

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-11.001 Advertising

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to add the American Board of Electrodiagnostic Medicine to the to the list of approved entities for the purposes of advertising specialty certification.

SUBJECT AREA TO BE ADDRESSED: The addition of the American Board of Electrodiagnostic Medicine to the advertising rule.

RULEMAKING AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 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: Claudia Kemp, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-13.005 Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board is required to periodically review the information it has gathered with regard to the five most misdiagnosed conditions and revise its rule regarding continuing education to address the prevention of medical errors.

SUBJECT AREA TO BE ADDRESSED: The five most misdiagnosed medical conditions for the purpose of medical errors continuing medical education

RULEMAKING AUTHORITY: 456.013(6), (7), 456.031(4), 456.033, 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319 FS.

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Section II

Proposed Rules

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.: RULE TITLES:

- 15A-5.001 Purpose
- 15A-5.0010 Definitions
- 15A-5.002 Report of Deficit or Disorder to the Department
- 15A-5.0021 Medical Review
- 15A-5.0022 Administrative Hearing Procedures
- 15A-5.004 Seizures
- 15A-5.005 Loss of Consciousness
- 15A-5.006 Cardiovascular Deficits
- 15A-5.008 Deficits of Memory or Judgment
- 15A-5.009 Musculoskeletal and Neuromuscular Disorders
- 15A-5.010 Severe Mental Disorders
- 15A-5.011 Vision Standards
- 15A-5.012 Drug Addiction and Alcoholism

PURPOSE AND EFFECT: The purpose of this amendment is to create new rules and amend existing rules to update and clarify Chapter 15A-5, F.A.C.

SUMMARY: The rule is being amended to ensure all applicants and licensed drivers are given a fair and independent review regarding their physical and mental ability to safely operate a motor vehicle in Florida. The proposed changes add definitions to the rule, specify how reports of potentially at-risk applicants and licensed drivers are made and reviewed by the Department, provide for administrative review of determinations made by the Medical Advisory Board, and set out criteria regarding specific conditions that may affect an applicant or licensed driver's ability to safely operate a motor vehicle.

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 nature of the rule, input from the affected industry, and the preliminary analysis conducted to determine whether a SERC was required.

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: 322.02(3), 322.02(6), 322.125(7), 322.126(1), FS.

LAW IMPLEMENTED: 120.52, 120.57, 120.80, 322.01, 322.05, 322.08, 322.125, 322.126, 322.221, 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:

DATE AND TIME: January 2, 2018, 11:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B203, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ray Graves, Bureau Chief, 2900 Apalachee Parkway, Tallahassee, FL. 32399-0500, Room A201, raygraves@flhsmv.gov, (850)617-2529. 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: Ray Graves, Bureau Chief, 2900 Apalachee Parkway, Tallahassee, FL. 32399-0500, Room A201, raygraves@flhsmv.gov, (850)617-2529.

THE FULL TEXT OF THE PROPOSED RULE IS:

15A-5.001 Purpose.

These guidelines are used by the Medical Advisory Board of the Department of Highway Safety and Motor Vehicles for the purpose of guiding the Board's determination and assessment

of the mental or physical deficits, ~~physical or emotional disabilities~~ affecting the ability of ~~an applicant or licensed driver a person~~ to safely operate a motor vehicle in those cases submitted to the Board for its review and recommendation. These guidelines ~~will shall~~ not be construed as limiting the exercise of the Board's discretion in recommending its position to the Department on any particular case, which ~~will shall~~ be based upon the professional judgment of the members.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), ~~120.62~~ FS. History--New 7-5-81, Amended _____, Formerly 15A-5.01.

15A-5.0010 Definitions.

(1) Alcohol – Any substance containing one-half of one percent or more alcohol by volume including ethanol, methanol, propanol, isopropanol, non-alcoholic beer or wine, and over the counter products.

(2) Administrative Hearing – A proceeding before a Hearing Officer pursuant to Chapters 120 and 322, F.S.

(3) Applicant – An individual applying for a Florida driver license.

(4) Chairman – A licensed doctor of medicine who is employed by the Department and serves as the administrative officer of the Board.

(5) Deficit – Any impairment of physical or mental function that could affect an applicant or licensed driver's ability to safely operate a motor vehicle.

(6) Denial – When a driving privilege is withheld for a specific period of time or indefinitely.

(7) Department – The Department of Highway Safety and Motor Vehicles acting directly or through its duly authorized representatives.

(8) Disorder – Any physical or mental condition that can cause deficits.

(9) Driver License – Has the same meaning as set forth in Section 322.01, F.S.

(10) Drugs – Any drug classified as a controlled substance under Title 21 U.S.C. s. 802(6), as of 10/01/2017, [hyperlink], herein incorporated by reference, Schedules I-V of Title 21 C.F.R. part 1308, as of 10/01/2017, [hyperlink], herein incorporated by reference, or Chapter 893, F.S.

(11) Executive Director – The Executive Director of the Department of Highway Safety and Motor Vehicles.

(12) Extended Driving Test – Three driving tests given consecutively with the same examiner/agent. Failing any part of the extended driving test constitutes a failure of the extended driving test.

(13) Eye Specialist – A licensed optometrist or ophthalmologist.

