marijuana submitting proof of harvest failure to and approval from the department. Harvest failure means a catastrophic loss of growing plants that presents a substantial risk of severe impact of a MMTC's ability to supply patients with low-THC or medical cannabis products. Any violation, a \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and suspension or revocation.

Contracting for services related to the operations of a MMTC in violation of section 381.986(8)(e), Florida Statutes. Any violation, \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and suspension or revocation.

Failure to notify the department in writing at least 60 days prior to the anticipated date of a change in ownership of a MMTC. Any violation, \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and suspension or revocation.

Executing a change in ownership of a MMTC without prior department approval. Any violation, from a \$1,000 to \$5,000 fine up to a \$1,000 to \$5,000 fine and suspension or revocation.

Failure to execute a recall as required by the department. Any violation, a \$1,000 to \$5,000 fine up to a \$1,000 to \$5,000 fine and suspension or revocation.

Operating a MMTC dispensing facility within 500 feet of the real property that comprises a public or private elementary, middle, or secondary school, unless the county or municipality approves the location through a formal proceeding. Any violation, from a \$1,000 fine up to a \$1,000 fine and suspension or revocation.

Growing low-THC cannabis or medical marijuana in an environment other than an enclosed structure. Any violation, \$500 fine per plant to \$500 fine per plant and suspension or revocation.

Growing low-THC cannabis or medical marijuana in the same enclosed structure as other plants. Any violation, a \$500 fine per plant to a \$500 fine per plant and suspension or revocation.

Failure to inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state, or failure to notify the Department of Agriculture and Consumer Services within 10 calendar days after a determination that a plant is infested or infected by such plant pest, and implement and maintain phytosanitary policies and procedures. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with Chapter 581, Florida Statutes, and any rules adopted thereunder. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Processing of low-THC cannabis, medical cannabis, low-THC cannabis products, or medical cannabis products in an environment other than an enclosed structure. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Processing of low-THC cannabis or medical cannabis in the same enclosed structure as other plants or products. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to package low-THC cannabis products or medical cannabis products in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to label low-THC cannabis products or medical cannabis products in compliance with section 381.986(8)(e)10.f., Florida Statutes. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to reserve two processed samples from each batch and retain such samples for at least 9 months in compliance with Section 381.986(8)(e)10.d., Florida Statutes. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to maintain a security system or video surveillance system in compliance with section 381.986(8)(f), Florida Statutes. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to ensure at least two MMTC employees, or two employees of a security agency with whom the MMTC contracts, are on site at cultivation, processing, and storage facilities at all times. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to establish or enforce policies and procedures which require each employee to wear a photo identification badge at all times while on the premises. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to establish or enforce policies and procedures which require each visitor to wear a visitor's pass at all times while on the premises. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to establish or enforce policies and procedures which require an alcohol and drug-free workplace. Any violation, a \$1,000 to \$10,000 fine to a \$1,000 to \$10,000 fine and suspension or revocation.

Failure to report to local law enforcement within 24 hours after the MMTC is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis. Any violation, a \$1,000 to \$10,000 fine to a \$1,000 to \$10,000 fine and suspension or revocation.

Failure to establish or enforce policies and procedures which require the safe transport of low-THC cannabis or medical marijuana to MMTC facilities, independent testing laboratories, or patients or caregivers in compliance with section 381.986(8)(g), Florida Statutes. Any violation, a \$500 fine to a \$500 fine and suspension or revocation. The minimum requirements for safe transport are:

a. Maintenance of a transportation manifest for each delivery, which must be retained for at least 1 year;

b. Ensuring that only vehicles in good working order are used to transport low-THC and medical cannabis;

c. Ensuring that low-THC cannabis and medical cannabis is locked in a separate compartment or container within the vehicle;

d. Ensuring that at least two persons are in a vehicle transporting low-THC cannabis or medical cannabis, and that at least one person remains in the vehicle while low-THC cannabis or medical cannabis is being delivered; and

e. Ensuring that all employees transporting or delivering low-THC cannabis or medical cannabis receive specific safety and security training.

42. Materially deviating from an application for licensure without prior approval from the department. Any violation, a \$1,000 fine to \$10,000 fine up to a \$1,000 fine to \$10,000 fine and suspension or revocation.

43. Failure to comply with a record inspection request from the department within 14 days. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

44. Failure to ensure that all employees are at least 21 years of age or older. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

45. Failure to ensure that all marijuana and marijuana products are secured in a secured, locked room or vault. Any violation, a \$1,000 to \$10,000 fine up to a \$1,000 fine to \$10,000 fine and suspension or revocation.

46. Displaying marijuana or marijuana products in a waiting room of a dispensing facility, or dispensing in a waiting room of a dispensing facility. Any violation, \$500 fine to \$500 fine and suspension or revocation.

(d) Violation of any other provision of section 381.986, Florida Statutes, or of department rule. The full range of

penalties listed in this rule shall be considered for violations pursuant to this paragraph.

(2) Circumstances which shall be considered for the purposes of mitigation or aggravation of penalty shall include the following:

- (a) Severity of the violation;
- (b) Danger to the public;
- (c) Actual damage, physical or otherwise, to the patient;
- (d) Effort to prevent the violation;
- (e) Effort to correct the violation, or the refusal to correct or stop the violation;
- (f) Level of cooperation with the department's investigation into the violation;
- (g) The number of previous violations for failure to comply with provisions of the Florida Statutes or department rules;
- (h) Efforts to conceal violations; and
- (i) Any other mitigating or aggravating circumstances.

(3) Where several of the violations occur in one case, or several cases being considered together, the penalties shall be cumulative and consecutive.

(4) A MMTC may not avoid penalty for a violation or application of the provision for subsequent violations by changing the corporate structure, for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the MMTC are substantially similar.

Rulemaking Authority 381.986(10)(h) FS. Law Implemented 381.986 FS. History–New

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 24, 2017

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8ER17-3
 RULE TITLE: Documentation Required Under Section 381.986(4)(b), Florida Statutes

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Not required pursuant to 2017 Florida Laws 232 Section 14.(1) .

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Not required pursuant to 2017 Florida Laws 232 Section 14.(1) .

SUMMARY: The proposed emergency rule incorporates the form which must be utilized by qualified physicians who issue physician certifications for medical marijuana to patients with comparable medical conditions.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Claudia Kemp, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B8ER17-3 Documentation Required Under Section 381.986(4)(b), Florida Statutes.

Pursuant to Section 381.986, F.S., qualified physicians who issue physician certifications for patients with medical conditions of the same kind or class as or comparable to: cancer; epilepsy; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; post-traumatic stress disorder; amyotrophic lateral sclerosis; Crohn's disease; Parkinson's disease; or multiple sclerosis, are required to submit form DOH-MQA-5027 (10/17), entitled "Documentation Required Under Section 381.986(4)(b), Florida Statutes," which is hereby incorporated by reference and available from the Board's website at <http://www.flboardofmedicine.gov/forms/statutorily-required-documentation.pdf>. Said form must be submitted within 14 days after issuing the physician certification.

