

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

**STATE BOARD OF ADMINISTRATION**

**RULE NO.:** 19-7.002  
**RULE TITLE:** Investment Policy Guidelines  
**PURPOSE AND EFFECT:** To adopt the revised Investment Policy Statement for the Local Government Surplus Funds Trust Fund approved and made effective by the Trustees on June 13, 2018

**SUBJECT AREA TO BE ADDRESSED:** The most recent version of the Investment Policy Statement for the Local Government Surplus Funds Trust Fund is being adopted.

**RULEMAKING AUTHORITY:** 218.412, 218.421(1), FS.  
**LAW IMPLEMENTED:** 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2), FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Monday, November 26, 2018, 9:00 a.m. - 11:00 a.m.

**PLACE:** Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1197; tina.joanos@sbafla.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1182; ruth.smith@sbafla.com.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

19-7.002 Investment Policy Statements.  
 The Local Government Surplus Funds Trust Fund (Non-Qualified) Investment Policy Statement, as approved and made effective by the Trustees of the State Board of Administration

on June 13, 2018, 14, 2017, <http://www.flrules.org/Gateway/reference.asp?No=Ref 08622>, is hereby adopted and incorporated by reference. The Investment Policy Statement may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, Attn.: Florida PRIME Program, or by accessing the sbafla.com website, and clicking on the Florida PRIME heading under the Funds We Manage tab. The Investment Policy Statement for the Local Government Surplus Funds Trust Fund (Non-Qualified) can be accessed under the Risk Management and Oversight section. Rulemaking Authority 218.412, 218.421(1), 288.405(4) FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) FS. History—New 12-13-09, Amended 4-11-12, 1-18-14, 11-20-14, 2-18-16, 2-9-17, 2-12-18, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
19-11.001	Definitions
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	Florida Retirement System (FRS) State Board of Administration Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the Florida Retirement System Retirement Programs
19-11.009	Reemployment with an FRS-Participating Employer after Retirement
19-11.011	Employer and Employee Contributions and ABO or Present Value Transfer Procedures
19-11.012	Rollovers or Plan to Plan Transfers to or from the FRS Investment Plan

**PURPOSE AND EFFECT:** Florida Retirement System (FRS) eligible employees may submit their initial election and second plan election by electronic means. Rule 19-11.001 is being amended to provide a definition of “electronic signature,” and to state that an electronic signature is the functional equivalent of a handwritten signature. Rule 19-11.004, F.A.C. is being amended to make a few minor editorial revisions. Rule 19-11.005 is being amended to adopt the most recent version of the Request for Intervention and Petition for Hearing forms. Rule 19-11.006 is being amended to adopt the latest versions of the applicable enrollment forms; to update and clarify information concerning incomplete enrollments; and to set forth a statement that a member submitting an enrollment by electronic means is deemed to have agreed that the electronic signature is the functional equivalent of a handwritten signature. Rule 19-11.007, F.A.C. is being amended to adopt the latest versions of the Second Election enrollment forms; to update and clarify information concerning incomplete enrollments; and to set forth a statement that a member submitting an enrollment by

electronic means is deemed to have agreed that the electronic signature is the functional equivalent of a handwritten signature. Rule 19-11.009, F.A.C. is being amended to indicate that retired law enforcement officers who are reemployed by an FRS-participating employer as school resource officers may receive both a salary and retirement benefits once such individuals have been retired for 6 months. Rule 19-11.0011 is being amended to reflect the fact that Treasury Regulation 1.415-6(b)(6) no longer is effective and has been replaced by Revenue Procedure 2018-52. Rule 19-11.012, F.A.C. is amended to adopt the latest versions of the rollover forms. The proposed rule amendments do not impose any burdens on businesses; do not restrict entry into a profession; do not have an impact on the availability of services to the public; do not have an impact on job retention; do not impose any restrictions on employment seekers; and do not impose any costs. No legislative ratification is required.