(14) Final Order – A written final decision by the Executive Director, or designee, that is the result of a proceeding pursuant to Chapters 120 and 322, F.S.

(15) Hearing Officer – A Department employee designated to conduct any proceeding pursuant to Chapters 120 and 322, F.S.

(16) Medical Advisory Board (Board) – Has the same meaning as set forth in Section 322.125, F.S.

(17) Motor Vehicle – Has the same meaning as set forth in Section 322.01, F.S.

(18) Recommended Order – The official recommendation of a Hearing Officer for the final disposition of a proceeding under Chapters 120 and 322, F.S.

Rulemaking Authority 322.02(6), 322.125(7) FS. Law Implemented 322.01, 322.08, 322.125, 322.126, 120.52, 120.80(8) FS. History–New

15A-5.002 Report of Deficit or Disorder to the Department Procedure.

A report necessitating the request of the Department for review of an applicant or licensed driver's individual's physical or mental ability qualifications to safely operate a motor vehicle may come to the attention of the Department Board as the a result of the medical reports submitted due to:

(a) Recommendation by supervisor of the Department's examiners based on direct observation by the Department examiners.

(1)(b) Receipt by the Department of a motor vehicle crash report accident reports indicating that a possible cause of the crash accident was a the driver's physical or mental deficit impairment.

(2)(e) Receipt by the Department of a Medical/Re-Exam Referral Form, HSMV 72419, Rev. 09/17, [hyperlink], herein incorporated by reference, Florida D/L Exam and Application DHSMV-D-34, indicating that the applicant or licensed driver has previously suffered from epilepsy or dizzy spells, been addicted to drugs or alcohol, intoxicating liquor or suffered from any other physical or mental deficit or disorder. Questions disability which might in the judgment of the Department raise a question as to the applicant or licensed driver's applicant's mental or physical ability to safely operate a motor vehicle will be based upon questions posed and/or observations made by the examiner in accordance with the September 2009 National Highway Traffic Safety Administration's Driver Fitness Medical Guidelines, as of 10/01/2017, [hyperlink], herein incorporated by reference. Copies of the form and the guidelines are available on the Department's website.

(d) Receipt of Driver's License Renewal Application, DHSMV D-036, indicating that the applicant has from the date of the original application for license or renewal to the date of the present application of renewal of license suffered from

epilepsy or dizzy spells, been addicted to drugs or intoxicating liquor or suffered other physical or mental disability including vision or hearing impairment which might in the judgment of the Department raise a question as to the applicant's mental or physical ability to safely operate a motor vehicle.

(3)(e) Receipt by the Department of a report reports submitted pursuant to Section 322.126, F.S. 322.126(2), F.S. (1984). This information may be submitted on a Medical Referral Form, HSMV 72190, Rev. 09/17, [hyperlink], or Medical Referral Form (Spanish), HSMV xxxxx, Rev. 09/17, [hyperlink], herein incorporated by reference. Copies of the forms are available on the Department's website.

(4)(f) Receipt by the Department of a request Request for reconsideration as provided by Rule 15A-5.0022, F.A.C. subsection (6) of this rule.

(2) The request for review or reconsideration and the driver's medical reports regarding his physical or mental ability to safely operate a motor vehicle shall be submitted to the Chairman for initial review and determination under these guidelines; the Chairman may request the Department to conduct further investigation if he deems it necessary. If the Chairman recommends withdrawal or denial of licensure or if he determines that the case does not fall clearly within these guidelines, the medical reports shall be submitted to a member of the Board in the medical discipline covering the disability of the affected driver. This member shall have the primary responsibility for recommendation to the Department. However, all vision and neurological cases shall be submitted directly to the appropriate vision or neurology specialist without initial review by the Chairman. The Department's decision on licensure shall be rendered within 90 days following receipt of the affected driver's medical report.

(3) The Board may require the applicant or licensed driver to have his/her physician complete a medical report (DL 432, Rev. 82, copy available from Department's Bureau of Driver Improvement, Neil Kirkman Building, Tallahassee, FL 32301) and provide the Board with any other reports which the Board deems necessary to assist the Department in evaluating an applicant's mental or physical ability to safely operate a motor vehicle.

(4) In those cases where a formal Administrative Hearing has been requested and held and medical information which was not made available to the Board when the original recommendation was made is admitted into evidence, prior to entry of a Recommended Order, the Hearing Officer shall cause a copy of the official transcript and exhibits to be transmitted to the Chairman, who shall forward them to the member or members who made the original recommendation for purposes of reconsideration of the original recommendations in light of those new matters brought out at the hearing.