Rulemaking Authority 381.986 FS. Law Implemented 381.986 FS. History–New 10-24-17.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 24, 2017

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15ER17-3
 RULE TITLE: Documentation Required Under Section 381.986(4)(b), Florida Statutes

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Not required pursuant to 2017 Florida Laws 232 Section 14.(1) .

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Not required pursuant to 2017 Florida Laws 232 Section 14.(1) .

SUMMARY: The proposed emergency rule incorporates the form which must be utilized by qualified physicians who issue physician certifications for medical marijuana to patients with comparable medical conditions.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B15ER17-3 Documentation Required Under Section 381.986(4)(b), Florida Statutes.

Pursuant to Section 381.986, F.S., qualified physicians who issue physician certifications for patients with medical conditions of the same kind or class as or comparable to: cancer; epilepsy; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; post-traumatic stress disorder; amyotrophic lateral sclerosis; Crohn's disease; Parkinson's disease; or multiple sclerosis, are required to submit form DOH-MQA-5027 (10/17), entitled "Documentation Required Under Section 381.986(4)(b), Florida Statutes," which is hereby incorporated by reference and available from the Board's website at <http://www.floridasosteopathicmedicine.gov/forms/statutorily-required-documentation.pdf>. Said form must be submitted within 14 days after issuing the physician certification. Rulemaking Authority 381.986 FS. Law Implemented 381.986 FS. History--New 10-24-17.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 24, 2017

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 19, 2017, the Agency for Health Care Administration received a petition for an Amended Petition for Variance from Rule 59AER17-1, F.A.C., from Crestview Rehabilitation Center, LLC. The Petition has been assigned Agency case number 2017012132. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A, Tallahassee, Florida 32308, Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 19, 2017, the Agency for Health Care Administration, received a petition for an Amended Petition for Variance from Rule 59AER17-1, F.A.C., from Sovereign Healthcare of Pinellas Point, LLC, d/b/a Pinellas Point Nursing and Rehab. The Petition has been assigned Agency case number 2017012109. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 19, 2017, the Agency for Health Care Administration, received a petition for an Amended Petition for Variance from Rule 59AER17-1, F.A.C., from Sovereign Healthcare of West Palm Beach, LLC d/b/a Boulevard Rehabilitation Center. The Petition has been assigned Agency case number 2017012110. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 19, 2017, the Agency for Health Care Administration, received a petition for an Amended Petition for Variance from Rule 59AER17-1, F.A.C., from Fort Walton Rehabilitation Center, LLC. The Petition has been assigned Agency case number 2017012117. The Petition seeks a variance from Rule 59AER17-1 F.A.C.

requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A, Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 19, 2017, the Agency for Health Care Administration, received a petition for an Amended Petition for Variance from Rule 59AER17-1, F.A.C., from Sarasota Bay Rehabilitation Center, LLC d/b/a Sarasota Pointe Rehabilitation Center. The Petition has been assigned Agency case number 2017012207. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 17, 2017, the Agency for Health Care Administration, received a petition for an Amended Petition for Variance from Rule 59AER17-1, F.A.C., from Marion House Rehabilitation Center, LLC d/b/a Ocala Oaks Rehabilitation Center. The Petition has been assigned Agency case number 2017012318. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 17, 2017, the , the Agency for Health Care Administration, received a petition for an Amended Petition for Variance from Rule 59AER17-1, F.A.C., from Healthcare of Boynton Beach, LLC d/b/a Boynton Beach Rehabilitation Center. The Petition has been assigned Agency case number 2017012087. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: an Amended Petition for Variance from Rule 59AER17-1, F.A.C., from Healthcare of Boynton Beach, LLC d/b/a Boynton Beach Rehabilitation Center. The Petition has been assigned Agency case number 2017012087. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Avante Villa at Jacksonville Beach, Inc. The Petition has been assigned Agency case number 2017012800. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care

Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A, Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Avante at Orlando, Inc. The Petition has been assigned Agency case number 2017012797. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Avante at Inverness, Inc. The Petition has been assigned Agency case number 2017012833. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Avante at Lake

Worth, Inc. The Petition has been assigned Agency case number 2017012829. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Avante at Melbourne, Inc. The Petition has been assigned Agency case number 2017012826. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Avante at Ormond Beach, Inc. The Petition has been assigned Agency case number 2017012801. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Health Services of Ocoee, LLC, d/b/a Lake Bennett Health and Rehabilitation. The Petition has been assigned Agency case number 2017012839. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Avante at Boca Raton, Inc. The Petition has been assigned Agency case number 2017012836. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Rehabilitation Center, LLC, d/b/a Community Health and Rehabilitation Center. The Petition has been assigned Agency case number 2017012832. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.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 October 16, 2017 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Bagel Palace Too located in Pembroke Pines. 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 only.

The Petition for this variance was published in Vol. 43, No. 201, F.A.R., on October 17, 2017. The Order for this Petition was signed and approved on October 23, 2017. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Hot Deals (12205 Pembroke Rd Pembroke Pines, FL 33025), are maintained in a clean and

sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Bagel Palace Too (Dragan Cvetkovic) and/or Hot Deals (My Dollar Spot Inc.) 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: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-701.300 Prohibitions

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Department of Environmental Protection received a petition for waiving a potable water well setback requirement from Klean Tires Recycling, Inc., who has submitted an application to the Department to operate a waste tire processing facility. The petition requested a waiver from paragraph 62-701.300(2)(b), F.A.C., which states that no person shall store or dispose of solid waste within 500 feet of an existing or approved potable water well. Three potable water wells located off-site are less than 500 feet from the proposed waste tire processing facility. The proposed waste tire processing facility is located at 10010 Main Street North, Jacksonville, in Duval County. The petition has been assigned File No. SWVA 17-03 and OGC File No. 17-1074.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cory Dilmore, Department of Environmental Protection, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8735, cory.dilmore@dep.state.fl.us, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

Board of Acupuncture

The Board of Acupuncture hereby gives notice that on November 9, 2016, a Notice of Intent to Deny was filed on the Petition for Variance or Waiver. The Petition was filed by Rosalee McCurdy on June 13, 2016, seeking a variance or waiver from Rule 64B1-3.004, F.A.C., as to the requirement of the rule that requires Chinese Herbology Module examination. The Notice was published in Volume 42, No. 116 of the Florida Administrative Register, on June 15, 2016. The Board, at its meeting held on November 4, 2016, voted to deny the Petition

for Variance or Waiver finding that the Petitioner did not show that the purpose of the underlying statute was achieved by other means and did not show that application of the rule would create a substantial hardship or would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, JD, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, FL 32399-3257, (850)488-0595 or by email: info@floridasacupuncture.gov.