**SUBJECT AREA TO BE ADDRESSED:** To adopt updated forms; to set forth some clarifications and updated information; to make certain provisions regarding electronic signatures.

**RULEMAKING AUTHORITY:** 121.78(3)(c); 121.4501(8 ) FS.

**LAW IMPLEMENTED:** 119.071, 120.569, 120.57, 120.573, 121.021, 121.051, 121.055, 121.091, 121.35, 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (19), 121.591, 121.5912; 121.71, 121.72, 121.74.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Monday, November 26, 2018, 9:00 a.m. – 11:00 a.m.

**PLACE:** Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF**

**THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1182, ruth.smith@sbafla.com  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

##### **Health Facility and Agency Licensing**

**RULE NO.:**           **RULE TITLE:**

59A-3.246           Licensed Programs

**PURPOSE AND EFFECT:** The Agency proposes to update hospital rules to align with recently revised statutory requirements per Chapters 2018-24, Laws of Florida. Revisions will update language and clarify requirements.

**SUBJECT AREA TO BE ADDRESSED:** Criteria for licensed programs within hospitals

**RULEMAKING AUTHORITY:** 395.1055, 395.3038, 408.036, 408.0361 FS.

**LAW IMPLEMENTED:** 395.1055, 395.1065, 395.3038, 408.0361 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** December 4, 2018, 9:30 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jessica Munn, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4359. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Jessica Munn at (850)412-4359 or email at Jessica.Munn@ahca.myflorida.com.

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

## Section II Proposed Rules

### DEPARTMENT OF HEALTH

#### Board of Osteopathic Medicine

RULE NO.: 64B15-14.005  
 RULE TITLE: Standards for the Use of Controlled Substances for Treatment of Pain

**PURPOSE AND EFFECT:** The proposed substantial rewording of Rule 64B15-14.005, F.A.C. is intended to implement the legislative mandate set forth in the newly enacted Section 456.44, F.S., with regard to the standards for the prescribing of controlled substances for the treatment of acute pain.

**SUMMARY:** The proposed rewording of Rule 64B15-14.005, F.A.C. implements the legislative mandate set forth in the newly enacted Section 456.44, F.S., by setting forth the definitions associated with acute pain and setting forth appropriate standards and requirements for the prescribing of controlled substances for the treatment of acute pain.

#### 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 Board meeting, the Board 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 Board 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:** 456.44(4), 459.005(1) FS.

**LAW IMPLEMENTED:** 456.44, 459.003(3), 459.015(1)(g), (x), (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: 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 PROPOSED RULE IS:

**(Substantial rewording of Rule 64B15-14.005 follows. See Florida Administrative Code for present text.)**

64B15-14.005 Standards for the Prescribing Use of Controlled Substances for Treatment of Acute Pain.

The standards of practice in this rule do not supersede the level of care, skill and treatment recognized in general law related to healthcare licensure. All physicians and physician assistants who are authorized to prescribe controlled substances shall comply with the following:

(1) Definitions.

(a) Acute Pain. For the purpose of this rule, “acute pain” is defined as the normal, predicted, physiological, and time-limited response to an adverse chemical, thermal, or mechanical stimulus associated with surgery, trauma, or acute illness. The term does not include pain related to:

1. Cancer.

2. A terminal condition. For purposes of this subparagraph, the term “terminal condition” means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.

3. Palliative care to provide relief of symptoms related to an incurable, progressive illness or injury.

4. A traumatic injury with an Injury Severity Score of 9 or greater.

(b) Prescription Drug Monitoring Program (PDMP) or “the system”. For the purpose of this rule, the system is defined as the Florida Department of Health’s electronic system to collect and store controlled substance dispensing information as set forth in Section 893.055, F.S.

(c) Substance Abuse. For the purpose of this rule, “substance abuse” is defined as the use of any substances for non-therapeutic purposes or use of medication for purposes other than those for which it is prescribed.