~~Such reconsideration shall be a part of the record of the proceedings and shall be considered in determining whether to grant, suspend or deny the applicant's driving privileges.~~

~~(5) The Hearing Officer shall prepare a Recommended Order and transmit it to all parties and to the Department's Reviewing Board, which shall enter the Final Order. Unless waived by all parties, the Recommended Order shall be transmitted within 30 days of the hearing or 30 days of the receipt of the transcript by the Hearing Officer. Parties may submit exceptions to the Recommended Order within 20 days of the receipt of the Recommended Order by the Reviewing Board.~~

~~(6) If the Board so recommends, a Final Order denying a driver license may state a date after which the applicant may apply to the department for reconsideration of the denial. Such applications shall be submitted to the Chairman as provided by subsection (2) of this rule.~~

~~(7) In the event of a conflict between this rule chapter and the procedural rules adopted by Rule 15-2.001, F.A.C., this rule chapter shall prevail.~~

~~(8) Members of the Board and other persons making examinations shall not be held liable for their opinions and recommendations.~~

Rulemaking Authority ~~322.02(6)~~ ~~322.02(3)~~, ~~322.125(7)~~, ~~322.126(1)~~ FS. Law Implemented ~~322.05(7)~~, ~~(10)~~, ~~322.125(1)~~, ~~(2)~~, ~~(3)~~, ~~322.126(1)~~, ~~322.221(2)(c)~~, ~~120.62~~, ~~120.53(1)(e)~~ FS. History—New 6-5-81, Amended 6-27-82, 7-29-84, 1-28-85, _____, Formerly 15A-5.02.

15A-5.0021 Medical Review.

(1) Upon receipt of a report of an applicant or licensed driver exhibiting a mental or physical deficit, the Department may require an applicant or licensed driver to have their physician(s) complete one or more medical report form(s) and provide the Department with any other medical information it deems necessary to assist the Board in evaluating the applicant or licensed driver's mental or physical ability to safely operate a motor vehicle.

(2) A request for review of the applicant or licensed driver's medical reports regarding their physical or mental ability to safely operate a motor vehicle will be submitted to the Chairman, or a Board member designated by the Chairman for review and recommendation. If the Chairman or designated Board member determines that the case should be reviewed by a specialist, the request for review and medical reports will be submitted to a member of the Board in the medical discipline covering the deficit of the applicant or licensed driver for assessment. The Board member will make a recommendation on Medical Advisory Board Recommendation Form, HSMV 72997, Rev. 09/17, [hyperlink], herein incorporated by reference. The Board member will then have the primary responsibility for making a recommendation to the Department

on behalf of the Board. Cases involving vision and neurological deficits may be submitted directly to a Board neurologist or eye specialist for review and recommendation.

(3) The Board's recommendation may include the following:

(a) A denial or revocation of the applicant or licensed driver's driving privilege.

(b) An approval of the applicant or licensed driver's fitness to drive with no follow-up medical reports and no examination or reexamination.

(c) An approval contingent on the applicant or licensed driver passing an examination or reexamination as provided in Section 322.221, F.S., which may include an extended driving test as outlined in Rule 15A-5.0010, F.A.C.

(d) An approval with a requirement that the applicant or licensed driver submit a follow-up medical report. If the Department orders a follow-up review of an applicant or licensed driver's medical condition, that follow-up will be conducted at a time established by the Board, based upon its review of the medical reports.

(e) An approval contingent on the applicant or licensed driver passing an examination or reexamination as provided in Section 322.221, F.S., which may include an extended driving test as outlined in Rule 15A-5.0010, F.A.C., and a requirement that they submit a follow-up medical report. If the Department orders a follow-up review of an applicant or licensed driver's medical condition, that follow-up will be conducted at a time established by the Board, based upon its review of the medical reports.

(f) A request that the applicant or licensed driver provide for further review the results of a Certified Driver Evaluation conducted by a Certified Driver Rehabilitation Specialist.

(g) A request that the applicant or licensed driver provide for further review additional medical information.

(4) All recommendations by the Board to the Department will be based on the request for review and the applicant or licensed driver's medical reports, which may include Certified Driver Evaluations conducted by Certified Driver Rehabilitation Specialists.

(5) In cases involving commercial drivers, the Board will make its recommendation in accordance with Title 49 C.F.R. s. 391.41 of the Federal Motor Carrier Safety Regulations, as of 10/01/2017, [hyperlink], herein incorporated by reference. In such cases the applicant or licensed driver may be required to complete the Commercial Driver License Form, HSMV 71048, Rev. 09/17, [hyperlink], herein incorporated by reference. Copies of the regulation and form are available on the Department's website.

(6) The Department's decision on licensure must be rendered within 90 days following the receipt of all requested information from the applicant or licensed driver.

(7) If the Department denies or revokes a driver license, the affected individual may, at any time, provide additional or updated medical information or a Certified Driver Evaluation conducted by a Certified Driver Rehabilitation Specialist for reconsideration by the Board.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History—New _____.

15A-5.0022 Administrative Hearing Procedures.

(1) When an administrative hearing has been requested and held and medical information that was not made available to the Board when the original recommendation was made is admitted into evidence, the Hearing Officer will cause a copy of the official recording and exhibits to be transmitted to the Chairman prior to entry of a Recommended Order. The Chairman will review the evidence or forward it to the member or members who made the original recommendation for purposes of reconsideration of the original recommendation in light of those new matters brought out at the hearing. Such reconsideration will be a part of the record of the administrative hearing and must be considered in determining whether to approve or deny the applicant or licensed driver's driving privileges.

(2) The Hearing Officer will prepare a Recommended Order and transmit it to all parties and to the Executive Director or designee who will enter the Final Order. Unless waived by all parties, the Recommended Order must be transmitted within 30 days of the hearing.