DEPARTMENT OF HEALTH

Board of Acupuncture

The Board of Acupuncture hereby gives notice that on July 6, 2017, a Notice of Intent to Deny was filed on the Petition for Variance or Waiver. The Petition was filed by Salvatore Gorla, on April 21, 2017, seeking a variance or waiver from Rule 64B1-3.010, F.A.C., regarding the requirement of the NCCAOM Bio-Med examination, and that NCCAOM be current. The Notice was published in Volume 43, No. 95 of the Florida Administrative Register, on May 16, 2017. The Board, at its meeting held on June 16, 2017, voted to deny the Petition for Variance or Waiver finding that the Petitioner did not show that the purpose of the underlying statute was achieved by other means, and that Petitioner did not show that application of the rule would create a substantial hardship or would violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Kama Monroe, JD, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, FL 32399-3257, (850)488-0595 or by email: info@floridasacupuncture.gov.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:

64B4-31.007 Definition of a “Licensed Mental Health Counselor or the Equivalent, Who Is a Qualified Supervisor.”

NOTICE IS HEREBY GIVEN that on October 23, 2017, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for waiver or variance filed by Christopher D. Jackson, seeking a variance or waiver of paragraph 64B4-31.007(1)(b), F.A.C., which states that a “licensed mental health counselor, or the equivalent, who is a qualified supervisor,” as used in Section 491.005(4)(c), F.S., is defined as an individual who, during the period for which the applicant claims supervision, meets one of the following:

(b) Is licensed or certified as a mental health counselor in another state, or resides in another state where licensure is not required, provided that he or she meets the education and

experience requirements for licensure as a mental health counselor under Section 491.005(4), F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jennifer Wenhold, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

The Board of Nursing hereby gives notice that on May 11, 2017, a Notice of Intent to Grant Petition for Waiver and Variance was filed. The Petition for Waiver or Variance was filed by Juna Nelson, on March 15, 2017, seeking a waiver or variance from Rule 64B9-3.002, F.A.C., regarding certification to take the practical nurse examination by equivalency (PINEQ). The Notice was published in Volume 43, No. 53, of the Florida Administrative Register, on March 17, 2017. The Board, at its meeting held on April 5-7, 2017, voted to grant the Petition for Waiver or Variance. Petitioner showed that the purpose of the underlying statute is being achieved by other means and that application of the rule would cause a substantial hardship and / or violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C02, Tallahassee, Florida 32399-3252, (850)488-0595, Joe.Baker@flhealth.gov.

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-5.004 Selection of Housing.

NOTICE IS HEREBY GIVEN that on October 11, 2017, the Agency for Persons with Disabilities received a petition for Variance from 65G-5.004, F.A.C. from Ms. Tessa Lynn Solomon, Petitioner. The rule states in part that “(b) Neither the supported living provider nor the immediate family of the supported living provider shall serve as landlord or have any interest in the ownership of the housing unit.” The Petitioner is seeking a waiver or variance from the 65G-5.004(b) that a provider cannot be the landlord or have an ownership interest in the housing unit where the client resides.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard A. Levasseur, Senior Public Records Attorney/Agency Clerk, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335B, Tallahassee, Florida 32399-0950, (850)414-6967, Richard.levasseur@apdcares.org.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pest Control Enforcement Advisory Council (PCEAC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2017, 10:00 a.m.

PLACE: UF/IFAS Mid Florida Research and Education Center Auditorium, 2725 South Binion Road, Apopka, FL 32703, phone number (directions only) (407)884-2034; GoToMeeting: <https://global.gotomeeting.com/join/252661061>;

teleconference information: 1(888)670-3525, access/pass code: 411-898-2807

GENERAL SUBJECT MATTER TO BE CONSIDERED: The business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Dale Dubberly, Bureau Chief, (850)617-7984, dale.dubberly@freshfromflorida.com.

For more information, you may contact: Mr. Dale Dubberly, Bureau Chief, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)617-7984, dale.dubberly@freshfromflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

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

DATE AND TIME: Monday, November 13, 2017, 10:00 a.m.

PLACE: Telephone conference: call-in number: 1(888)670-3525, participant code: 4220265671

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Florida Consumers' Council.

A copy of the agenda may be obtained by contacting: Amy Topol, Director, Division of Consumer Services, (850)410-3800.

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: Amy Topol at (850)410-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

The Department of Agriculture and Consumer Services, Division of Licensing announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 14, 2017, 9:00 a.m.

PLACE: Embassy Suites Jacksonville Baymeadows, 9300 Baymeadows Road, Jacksonville, Florida 32256, (904)731-3555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirements of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by contacting: Stefannie Carter, P.O. Box 5647, Tallahassee, Florida 32314, (850)245-5443, Stefannie.Carter@FreshFromFlorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stefannie Carter at (850)245-5443. 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 Stefannie Carter at (850)245-5443.

DEPARTMENT OF EDUCATION

State Board of Education

The State Advisory Committee for the Education of Exceptional Students announces hearings to which all persons are invited.

DATES AND TIMES: December 4, 2017, 9:00 a.m. – 5:00 p.m.; December 5, 2017, 8:00 a.m. – 3:00 p.m. Executive Committee will meet December 4, 2017, 8:30 a.m. – 9:00 a.m. Opportunity for Public Comment will be provided December 5, 2017, 1:00 p.m. onsite or by phone: 1(888)670-3525, participant code: 7909766562.

PLACE: Doubletree Hotel, Tallahassee, Florida; by phone: 1(888)670-3525, participant code: 7909766562

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics include reading as it relates to dyslexia, Bureau update on data related restraint and seclusion, small group work in the areas of Parent Involvement and Engagement, K-12 Standards, K-12 Access and Transition.

A copy of the agenda may be obtained by contacting: State Advisory Committee, Bureau of Exceptional Education and

Student Services, Florida Department of Education, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399-0400.

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 14 days before the workshop/meeting by contacting: April Katine, Bureau of Exceptional Education and Student Services, at (850)245-0475. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2017, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to bid (ITB-DEM-17-18-013) for FDEM Hurricane Season Preparedness and Media Buy.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting Tara Walters, Division Purchasing Manager, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)815-4606, Tara.Walters@em.myflorida.com.

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

The Northeast Florida Regional Council, Local Emergency Planning Committee (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 8, 2017, 10:00 a.m.

PLACE: 100 Festival Park Avenue, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: (904)279-0880.

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

The Northeast Florida Regional Council announces public meetings to which all persons are invited.

DATE AND TIMES: November 3, 2017, 9:00 a.m., 12:00 Noon, 3:00 p.m.

PLACES: 9:00a.m.: Putnam County BOCC Conference Room; 12:00 Noon: Baker County BOCC; 3:00 p.m.: Nassau County BOCC

GENERAL SUBJECT MATTER TO BE CONSIDERED: Affordable Housing Listening Tour.

A copy of the agenda may be obtained by calling: (904)279-0880.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by calling: (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

The Northeast Florida Regional Council announces a public meeting to which all persons are invited.

DATE AND TIMES: November 8, 2017, 9:00a.m., 12:00 Noon, 2:30 p.m.