(2) Standards. The nature and extent of the requirements set forth below will vary depending on the practice setting and circumstances presented to the clinician. The Board has adopted the following standards for the prescribing of controlled substances for acute pain:

(a) Evaluation of the Patient. A medical history and physical examination appropriate for the patient’s clinical condition must be conducted and documented in the medical record. The medical record also shall document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The written treatment plan shall indicate if any further diagnostic evaluations or other treatments are planned including non-opioid medications and therapies if indicated. After treatment begins, the physician shall adjust medication therapy, if necessary, to the individual medical needs of each patient.

(c) Informed Consent and Agreement for Treatment. The physician shall discuss the risks and benefits of the use of controlled substances including the risk of abuse and addiction as well as physical dependence with the patient, persons designated by the patient, or with the patient’s surrogate or guardian if the patient is incompetent. The discussion shall also include expected pain intensity, duration, options, use of pain medications, non-medication therapies, and common side effects. Special attention must be given to those pain patients who are at risk of misuse or diversion of their medications.

(d) Periodic Review. Based on the circumstances presented, the physician shall review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy shall depend on the physician’s evaluation of the patient’s progress. If treatment goals are not achieved, despite medication adjustments, the physician shall reevaluate the patient and determine the appropriateness of continued treatment. The physician shall monitor patient compliance of medication usage and related treatment plans.

(e) Consultation. The physician shall refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation, and may require consultation with or referral to an expert in the management of such patients.

(f) Medical Records. The physician is required to keep accurate and complete records to include, but not be limited to:

1. The medical history and a physical examination, including history of drug abuse or dependence, if indicated;
2. Diagnostic, therapeutic, and laboratory results;
3. Evaluations and consultations;
4. Treatment objectives;
5. Discussion of risks and benefits;

6. Treatments;  
 7. Medications (including date, type, dosage, and quantity prescribed);

8. Instructions and agreements;  
 9. Drug testing results if indicated;  
 10. Justification for deviation from the 3-day prescription supply limit for a Schedule II opioid controlled substance for acute pain;

11. Outline of problems encountered when attempting to consult the PDMP, if the system was non-operational or the clinician, or his or her designee, is unable to access the PDMP due to a temporary technological or electrical failure; and

12. Periodic reviews. Records must remain current, maintained in an accessible manner, readily available for review, and must be in full compliance with Rule 64B15-15.004, F.A.C., Section 456.057, F.S., and Section 459.015(1)(o), F.S.

(g) Compliance with Laws and Rules. Physicians and physician assistants shall at all times, remain in compliance with this rule and all state and federal laws and regulations addressing the prescribing and administration of controlled substances.

Rulemaking Authority 456.44(4), 459.005(1) FS. Law Implemented 456.44, 459.003(3), 459.015(1)(g), (x), (2) FS. History—New 3-9-00, Amended 11-14-06, 11-10-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Joint Committee on Controlled Substances  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2018

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-2.001      RULE TITLE: License by Endorsement  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to update Form DH-MQA 1145, Application by Endorsement.  
 SUMMARY: Update Form DH-MQA 1145, Application by Endorsement.  
 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 Board meeting, the Board 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 Board 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: 456.013, 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 456.013, 456.072(1), (2), 456.0635, 468.358, 468.364, 468.365(1), (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: Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-0797, Allen.Hall@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 License by Endorsement.

(1) Applicants for licensure as a Registered Respiratory Therapist or Certified Respiratory Therapist in the state of Florida shall apply on Form DH-MQA 1145, Application by Endorsement, Revised ~~10/2018~~ 10/2016, incorporated herein as this Board's application form and available on the web at

[http://www.flrules.org/Gateway/reference.asp?No=Ref-~~http://www.flrules.org/Gateway/reference.asp?No=Ref-07446~~](http://www.flrules.org/Gateway/reference.asp?No=Ref-<del>http://www.flrules.org/Gateway/reference.asp?No=Ref-07446</del>), or at <http://www.doh.state.fl.us/mqa/respiratory/index.html>.