(3) If the Executive Director or designee so recommends based on the facts of a particular case, a Final Order denying a driver license will state a date after which the applicant or licensed driver may apply to the Department for reconsideration of the denial or revocation. Such applications for reconsideration must be submitted to the Chairman as provided by Chapter 15A-0021, F.A.C. The Final Order is reviewable by following the procedure specified in Section 322.31, F.S.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.57, 120.80 FS. History—New _____.

15A-5.004 Seizures Neurological Guidelines for Applicants with Seizures.

(1) Applicants or licensed drivers must ~~should~~ be seizure free for a period of two years before having ~~their~~ the license issued or reinstated, but if ~~under regular medical supervision~~, may apply at the end of six months ~~one year~~ to be reconsidered ~~reviewed~~ by the ~~Medical Advisory Board~~ for issuance or reinstatement if they are under regular medical supervision and seizure free. Applicants or licensed drivers with "petit mal," absence seizures, and partial seizures with complex symptomatology will also be subject to these guidelines. An applicant or licensed driver with an isolated seizure with a

normal electroencephalogram may be reconsidered by the Board at the end of three months. Applicants or licensed drivers must present a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician. A copy of the form is available on the Department's website.

(2) Applicants or licensed drivers who have been approved for license issuance or reinstatement after being seizure free for six months may be required ~~one year seizure free while on medication will have~~ to submit follow-up medical information at periodic intervals as recommended by the Board ~~reports at the end of one year~~.

(3) Applicants or licensed drivers who have had a chronic recurring ~~seizures seizure disorder~~ (or have been treated for such for one year) and who have anti-epileptic medications have been discontinued will not be licensed eligible to have their license reinstated for a two year seizure free period. The ~~cause of a seizure or seizures may be the basis for special consideration by the Medical Advisory Board. In general, medications should not be discontinued before a three year seizure free period. If medications are discontinued, a patient will be required not to drive during the period of drug withdrawal and for a period of three months following complete cessation of treatment. If the applicant or licensed driver has seizures during this withdrawal period, licensing may be considered after a three-month seizure free interval or upon return to adequate therapy.~~

(4) If there is a question about the seizure type or the medication the applicant or licensed driver is ~~prescribed on~~, it is the prerogative of the ~~Medical~~ Board to question the physician further ~~in an effort~~ to clarify the nature of the seizures.

(5) No change.

(6) Applicants or licensed drivers with only non-epileptic seizures or chronic nocturnal seizures will be considered on an individual basis ~~given special consideration on the recommendation of the physician filling out the medical report.~~

(7) "Petit mal" or absence seizures and partial seizures with complex symptomatology will also follow these guidelines.

(8) Applicants with syncopal episodes who have no clear diagnosis established should have a neurological evaluation including electroencephalography.

Rulemaking Authority ~~322.02(6)~~ ~~322.02(3)~~, 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), ~~120.62~~ FS. History—New 7-5-81, Amended 6-27-82, _____, Formerly 15A-5.04.

15A-5.005 Loss of Consciousness.

(1) Recommendations by the Board as to whether an applicant or licensed driver who suffers from loss of consciousness can safely operate a motor vehicle will depend upon consideration of the Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], and Loss of Consciousness Follow-Up

Form, HSMV 72117, Rev. 09/17, [hyperlink], hereby incorporated by reference, from their treating physician medical reports indicating the cause of for the loss of consciousness. Copies of the forms are available on the Department's website.

(2) Applicants or licensed drivers who may have experienced a loss of consciousness as a result of hypoglycemia must provide a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], and/or Diabetes/Hypoglycemia Follow-Up Form, HSMV 72112, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician for consideration by the Board. If the hypoglycemic episode resulted in a motor vehicle crash, the applicant or licensed driver must present a Diabetes Form, HSMV 72118, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician. Copies of the forms are available on the Department's website

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62~~ FS. History—New 6-27-82, Amended _____, Formerly 15A-5.05.

15A-5.006 Cardiovascular Deficits ~~Cardio-Vascular Impairments~~.

Applicants or licensed drivers who experience cardiovascular deficits ~~cardio-vascular impairments~~ must present a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician indicating their ~~evidence of his~~ physical ability qualifications to safely operate a motor vehicle. A copy of the form is available on the Department's website.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62~~ FS. History—New 7-5-81, Amended 6-27-82, _____, Formerly 15A-5.06.

15A-5.008 Deficits ~~Impairments~~ of Memory or Judgment.

Applicants or licensed drivers who suffer from ~~deficits medically significant impairments~~ of memory or judgment must present a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, from their treating physician indicating their ~~medical report of his or her~~ physical and mental ability qualifications to safely operate a motor vehicle. A copy of the form is available on the Department's website.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62~~ FS. History—New 7-5-81, Amended 6-27-82, _____, Formerly 15A-5.08.

15A-5.009 Musculoskeletal ~~and~~ ~~of~~ Neuromuscular Disorders ~~Impairments~~.