PLACES: 9:00a.m., Duval County, Ed Ball Bldg., 8th Floor; 12:00 Noon, Flagler County 1st Floor Conference Room; 2:30 p.m., St. Johns County BOCC auditorium

GENERAL SUBJECT MATTER TO BE CONSIDERED: Affordable Housing Listening Tour.

A copy of the agenda may be obtained by calling: (904)279-0880.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by calling: (904)279-0880. 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 ELDER AFFAIRS

Division of Volunteer and Community Services

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

DATE AND TIME: November 1, 2017, 9:00 a.m.

PLACE: Zion Lutheran Church, 7401 Winkler Road, Ft. Myers, FL 33919

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Dementia Cure and Care Initiative Task force

for the City of Ft. Myers. The goal of the DCCI Task force is to engage communities across the state to be more dementia friendly, promote better care for Floridians affected by dementia, and support research efforts to find a cure. The vision of the DCCI Task Force is to see all Florida communities engaged in providing better care for those affected by dementia while we work towards a cure.

A copy of the agenda may be obtained by contacting: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.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: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.org.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

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

DATE AND TIME: November 15, 2017, 10:00 a.m.

PLACE: Tidewell Hospice, 5957 Rand Blvd., Sarasota, FL 34238

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Dementia Cure and Care Initiative Task force for the City of Sarasota. The goal of the DCCI Task force is to engage communities across the state to be more dementia friendly, promote better care for Floridians affected by dementia, and support research efforts to find a cure. The vision of the DCCI Task Force is to see all Florida communities engaged in providing better care for those affected by dementia while we work towards a cure.

A copy of the agenda may be obtained by contacting: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.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: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.org.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

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

DATE AND TIME: November 14, 2017, 8:30 a.m.

PLACE: Center for Aging and Memory Disorder Clinic, 21 W. Columbia St., Suite 201, Orlando, FL 32806

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Meeting of the Dementia Cure and Care Initiative Task force for the City of Orlando. The goal of the DCCI Task force is to engage communities across the state to be more dementia friendly, promote better care for Floridians affected by dementia, and support research efforts to find a cure. The vision of the DCCI Task Force is to see all Florida communities engaged in providing better care for those affected by dementia while we work towards a cure.

A copy of the agenda may be obtained by contacting: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.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: Christine Sherrill, Department of Elder Affairs, (850)414-2028, sherrillc@elderaffairs.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

The Florida Barbers' Board announces a public meeting to which all persons are invited.

DATE AND TIME: January 21, 2018, 9:00 a.m.

PLACE: Hilton Sandestin Resort, 4000 Sandestin Blvd. S, Miramar Beach, FL 32550

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General business.

A copy of the agenda may be obtained by contacting: Florida Barbers' Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

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

agency at least 5 days before the workshop/meeting by contacting: Florida Barbers' Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Florida Barbers' Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

The Board of Cosmetology announces public meetings to which all persons are invited.

DATES AND TIMES: January 22, 2018, 9:00 a.m.; January 23, 2018, 9:00 a.m.

PLACE: Hilton Sandestin Resort, 4000 Sandestin Blvd S, Miramar Beach, FL 32550, (850)267-9500

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General business.

A copy of the agenda may be obtained by contacting Florida Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Florida Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact Florida Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2017, 9:00 a.m. – 2:00 p.m.

PLACE: South Florida Community Care Network, LLC d/b/a Community Care Plan, 1643 Harrison Parkway, Bldg. H, Suite 200, Sunrise, Florida 33323

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the members to discuss general matters.

A copy of the agenda may be obtained by contacting Crystal Quirin, (954)622-3224, cquirin@ccpcare.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Susan Mansolillo, (954)622-3232, SMansolillo@ccpcare.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact D. Ty Jackson, Esq., counsel for South Florida Community Care Network, LLC, ty.jackson@gray-robinson.com, (850)577-9090.

FLORIDA SPORTS FOUNDATION

The Florida Sports Foundation announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2017, 9:00 a.m.

PLACE: Orlando City Soccer Stadium, 655 W. Church Street, Orlando, FL 32805

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Jacqueline Hightower, jhightower@flsports.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jacqueline Hightower. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

INFINITE SOURCE COMMUNICATIONS GROUP, LLC

The Florida Department of Transportation District Six announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, November 8, 2017, 6:00 p.m. – 8:00 p.m.

PLACE: Trinity Church Chapel, 17801 NW 2 Avenue, Miami Gardens, FL 33169

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a public hearing for a roadway project along State Road

(SR) 7/NW 2 Avenue from SR 7 bridge ramp to NW 179 Street and NW 7 Avenue extension from NW 3 Avenue to NW 2 Avenue, in Miami-Dade County. The project identification number is 439919-1-52-01. The hearing will begin as an open house, from 6:00 p.m. to 8:00 p.m., with a formal presentation starting at 6:30 p.m. Graphic displays will be shown and FDOT representatives will be available to discuss the project and answer questions.

A copy of the agenda may be obtained by contacting: Community Outreach Specialist Rodolfo Roman, (305)470-5477, Rodolfo.Roman@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Hong Benitez, P.E. at (305)470-5219, in writing at FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at Hong.Benitez@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Community Outreach Specialist Rodolfo Roman, (305)470-5477, Rodolfo.Roman@dot.state.fl.us.

QUEST CORPORATION OF AMERICA, INC.

The Florida Department of Transportation (FDOT) District Five announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, November 2, 2017, 5:30 p.m.; formal Presentation at 6:00 p.m.

PLACE: Flagler Beach Methodist Church, 1520 South Daytona Avenue, Flagler Beach, Florida 32136

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 440557-6-52-01.

Project Description: State Road (S.R.) A1A from S. 22nd Street to S. 9th Street, Flagler County, Florida.

On behalf of the Florida Department of Transportation (FDOT), I invite you to a public hearing regarding the portion of S.R. A1A from South 22nd Street to South 9th Street. The department is designing permanent repairs as a result of damage caused by Hurricane Matthew and other coastal storm events. The project is funded for construction in summer of 2018. No additional right of way will be required.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting: Jennifer Smith, FDOT District Five Title VI Coordinator, (386)943-5367, jennifer.smith2@dot.state.fl.us.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida

Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

A copy of the agenda may be obtained by contacting: FDOT Project Manager Ty Garner, (386)943-5299, ty.garner@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven (7) days before the workshop/meeting by contacting: FDOT Project Manager, Ty Garner, (386)943-5299, ty.garner@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT Project Manager Ty Garner, (386)943-5299, ty.garner@dot.state.fl.us. You may also contact: Renato J. Gonzalez, P.E., Consultant Project Manager, (407)893-5851, renato.gonzalez@rsandh.com.

QUEST CORPORATION OF AMERICA, INC.

The Florida Department of Transportation (FDOT) District Five announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, November 2, 2017, 5:30 p.m.; Formal Presentation at 6:00 p.m.

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Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting: Jennifer Smith, FDOT District Five Title VI Coordinator, (386)943-5367, jennifer.smith2@dot.state.fl.us.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida

Department of Transportation (FDOT) pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

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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 seven (7) days before the workshop/meeting by contacting: FDOT Project Manager, Ty Garner, (386)943-5299, ty.garner@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT Project Manager Ty Garner, (386)943-5299, ty.garner@dot.state.fl.us. You may also contact: Renato J. Gonzalez, P.E., Consultant Project Manager, (407)893-5851, renato.gonzalez@rsandh.com.

Section VII

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed on July 27, 2017 by Annabelle Gaudineer, In Re: Newth Gardens Association, Inc., Docket No. 2017036207. The following is a summary of the agency's declination of the petition:

The Division declined to issue a statement because it is unable to issue a statement regarding past conduct. The order was filed with the Agency Clerk on October 19, 2017.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Danielle Walker, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-1030, (850)717-1539, Danielle.Walker@myfloridalicense.com.

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:

Nature’s Way Nursery of Miami, Inc. vs. Florida Department of Health; Case No.: 17-5801RE; Rule Nos.: 64ER17-3(1)(b), (c) and (d)

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

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE
 Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Wednesday, October 18, 2017 and 3:00 p.m., Tuesday, October 24, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules

website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
20ER17-3	10/18/2017	10/18/2017
5J-17.002	10/24/2017	11/13/2017
5J-17.003	10/24/2017	11/13/2017
5J-17.010	10/24/2017	11/13/2017
5J-17.011	10/24/2017	11/13/2017
5J-17.012	10/24/2017	11/13/2017
5J-17.015	10/24/2017	11/13/2017
5J-17.016	10/24/2017	11/13/2017
5J-17.020	10/24/2017	11/13/2017
5J-17.021	10/24/2017	11/13/2017
5J-17.022	10/24/2017	11/13/2017
5J-17.025	10/24/2017	11/13/2017
5J-17.026	10/24/2017	11/13/2017
5J-17.027	10/24/2017	11/13/2017
5J-17.028	10/24/2017	11/13/2017
5J-17.029	10/24/2017	11/13/2017
5J-17.031	10/24/2017	11/13/2017
5J-17.032	10/24/2017	11/13/2017
5J-17.034	10/24/2017	11/13/2017
5J-17.037	10/24/2017	11/13/2017
5J-17.039	10/24/2017	11/13/2017
5J-17.040	10/24/2017	11/13/2017
5J-17.041	10/24/2017	11/13/2017
5J-17.042	10/24/2017	11/13/2017
5J-17.043	10/24/2017	11/13/2017
5J-17.044	10/24/2017	11/13/2017
5J-17.050	10/24/2017	11/13/2017
5J-17.051	10/24/2017	11/13/2017

5J-17.052	10/24/2017	11/13/2017
5J-17.053	10/24/2017	11/13/2017
5J-17.061	10/24/2017	11/13/2017
5J-17.062	10/24/2017	11/13/2017
5J-17.063	10/24/2017	11/13/2017
5J-17.070	10/24/2017	11/13/2017
5J-17.080	10/24/2017	11/13/2017
5J-17.083	10/24/2017	11/13/2017
5J-17.084	10/24/2017	11/13/2017
5J-17.085	10/24/2017	11/13/2017
5J-17.086	10/24/2017	11/13/2017
5J-17.200	10/24/2017	11/13/2017
5J-17.400	10/24/2017	11/13/2017
33-302.116	10/23/2017	11/12/2017
42X-1.002	10/24/2017	11/13/2017
53ER17-65	10/19/2017	10/19/2017
53ER17-66	10/19/2017	10/19/2017
53ER17-67	10/19/2017	10/19/2017
53ER17-68	10/19/2017	10/19/2017
53ER17-69	10/19/2017	10/19/2017
59A-12.002	10/24/2017	11/13/2017
59A-12.012	10/24/2017	11/13/2017
61G3-15.0215	10/20/2017	11/9/2017
61G5-20.002	10/20/2017	11/9/2017
61G5-24.010	10/24/2017	11/13/2017
64B-14.001	10/24/2017	11/13/2017
64B-14.002	10/24/2017	11/13/2017
64B-14.003	10/24/2017	11/13/2017
64B-14.0032	10/24/2017	11/13/2017
64B-14.0034	10/24/2017	11/13/2017
64B-14.004	10/24/2017	11/13/2017
64B-14.005	10/24/2017	11/13/2017

64B-14.006	10/24/2017	11/13/2017
64B-14.007	10/24/2017	11/13/2017
64B-14.009	10/24/2017	11/13/2017
64B-14.010	10/24/2017	11/13/2017
64B8-35.002	10/19/2017	11/8/2017
64B8ER17-3	10/24/2017	10/24/2017
64B9-5.002	10/19/2017	11/8/2017
64B9-15.0045	10/19/2017	11/8/2017
64B15ER17-3	10/24/2017	10/24/2017
64B16-27.100	10/18/2017	11/7/2017
64B16-30.002	10/18/2017	11/7/2017
65C-28.015	10/18/2017	11/7/2017
65C-30.016	10/23/2017	11/12/2017
69A-60.002	10/20/2017	12/31/2017
69A-60.003	10/20/2017	12/31/2017
69A-60.004	10/20/2017	12/31/2017
69A-60.005	10/20/2017	12/31/2017
69A-3.012	10/20/2017	12/31/2017
69T-1.001	10/20/2017	11/9/2017
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40C-2.101	8/2/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.100	12/19/2016	**/**/****
69L-7.501	12/19/2016	**/**/****

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

Notice of Correction

RULE NO.: RULE TITLE:

58AER17-2: Variances from Emergency Rule 58AER17-1 – Procedures Regarding Emergency Environmental Control for Assisted Living Facilities.

NOTICE OF CORRECTION

The Rulemaking Authority in the Notice of Emergency Rule published in Vol. 43 No. 198 October 12, 2017, issue of the Florida Administrative Register incorrectly cited section 429.21, FS. Section 429.41, FS. Should have been cited as rulemaking authority.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

DECISION ON EXPEDITED APPLICATION

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

County: Collier Service District: 8-2

CON #10493 Decision Date: 10/23/2017 Decision: A

Facility/Project: Bentley Care Center

Applicant: CC-Naples, Inc.

Project Description: Transfer CON #10406 from SRGL Naples, LLC to CC-Naples, Inc. to add 38 community nursing home beds

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

Seeking Provider Comments in Relation to Statewide Medicaid Managed Care Program Re-Procurement

The AGENCY FOR HEALTH CARE ADMINISTRATION (Agency) announces that it is soliciting comments from providers which it will consider as part of the re-procurement of the Statewide Medicaid Managed Care (SMMC) program. (See Section 409.966(a)(8), F.S.)

The Invitations to Negotiate (ITNs) and information about the re-procurement, including anticipated timelines and instructions for submission of provider comments, can be found on the Department of Management Services' Vendor Bid System at:

http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

Key dates to note are:

Anticipated Posting of ITN Respondent Names for Provider Comment: November 3, 2017, 2:30 p.m.