(1) Applicants or licensed drivers with ~~s~~Static musculoskeletal ~~or and~~ static neuromuscular disorders ~~who will~~

~~be exempted from the guidelines provided the individual can demonstrate that they he~~ can safely operate a motor vehicle with or without the use of aids and devices based on an examination or reexamination as outlined in Rule 15A-5.0021, F.A.C., may be required to submit a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, for review by the Board. Applicants or licensed drivers may be exempted from further reviews since these conditions are static and not likely to progress. A copy of the form is available on the Department's website.

(2) Applicants or licensed drivers with progressive musculoskeletal and progressive neuromuscular disorders will be required to submit a Medical Report Form, HSMV 72423, Rev. 09/17, [hyperlink], herein incorporated by reference, statement from their treating a physician indicating they have the mental and physical ability capabilities to safely operate a motor vehicle drive. These applicants or licensed drivers must provide periodic follow-up medical information as recommended by the Board due to the progressive nature of these disorders individuals should also take the driving portion of the driver examination every four years at the date of renewal if recommended by their physician. They may also be required by the Board to take an examination or reexamination as outlined in Rule 15A-5.0021, F.A.C. A copy of the form is available on the Department's website.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), 120.62~~ FS. History—New 7-5-81, Amended 6-27-82, _____, Formerly 15A-5.09.

15A-5.010 Severe ~~Emotional and~~ Mental Disorders ~~Conditions~~.

(1) Applicants or licensed drivers who have been adjudged incompetent will not be considered capable of safely operating a motor ~~vehicle vehicles~~ unless ~~their his or her~~ competency has been judicially restored.

(2) Applicants or licensed drivers who have suffered from severe ~~emotional or mental disorders that conditions which~~ have required hospitalization or treatment for six months or more must present a Mental Status Examination Form, HSMV 72481, Rev. 09/17, [hyperlink], herein incorporated by reference, from a licensed psychiatrist of their ~~psychiatric report of his or her~~ mental ability qualifications to safely operate a motor vehicle. A copy of the form is available on the Department's website. Mental disorders may include:

- (a) Acute and/or chronic psychotic reaction;
- (b) Personality disorders that manifest violent or aggressive behavior;
- (c) Other serious ~~emotional or~~ mental disorders that interfere with judgment ~~or and~~ reaction time.

Rulemaking Authority ~~322.02(6) 322.02(3), 322.125(7), 322.126(1)~~ FS. Law Implemented ~~322.05(7), (10), 322.125(1), (2), (3),~~

322.126(1), 322.221(2)(c), ~~120.62~~ FS. History—New 7-5-81, Amended 6-27-82, _____, Formerly 15A-5.10.

15A-5.011 Vision Standards.

~~(1) Applicants who have 20/50 vision or worse in either eye without corrective lenses are referred to a licensed practitioner for possible improvement.~~

~~(1)(2) Applicants or licensed drivers who have 20/50 vision or worse in either eye, with or without corrective lenses, will be referred to an eye specialist for possible improvement.~~

~~(2)(3) Applicants or licensed drivers who have 20/70 vision in either eye or with both eyes, may be issued a license pass with or without corrective lenses, if vision cannot be improved; however, if one eye is blind, or 20/200 or worse, the other eye must be 20/40 or better.~~

~~(4) Applicants who have 20/80 vision or worse, with both eyes, are not licensed.~~

~~(3)(5) 130 degrees is the minimum acceptable field of vision, for an applicant or licensed driver is 130 degrees using a 4 mm² with 5mm white target.~~

~~(4) Applicants or licensed drivers who cannot meet these standards will not be issued a driver license or will have their driver license revoked. When requested by the Department, applicants or licensed drivers must present a Report of Eye Exam Form, HSMV 72010, Rev. 09/17, [hyperlink], Report of Eye Exam Form (Spanish), HSMV 72838, Rev. 09/17, [hyperlink], or a Prism Form, HSMV 72111, Rev. 09/17, [hyperlink], herein incorporated by reference, by an eye specialist indicating visual standards required for licensing. Copies of the forms are available on the Department's website.~~

~~(5)(6) The use of telescopic lenses lens to meet visual standards is not permitted recognized.~~

Rulemaking Authority ~~322.02(6)~~ ~~322.02(3)~~, 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c), ~~120.62~~ FS. History—New 7-5-81, Formerly 15A-5.11, Amended 8-15-16, _____.

15A-5.012 Drug Addiction and Alcoholism.

~~(1) Any applicant or licensed driver who abuses or is addicted to drugs, alcohol, or any substance that renders them incapable of operating a motor vehicle safely will not be issued a driver license or will have their driver license revoked.~~

~~(2) Applicants or licensed drivers with a history of substance abuse may be approved for licensure after they have received counseling and/or treatment from a substance abuse specialist or treatment center and have met all requirements identified in Chapters 316 and 322, F.S. In addition, the applicant or licensed driver must provide to the Department an Alcohol and Drug Usage Form, HSMV 72480, Rev. 09/17, [hyperlink], herein incorporated by reference, from a physician or treatment source indicating that they are compliant with~~

treatment and are capable of operating a motor vehicle safely.

A copy of the form is available on the Department's website.

Rulemaking Authority 322.02(6), 322.125(7) 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Graves, Bureau Chief, Department of Highway Safety and Motor Vehicles

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 14, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:

61-35.029 DBPR Departmental Forms

PURPOSE AND EFFECT: To create Rule 61-35.029, F.A.C, to adopt forms relating to application for licensure of military personnel, veterans and spouses as well as other general departmental forms.

SUMMARY: Within the first paragraph the Department proposes to add language to provide the contact information for individuals who want to obtain the Departmental forms listed within the rule. The following subsections provide information for a person desiring licensure, fee waiver, or a change in license status and the necessary application to submit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 20.05, 20.165(8), 455.203(5), 455.213(1), 455.2035 F.S.

LAW IMPLEMENTED: 455.02, 455.213, 455.219, 559.79, 489.1131, 489.5161 F.S.

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: Mandie Wynn, Rules Coordinator, Division of Professions, 2601 Blair Stone Road, Tallahassee, Florida 32399-0760, (850)717-1496.

THE FULL TEXT OF THE PROPOSED RULE IS:

61-35.029 DBPR Departmental Forms.

The following forms can be obtained at www.myfloridalicense.com/dbpr/ or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, FL 32399-0790, (850)487-1395:

(1) Any veteran returning from service after an honorable discharge, or the spouse of a veteran at time of honorable discharge, wishing to obtain a waiver of fees as set forth in s. 455.213(12), F.S., any person who is or was an active duty member of the Armed Forces of the United States, or who is a spouse or surviving spouse of such member, wishing to obtain a waiver of licensing fees as set forth in s. 455.219(7), F.S., or any military veteran requesting recognition of prior service for purposes of licensure pursuant to ss. 489.1131 or 489.5161, F.S., shall submit a completed Form DBPR MVL 002, Military Member/Veteran/Spouse Fee Waiver and Military Service Verification, effective XXXXXXXX, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(2) Any person who is or was an active duty member of the Armed Forces of the United States, or who is a spouse or surviving spouse of such member in accordance with the provisions under s. 455.02, F.S., desiring an initial professional license shall submit a completed Form DBPR MVL 003, Initial Military/Veteran Application for Professional Licensure, effective XXXXXXXX, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(3) Any person claiming waiver of an initial professional licensing fee based upon low-income status pursuant to s. 455.219(7)(a), F.S., shall submit a completed Form DBPR LI 001, Application for Low Income Waiver of Licensing Fee, effective XXXXXXXX, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(4) Any person desiring to place his or her license in a voluntary null and void status shall submit a completed Form

DBPR NV 1, Placement of a License to Voluntary Null and Void Status, effective XXXXXXXX, incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

Rulemaking Authority 20.05, 20.165(8), 455.203(5), 455.213(1), 455.2035 FS. Law Implemented 455.02, 455.213, 455.219, 559.79, 489.1131, 489.5161 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mandie Wynn, Rules Coordinator, Division of Professions, 2601 Blair Stone Road, Tallahassee, Florida 32399-0760, (850)717-1496

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 19, 2017

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-4.001 RULE TITLE: General Prohibitions

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to increase public safety in regards to free roaming non-human primates. The effect of the proposed rule amendment would be to decrease the occasion for public contact with free roaming non- human primates.

SUMMARY: The proposed rule amendment is to add a prohibition of feeding free roaming, non-human primates to the current list of species covered by this rule.

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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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: Major Rob Beaton 620 South Meridian Street Tallahassee, FL 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-4.001 General Prohibitions.

(1) through (6) No change.

(7) The feeding of non-human primates is prohibited.

Feeding includes the placement of food or garbage, allowing the placement of food or garbage, or offering food or garbage in a manner that attracts non-human primates.

(7) through (8) renumbered as (8) through (9) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-21-82, Formerly 39-4.01, Amended 4-1-96, Formerly 39-4.001, Amended 5-13-02, 7-1-04, 7-1-08, 7-29-15, 8-6-15,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Curtis Brown, Director, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/5/17

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 1/13/17

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-16.021 Adoption Benefits for Qualifying Adoptive Employees of State Agencies

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 43 No. 214, November 3, 2017 issue of the Florida Administrative Register. The title of the rule will be "Adoption Benefits for Qualifying Employees of State Agencies and Other Eligible Applicants."

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on December 1, 2017, the Southwest Florida Water Management District, received a petition for a variance or waiver.

Petitioner's Name: Trust No. 10481 IPDE

Rule No.: 40D-22.201

Nature of the rule for which variance or waiver is sought: Lawn and landscape irrigation

The Petition has been assigned tracking No. 18-4269.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org. Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

NOTE: This is an amendment for the petition for variance or waiver originally received on 10/12/2017, that was previously published on 10/19/2017, in Volume 43, No. 203, F.A.R. (R2017055)

DEPARTMENT OF HEALTH
Division of Environmental Health

RULE NO.: RULE TITLE:
64E-11.008 Other Facilities and Operations

NOTICE IS HEREBY GIVEN that on December 4, 2017, the Department of Health received a petition for variance from Dean J. Trantalis, Esq., representing Smarty Pants, a bar and lounge. Specifically, the petitioner seeks a variance from subsection 64E-11.008(6), Florida Administrative Code, which states at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. Additionally, the use of lavatories, utensil washing or equipment washing, or food preparation sinks for this purpose is prohibited.