Deadline for Receipt of Provider Comments: November 20, 2017, 5:00 p.m.

Reference numbers for the SMMC program ITNs for all 11 regions are:

- Region 1 – AHCA ITN 001-17/18
- Region 2 – AHCA ITN 002-17/18
- Region 3 – AHCA ITN 003-17/18
- Region 4 – AHCA ITN 004-17/18
- Region 5 – AHCA ITN 005-17/18
- Region 6 – AHCA ITN 006-17/18
- Region 7 – AHCA ITN 007-17/18
- Region 8 – AHCA ITN 008-17/18
- Region 9 – AHCA ITN 009-17/18
- Region 10 – AHCA ITN 010-17/18
- Region 11 – AHCA ITN 011-17/18

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

State Plan Amendment – Florida Cancer Hospital Reimbursement

The Agency for Health Care Administration is requesting an amendment to the Medicaid State Plan for the Florida Cancer Hospital Program Reimbursement Plan. The amendment creates the Florida Cancer Hospital Program Reimbursement Plan as authorized in the General Appropriation's Act for State Fiscal Year 2017-18. This amendment to the State Plan will have a federal fiscal impact with an expected increase of \$10,291,886 in federal funds for federal fiscal year (FFY) 2017-18. The effective date for this amendment will be October 26, 2017.

Interested parties may contact the following staff for further information: T. K. Feehrer, Medicaid Program Finance, 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407, (850)412-4131, Tanisha.Feehrer@ahca.myflorida.com.

DEPARTMENT OF HEALTH

Emergency Action

On October 24, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Grant B. Satterlee, R.Ph, License No. # PS 22529. 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 (2017). 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

Emergency Action

On October 24, 2017, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Qiting Duan, L.M.T., License # MA 80421. 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 (2017). 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

Office of Medical Marijuana Use Notice of Proposed Regulation

The Department of Health, Office of Medical Marijuana Use hereby provides notice of its proposed regulations pursuant to the Department's authority under Article X, Section 29, of the Florida Constitution and consistent with section 381.986, Florida Statutes. The person to be contacted regarding the proposed regulations or to submit comments is: Courtney Coppola at Courtney.Coppola@flhealth.gov.

THE TEXT OF THE PROPOSED REGULATION IS:

2-1.02 Disciplinary Guidelines and Fines

Pursuant to Article X, Section 29 of the Florida Constitution and consistent with section 381.986, Florida Statutes, the penalties listed for the following violations of section 381.986, Florida Statutes, department rule or regulation, shall be used as guidelines in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this regulation. Penalties are applicable per instance of each violation and every day that a violation occurs shall be considered a separate violation.

(a) Approval and renewal violations.

Attempt by any person or entity to procure initial medical marijuana treatment center approval by bribery, fraudulent misrepresentation, or extortion. Any violation, revocation or denial of approval and \$5,000 fine.

Attempt by any person or entity to renew a license by bribery or fraud. For the first violation, revocation of the license with the ability to reapply upon payment of a \$5,000 fine to permanent revocation. After the first violation, permanent revocation with a \$5,000 fine.

(b) Improper Dispensations and Misuse of the Medical Marijuana Use Registry (MMUR).

Dispensation by a MMTC of more than a 70-day supply of low-THC cannabis or medical cannabis to a patient or caregiver. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure of a MMTC to enter an employee name or unique employee identifier into the MMUR for each dispensation of low-THC cannabis, medical cannabis, or cannabis delivery device. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure of a MMTC to verify in the MMUR, prior to dispensing to the patient or their caregiver, that a physician has entered a valid order for low-THC cannabis, medical cannabis, or a cannabis delivery device for that patient. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure of a MMTC to verify in the MMUR, prior to dispensing to the patient or their caregiver, that: (1) the patient has an active registration in the MMUR, (2) the patient or the patient's caregiver holds a valid and active identification card, and (3) that there is a sufficient number of milligrams of recommended product remaining to fill an order. Failure to verify any of these three requirements constitutes a violation. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure of a MMTC to record in the MMUR the: (1) date, (2) time, (3) quantity of medical marijuana dispensed, (4) form of medical marijuana dispensed, (5) type of marijuana delivery device dispensed if applicable, and (6) the name and MMUR identification number of the patient or caregiver for each dispensation. Failure to record any of these six requirements constitutes a violation. First violation, from a letter of warning to a \$500 fine; second violation, \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Dispensation of low-THC cannabis, medical cannabis, or cannabis delivery device by a MMTC to a qualified patient who is younger than 18 years of age. First violation, \$500 fine; subsequent violation, from a \$500 fine to a \$500 fine and suspension or revocation.

Dispensation or selling of any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana as specified in a physician certification, by an MMTC at a dispensing facility. First violation, \$500 fine; subsequent violation, from a \$500 fine to a \$500 fine and suspension or revocation.

Dispensation of low-THC cannabis, medical cannabis, or a cannabis delivery device from the premises of a MMTC between the hours of 9 p.m. and 7 a.m. First violation, \$500 fine; subsequent violation, from a \$500 fine to a \$500 fine and suspension or revocation.

Creates a patient or caregiver in the MMUR using misleading, incorrect, false, or fraudulent information. Any qualified ordering physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR. This penalty does not prohibit any further appropriate action by the department or respective board against the qualified ordering physician.

Creates a duplicate patient or caregiver in the MMUR. Any qualified ordering physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR. This penalty does not prohibit any further appropriate action by the department or respective board against the qualified ordering physician.

Failure to update the MMUR within 7 days after any change(s) is made to the original physician certification to reflect such change(s). Any qualified ordering physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR. This penalty does not prohibit any further appropriate action by the department or respective board against the qualified ordering physician.

Improper disclosure of personal information of a qualified patient or caregiver. Personal information includes the patient and caregiver names, birth dates, telephone numbers, addresses, electronic mail addresses, social security numbers and biometric identifiers. Violations of this subparagraph by an MMTC or an approved law enforcement MMUR user, first violation, from a letter of warning to a \$500 fine; second violation, \$500 fine and a 180-day suspension from access to the MMUR; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation of access to the MMUR. Any physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR and this penalty does not prohibit any further appropriate action by the department or respective board against the physician.

Misuse of or improper access to the MMUR. Misuse or improper access includes:

Failure of a MMTC or other approved user to establish or enforce policies and procedures restricting access to the MMUR only to those individuals authorized by section 381.986, Florida Statutes, and whose access has been approved by the department;

Failure of a MMTC or other approved user to establish or enforce policies and procedures preventing personnel from sharing login and password information or accessing the MMUR on another individual's account; and

Use of data from the MMUR for cold-calling or otherwise soliciting patients or caregivers.

Violations of this subparagraph by an MMTC or an approved law enforcement MMUR user, first violation, from a letter of warning to a \$500 fine; second violation, \$500 fine and a 180-

day suspension from access to the MMUR; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation of access to the MMUR. Any physician who violates this subparagraph is subject to a 180-day suspension from access to the MMUR and this penalty does not prohibit any further appropriate action by the department or respective board against the physician.