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

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

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

DATE AND TIME: February 8, 2018, 4:00 p.m. – 6:30 p.m., ET (or until complete)

PLACE: Conference Call 1(888)670-3525 and Code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.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 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

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

DATE AND TIME: March 8, 2018, 4:00 p.m. – 6:30 p.m., ET (or until complete)

PLACE: Conference Line 1(888)670-3525 and Code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.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 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

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

DATE AND TIME: December 20, 2017, 2:45 p.m., ET

PLACE: District Headquarters, 81 Water Management Drive, Havana, FL 32333

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 Invitation to Bid (ITB) 18B-003 CHOCTAWHATCHEE RIVER HARRIS CHAPEL 2018 THINNING TIMBER SALE.

A copy of the agenda may be obtained by contacting: Tyler Macmillan, (850)539-5999, Tyler.macmillan@nfwwater.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 72 hours before the workshop/meeting by contacting: Division of Administration, (850)539-5999. 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: Tyler Macmillan, (850)539-5999, Tyler.macmillan@nfwwater.com.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

DATE AND TIME: Monday, December 18, 2017, 5:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Analysis Coalition Recreational Issues Public

Forum; a Public Forum of the Water Resources Analysis Coalition (WRAC) regarding recreational issues and opportunities within the South Florida Water Management District.

A copy of the agenda may be obtained by contacting: Yvette Bonilla, (561)682-6286, ybonilla@sfwmd.gov or at our website: <https://www.sfwmd.gov/news-events/meetings>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk at (561)682-6805. 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: Yvette Bonilla at (561)682-6286.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

The Electrolysis Council, under the Board of Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: CHANGE OF TIME: October 15, 2018, 10:00 a.m., ET

PLACE: Conference call dial: 1(888)670-3525, insert participant code: 7811783909, then # sign, when prompted

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: The Electrolysis Council, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, (850)245-4373 or by visiting the website: <http://www.floridahealth.gov/licensing-and-regulation/electrolysis/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)901-6528. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Division of Environmental Health

The Florida Department of Health (DOH) announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2018, 10:00 a.m. – 2:30 p.m., ET or when completed, whichever is first.

PLACE: Reedy Creek Improvement District, First Floor, 1900 Hotel Plaza Blvd., Lake Buena Vista, FL 32830

General parking is in the AAU lot immediately north of RCID. Please do not park in the RCID Parking lot. Recorded teleconference attendance call-in phone number is: 1(888)670-3525, participant passcode: 770-804-4610, then #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOH Public Swimming Pool Advisory Board will review, discuss and make recommendations to the department regarding applications submitted by owners/agents for variance from the state’s public swimming pool codes.

A copy of the agenda may be obtained at <http://www.floridahealth.gov/environmental-health/swimming-pools/index.html>; by contacting: Mr. August Ursin, (850)901-6517, august.ursin@flhealth.gov or by writing to DOH, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710.

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

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Each Wednesday, January 3, 2018 – December 26, 2018, 2:00 p.m.; no meetings held on holidays or when there is no business for the review committee to conduct.

PLACE: Florida Housing Finance Corporation, 227 N. Bronough Street, Formal or Executive Director's Conference Room, Suite 5000, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct meetings of the Corporation's State Housing Initiative Partnership SHIP related matters and approve New and Amended Local Housing Assistance Plans submitted by counties or entitlement municipalities participating in the SHIP Program.

A copy of the agenda may be obtained by contacting Robert Dearduff, (850)488-4197, Robert.dearduff@floridahousing.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 5 days before the workshop/meeting by

contacting Robert Dearduff, (850)488-4197, Robert.dearduff@floridahousing.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).

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 received the petition for declaratory statement from Timothy J. Sloan, Esq., In Re: Mariner West Owners Association, Inc., Docket No. 2017057292, filed on December 4, 2017. The petition seeks the agency's opinion as to the applicability of section 718.115(1)(a), Florida Statutes, as it applies to the petitioner.

Does the Association have the existing legal authority to conduct and budget for the operations of an on-site rental program for some but not all units of the Condominium and to expend common expenses in connection therewith, pursuant to section 718.115(1)(a), Florida Statutes?

A copy 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.

Please refer all comments to: Chevonne Christian, Chief Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

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 by Linda S. Hill, In Re: Isla Merita Homeowners' Condominium Association II, Inc., Docket No. 2017049501, on October 17, 2017. The following is a summary of the agency's declination of the petition:

The Division declined to issue a statement because it cannot issue a statement without sufficient facts and competent, substantial evidence; or on an issue not within the statutory authority of the Division. The order was filed with the Agency Clerk on November 30, 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner, Resorts World Omni, LLC, on December 5, 2017, in DBPR Case No. 2017-057703 (DS 2017-078). The petition seeks the agency's opinion as to the applicability of Sections 849.01, 849.03, 849.14 and 849.25, Florida Statutes, as they apply to the petitioner.

The petitioner seeks a determination of its entitlement to lawfully conduct certain activities.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has received the petition for declaratory statement from Push Technologies Inc. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

On December 6, 2017, the Florida Office of Financial Regulation (Consumer Finance) received a Petition for declaratory statement from Push Technologies Inc. The petition seeks a declaratory statement from the Office on whether its proposed business model (a payroll service provider providing the following service: 1-receive US funds from Florida clients' bank accounts via electronic funds transfer; 2-the funds received pertaining to the employees' payroll are then deposited to each employees' bank account via electronic funds transfer; 3-ensure that employees and employers taxes are transferred to the related government bodies) would require licensure under Chapter 560, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9784, Agency.Clerk@flofr.com.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9784, Agency.Clerk@flofr.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:

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP ITB 2018020, Custom-Built Swamp Buggy

NOTICE OF Invitation to Bid: On behalf of the Florida Department of Environmental Protection's the Procurement Office is soliciting formal, competitive, sealed bids from contractors for bid number 2018020, Custom-Built Swamp Buggy.

The Department will post notice of any changes or additional meeting(s) on the Vendor Bid System (VBS) in accordance with section 287.042(3), Florida Statutes, and will not re-advertise any notice in the Florida Administrative Register (FAR). Access the VBS at: http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

DEPARTMENT OF FINANCIAL SERVICES

1718-15 RFP GC

Report on Economic Impact of a 1-in-100 Year Hurricane

The Department of Financial Services (Department), an agency of the state of Florida (State), is issuing this Request for Proposals (RFP) to establish a contract for preparing a report on the economic impact to the State of a 1-in-100 year hurricane. The solicitation will be administered through the Vendor Bid System (VBS). The submitted Response must comply with all of the terms and conditions described in this RFP.

Point of Contact/Procurement Officer: All questions must be in writing and should reference the above solicitation number and title. Submit all questions to Procurement Officer, Amy Jones via email at DFSPurchasing@myfloridacfo.com

Response Due Date: January 5, 2018 by 3:00 pm ET, to the Procurement Officer identified, to the following office location: Department of Financial Services, 200 East Gaines Street, Larson Building, Purchasing Services, Room B24, Tallahassee, Florida 32399-0317.

The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to any public meeting identified within the solicitation. The Department will post notice of any changes regarding this solicitation or additional meetings within the Vendor Bid

System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise the notice in the Florida Administrative Register (FAR). To access the VBS go to the following web address: http://vbs.dms.state.fl.us/vbs/main_menu.

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

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., Friday, December 1, 2017 and 3:00 p.m., Thursday, December 7, 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 |
|-------------|-----------|----------------|
| 59G-4.250 | 12/4/2017 | 12/24/2017 |
| 60D-3.001 | 12/7/2017 | 12/27/2017 |
| 60D-4.001 | 12/7/2017 | 12/27/2017 |
| 60D-13.001 | 12/7/2017 | 12/27/2017 |
| 60D-14.005 | 12/7/2017 | 12/27/2017 |
| 61E14-6.001 | 12/7/2017 | 12/27/2017 |
| 61G3-21.021 | 12/7/2017 | 12/27/2017 |
| 61G5-24.019 | 12/4/2017 | 12/24/2017 |
| 61J2-1.015 | 12/6/2017 | 12/26/2017 |
| 61J2-2.031 | 12/6/2017 | 12/26/2017 |
| 61J2-3.012 | 12/4/2017 | 12/24/2017 |
| 61J2-17.009 | 12/6/2017 | 12/26/2017 |
| 61J2-20.049 | 12/4/2017 | 12/24/2017 |
| 61J2-20.052 | 12/4/2017 | 12/24/2017 |

| 65C-14.117 | 12/4/2017 | 12/24/2017 |
|---|------------|----------------|
| 65C-14.118 | 12/4/2017 | 12/24/2017 |
| 65C-29.003 | 12/4/2017 | 12/24/2017 |
| 65C-30.018 | 12/4/2017 | 12/24/2017 |
| 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 HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Sky Powersports North Orlando LLC for the establishment of YING motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Value Group Enterprises, Inc., d/b/a SSR Motorsports intends to allow the establishment of Sky Powersports North Orlando LLC, as a dealership for the sale of motorcycles manufactured by Chongqing Yingang Science & Tech Group (YING) at 855 North US Highway 17- 92, Longwood, (Seminole County), Florida 32750, on or after January 10, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Sky Powersports North Orlando LLC are dealer operator(s): Nate Stickney, 855 North US Highway17-92, Longwood, Florida 32750; principal investor(s): Roc Northey, 855 North US Highway 17-92, Longwood, Florida 32750.

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

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

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

A copy of such petition or complaint must also be sent by US Mail to: Jeff Li, Value Group Enterprises, Inc., d/b/a SSR Motorsports, 12825 Alondra Boulevard, Norwalk, California 90650.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Sky Powersports North Orlando LLC for the establishment of BENE motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Value Group Enterprises, Inc., d/b/a SSR Motorsports intends to allow the establishment of Sky Powersports North Orlando LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co./Benelli Q.J. SRL (line-make BENE) at 855 North US Highway 17 92, Longwood, (Seminole County), Florida 32750, on or after January 10, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Sky Powersports North Orlando LLC, are dealer operator(s): Nate Stickney, 855 North US Highway 17-92, Longwood, Florida 32750; principal investor(s): Roc Northey, 855 North US Highway 17-92, Longwood, Florida 32750.

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

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

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.