(c) MMTC operational violations.

Failure of a MMTC to maintain qualifications for approval. Suspension or revocation of MMTC license.

Endangering the health, safety, or security of a qualified patient by a MMTC. First violation, a letter of warning and a fine up to \$500; second violation, \$1,000 fine; subsequent violation, \$1,000 fine to a \$1,000 fine and suspension or revocation.

Employment of an owner, officer, board member, manager, or employee by a MMTC who has been rendered ineligible under section 381.986(9), Florida Statutes, or who has been convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a medical marijuana treatment center. First violation, a \$250 to \$500 fine and license suspension. Subsequent violation, from a \$1,000 fine and license suspension to a \$5,000 fine and license revocation.

Employment of an owner, officer, board member, manager, or employee by a MMTC whose license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a medical marijuana treatment center has been suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. First violation, a \$250 fine to \$500 fine and license suspension; subsequent violation, from a \$1,000 fine and license suspension to a \$5,000 fine and license revocation. If the license or authority to engage in a regulated profession, occupation, or business has been reinstated or otherwise cleared of disciplinary obligations, the department will consider such reinstatement as a mitigating factor.

Making or filing a report or record that the MMTC knows to be false. First violation, from a letter of warning to a \$500 fine; second violation, \$1,000 fine; subsequent violations, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Willfully failing to maintain a record required by section 381.986, Florida Statutes, or department rule or regulation. First violation, letter of warning and a fine up to \$500; second violation, \$1,000 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Willfully impeding or obstructing an employee or agent of the department in furtherance of his or her official duties. First

violation, letter of warning to a \$500 fine; subsequent violation, from a \$1,000 to \$5,000 fine up to a \$1,000 to \$5,000 fine and suspension or revocation.

Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a MMTC. First violation, letter of warning and a fine up to \$500; second violation, \$1,000 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Making misleading, deceptive, or fraudulent representations in or related to the business practices of a MMTC. First violation, from a letter of warning to a \$500 fine; second violation, \$1,000 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Making misleading, deceptive, or fraudulent representations in its advertising. Advertising means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication, to induce directly or indirectly any person to patronize a particular MMTC, or to purchase particular medical marijuana or a medical marijuana-infused product. Advertising includes marketing, but does not include packaging or labeling. Advertising proposes a commercial transaction or otherwise constitutes commercial speech. First violation, from a letter of warning to a \$500 fine; second violation, \$1,000 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Violating a lawful order of the department or an agency of the state, or failure to comply with a lawfully issued subpoena of the department or an agency of the state. First violation, from a letter of warning to a \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Employment of a qualified physician by a MMTC or independent testing laboratory. First violation, from a letter of warning to a \$500 fine; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Use of a pesticide, fungicide, or herbicide other than those permitted for use by department rule or regulation. The presence of an unapproved pesticide, fungicide, or herbicide in the proximity of a MMTC facility or a failed test for an unapproved pesticide, fungicide, or herbicide constitute the use of an unapproved pesticide, fungicide, or herbicide. In addition to the mitigating or aggravating factors listed in subsection (2) below, the following factors will be considered:

a. The toxicity of the unapproved pesticide, fungicide, or herbicide;

b. The number of plants exposed; and

c. The number of individuals exposed.

For the first violation, from a \$1,000 to \$5,000 fine up to a \$1,000 to \$5,000 fine and license suspension; subsequent violations, from a \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and license suspension or revocation.

The wholesale of low-THC cannabis, medical cannabis, low-THC cannabis products, or medical cannabis products to any entity other than a licensed MMTC. The sale of each plant or cannabis product constitutes a separate violation. From a \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and suspension or revocation.

Operating a cultivation, processing, or dispensing facility without prior authorization from the department. First violation, a letter of warning and fine up to \$500; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Operating a number of dispensing facilities that exceed the provision of section 381.986(8)(a)5., Florida Statutes. First violation, a letter of warning and fine up to \$500; subsequent violation, from a \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure to notify the department of a sale of a dispensing facility slot within 3 days of sale. First violation, a letter of warning and fine up to \$500; subsequent violation, \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure to possess a valid certification of registration issued by the Department of Agriculture and Consumer Services pursuant to section 581.131, Florida Statutes, unless the licensee was licensed under the provisions of section 381.986(8)(a)2.b., Florida Statutes. First violation, a letter of warning and fine up to \$500; subsequent violation, \$1,000 fine to a \$1,000 fine and suspension or revocation.

Failure to employ a medical director to supervise the activities of the MMTC. Any violation, \$1,000 fine to a \$1,000 fine and suspension or revocation.

The wholesale purchase of marijuana or low-THC cannabis from, or a distribution of marijuana or low-THC cannabis to, another MMTC, without the MMTC seeking to make a wholesale purchase of marijuana submitting proof of harvest failure to and approval from the department. Harvest failure means a catastrophic loss of growing plants that presents a substantial risk of severe impact of a MMTC's ability to supply patients with low-THC or medical cannabis products. Any violation, a \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and suspension or revocation.

Contracting for services related to the operations of a MMTC in violation of section 381.986(8)(e), Florida Statutes. Any violation, \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and suspension or revocation.

Failure to notify the department in writing at least 60 days prior to the anticipated date of a change in ownership of a MMTC. Any violation, \$1,000 to \$10,000 fine up to a \$1,000 to \$10,000 fine and suspension or revocation.

Executing a change in ownership of a MMTC without prior department approval. Any violation, from a \$1,000 to \$5,000 fine up to a \$1,000 to \$5,000 fine and suspension or revocation.

Failure to execute a recall as required by the department. Any violation, a \$1,000 to \$5,000 fine up to a \$1,000 to \$5,000 fine and suspension or revocation.

Operating a MMTC dispensing facility within 500 feet of the real property that comprises a public or private elementary, middle, or secondary school, unless the county or municipality approves the location through a formal proceeding. Any violation, from a \$1,000 fine up to a \$1,000 fine and suspension or revocation.

Growing low-THC cannabis or medical marijuana in an environment other than an enclosed structure. Any violation, \$500 fine per plant to \$500 fine per plant and suspension or revocation.

Growing low-THC cannabis or medical marijuana in the same enclosed structure as other plants. Any violation, a \$500 fine per plant to a \$500 fine per plant and suspension or revocation.

Failure to inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state, or failure to notify the Department of Agriculture and Consumer Services within 10 calendar days after a determination that a plant is infested or infected by such plant pest, and implement and maintain phytosanitary policies and procedures. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with Chapter 581, Florida Statutes, and any rules adopted thereunder. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Processing of low-THC cannabis, medical cannabis, low-THC cannabis products, or medical cannabis products in an environment other than an enclosed structure. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Processing of low-THC cannabis or medical cannabis in the same enclosed structure as other plants or products. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to package low-THC cannabis products or medical cannabis products in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to label low-THC cannabis products or medical cannabis products in compliance with section 381.986(8)(e)10.f., Florida Statutes. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to reserve two processed samples from each batch and retain such samples for at least 9 months in compliance with Section 381.986(8)(e)10.d., Florida Statutes. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to maintain a security system or video surveillance system in compliance with section 381.986(8)(f), Florida Statutes. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to ensure at least two MMTC employees, or two employees of a security agency with whom the MMTC contracts, are on site at cultivation, processing, and storage facilities at all times. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to establish or enforce policies and procedures which require each employee to wear a photo identification badge at all times while on the premises. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to establish or enforce policies and procedures which require each visitor to wear a visitor's pass at all times while on the premises. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

Failure to establish or enforce policies and procedures which require an alcohol and drug-free workplace. Any violation, a \$1,000 to \$10,000 fine to a \$1,000 to \$10,000 fine and suspension or revocation.

Failure to report to local law enforcement within 24 hours after the MMTC is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis. Any violation, a \$1,000 to \$10,000 fine to a \$1,000 to \$10,000 fine and suspension or revocation.

Failure to establish or enforce policies and procedures which require the safe transport of low-THC cannabis or medical marijuana to MMTC facilities, independent testing laboratories, or patients or caregivers in compliance with section 381.986(8)(g), Florida Statutes. Any violation, a \$500 fine to a \$500 fine and suspension or revocation. The minimum requirements for safe transport are:

- a. Maintenance of a transportation manifest for each delivery, which must be retained for at least 1 year;
- b. Ensuring that only vehicles in good working order are used to transport low-THC and medical cannabis;
- c. Ensuring that low-THC cannabis and medical cannabis is locked in a separate compartment or container within the vehicle;
- d. Ensuring that at least two persons are in a vehicle transporting low-THC cannabis or medical cannabis, and that at least one person remains in the vehicle while low-THC cannabis or medical cannabis is being delivered; and
- e. Ensuring that all employees transporting or delivering low-THC cannabis or medical cannabis receive specific safety and security training.

42. Materially deviating from an application for licensure without prior approval from the department. Any violation, a \$1,000 fine to \$10,000 fine up to a \$1,000 fine to \$10,000 fine

and suspension or revocation.

43. Failure to comply with a record inspection request from the department within 14 days. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

44. Failure to ensure that all employees are at least 21 years of age or older. Any violation, a \$500 fine to a \$500 fine and suspension or revocation.

45. Failure to ensure that all marijuana and marijuana products are secured in a secured, locked room or vault. Any violation, a \$1,000 to \$10,000 fine up to a \$1,000 fine to \$10,000 fine and suspension or revocation.

46. Displaying marijuana or marijuana products in a waiting room of a dispensing facility, or dispensing in a waiting room of a dispensing facility. Any violation, \$500 fine to \$500 fine and suspension or revocation.

(d) Violation of any other provision of section 381.986, Florida Statutes, or of department rule or regulation. The full range of penalties listed in this regulation shall be considered for violations pursuant to this paragraph.

(2) Circumstances which shall be considered for the purposes of mitigation or aggravation of penalty shall include the following:

(a) Severity of the violation;

(b) Danger to the public;

(c) Actual damage, physical or otherwise, to the patient;

(d) Effort to prevent the violation;

(e) Effort to correct the violation, or the refusal to correct or stop the violation;

(f) Level of cooperation with the department's investigation into the violation;

(g) The number of previous violations for failure to comply with provisions of the Florida Statutes or department rules or regulations;

(h) Efforts to conceal violations; and

(i) Any other mitigating or aggravating circumstances.

(3) Where several of the violations occur in one case, or several cases being considered together, the penalties shall be cumulative and consecutive.

(4) A MMTC may not avoid penalty for a violation or application of the provision for subsequent violations by changing the corporate structure, for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the MMTC are substantially similar.

Regulation Authority Art. X, § 29(d), Fla. Const. History–New.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On October 24, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the

license of Traci N. Creech, R.N., License # RN 9396565. 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 (2017). 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

Emergency Action

On October 24, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Sondra A. Tomlinson, R.N., License # RN 9297094. 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 (2017). 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

Emergency Action

On October 24, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certification of Nathaniel L. Sweeney, C.N.A., Certificate # CNA 316632. 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 (2017). 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

Emergency Action

On October 24, 2017, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Erin Odessa Boyd, R.N., License # RN 9340722. 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 (2017). 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

Emergency Action

On October 24, 2017, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Robyn Leann Johnson, R.N., License # RN 9343268. 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 (2017). 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

Emergency Action

On October 24, 2017, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Michael Edward Eagan, L.P.N., License # PN 5175812. 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 (2017). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

NOTICE OF STATE OF FLORIDA 2017 ACTION PLAN SUBSTANTIAL AMENDMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROGRAM

The U.S. Department of Housing and Urban Development (HUD) has allocated an additional \$59,335,000 in Community Development Block Grant Disaster Recovery (CDBG-DR) funds to the state for recovery in the Federal Emergency Management Agency (FEMA) declared counties impacted by Disaster Declaration 4280 (Hurricane Hermine) and Declaration 4283 (Hurricane Matthew). This amount is in addition to the already allocated amount of \$58,602,000 for a total allocation as of August 7, 2017, of \$117,937,000. The Department of Economic Opportunity (DEO) is the lead agency and responsible entity for administering the funds.

Notices providing guidance on applying for these additional funds were published in 82 Fed. Reg. 36812-02 (Aug. 7, 2017), 82 Fed. Reg. 5591-01 (Jan. 18, 2017), and 81 Fed. Reg. 83254-01 (Nov. 21, 2016). As required by the published notices, a substantial amendment to the approved Action Plan that primarily addresses unmet housing needs must be submitted by DEO to HUD for approval.

82 FR 36812-02 (Aug. 7, 2017), requires that DEO consult with affected citizens, stakeholders, local governments, and public housing authorities to determine updates to its needs assessment. DEO amends the Action Plan to include the additional allocated amount and to update the unmet needs assessment data presented in the plan.

On October 25, 2017, at 8:00 a.m., a copy of the draft amended Action Plan will be posted on the DEO’s website at:

<http://www.floridajobs.org/cdbg-dr>

The required 14-day comment period will commence on October 25, 2017, at 8:00 a.m., and will conclude on November 8, 2017, at 5:00 p. m DEO will accept comments or questions about the draft Action Plan through close of business on Wednesday, November 8, 2017. Please submit comments or questions to DEO at CDBG-DR@deo.myflorida.com.

DEO will submit the amended Action Plan to HUD no later than November 13, 2017.

A copy of the amended Action Plan may be obtained through the link above or by email to CDBG-DR@deo.myflorida.com or by contacting Mary Crew, CDBG-DR Planning Manager, at the number below:

Florida Department of Economic Opportunity
 Bureau of Small Cities and Rural Communities
 The Caldwell Building
 107 E. Madison Street, MSC-400
 Tallahassee, Florida 32399
 Telephone: (850)717-8452

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.