(2) through (3) No change.

Rulemaking Authority 456.013, 468.353(1), 468.364 FS. Law Implemented 456.013, 456.072(1), (2), 456.0635, 468.358, 468.364, 468.365(1), (2) FS. History—New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05, 6-12-07, 5-15-08, 5-25-09, 5-10-10, 10-6-10, 3-28-12, 1-16-13, 12-4-14, 4-7-16, 10-17-16, 4-3-18, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 23, 2018

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: RULE TITLE:

64B32-4.001 Fees

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to update the language regarding fees.

SUMMARY: Update rule language regarding biennial renewal fees for licensure.

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 Board meeting, the Board 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 Board 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:** 456.025(1), 456.036(4)(b), (7), (8), 456.065, 468.353(1), 468.364 FS.

**LAW IMPLEMENTED:** 456.025(1), (4), (6), 456.036, 456.065, 468.364 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:** Allen Hall, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-0797, Allen.Hall@flhealth.gov.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B32-4.001 Fees.

(1) The biennial renewal fee for licensure shall be \$120.00, with the exception that for the 2019 renewal period the fee shall be \$50.00.

(2) through (8) No change.

Rulemaking Authority 456.025(1), 456.036(4)(b), (7), (8), 456.065, 468.353(1), 468.364 FS. Law Implemented 456.025(1), (4), (6), 456.036, 456.065, 468.364 FS. History—New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended 4-27-00, 8-13-02, 5-15-05, 2-23-06, 1-1-15, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Board of Respiratory Care

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Board of Respiratory Care

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 5, 2018

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 23, 2018

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agent and Agency Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69B-231.010	Purpose
69B-231.020	Scope
69B-231.030	Definitions
69B-231.040	Calculating Penalty
69B-231.070	Prosecutorial Discretion
69B-231.080	Penalties for Violation of Section 626.611, F.S.
69B-231.090	Penalties for Violation of Section 626.621, F.S.
69B-231.100	Penalties for Violation of Subsection 626.621(6), or Section 626.9541, F.S.
69B-231.105	Penalties for Violations of Section 626.8437, F.S.
69B-231.106	Penalties for Violations of Section 626.844, F.S.
69B-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code
69B-231.115	Penalties for Violation of Section 626.9957, F.S.
69B-231.120	Penalties for Violation of Other Insurance Code Provisions
69B-231.130	Penalties for Violation of Department Rules
69B-231.140	Penalties for Violation of Department Orders
69B-231.150	Criminal Proceedings
69B-231.160	Aggravating/Mitigating Factors

**PURPOSE AND EFFECT:** This rule chapter is being revised to create new rules and update existing rules in accordance with current Florida statutes.

**SUMMARY:** The proposed rulemaking adds new penalty guidelines for title insurance agents and agencies, adds new penalties for violations of various specific provisions of the Florida Insurance Code, and updates existing rules to reflect statutory changes.

**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:

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: 624.308(1), 626.207(8), 626.536, 626.551, 626.9957(12), 626.9958, 627.4554(9), FS.

LAW IMPLEMENTED: 624.307(1), 624.308, 624.310(3), 624.310(5), 626.207, 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, 626.8437, 626.844, 626.8443, 626.9541(1), 626.9954, 626.9957, 627.4554, 631.155, 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: Thursday, November 29, 2018, 9:00 a.m.

PLACE: Larson Building, Room 116, 200 East Gaines Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ray Wenger, telephone: (850)413-5605, email: Ray.Wenger@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: Ray Wenger, Chief, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, address: 200 East Gaines Street, Tallahassee, Florida 32399-0320, telephone: (850) 413-5605, email: Ray.Wenger@MyFloridaCFO.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-231.010 Purpose.

The purpose of this rule chapter is to implement the Department’s duty under sections ~~subsections~~ 624.307(1), 626.207(8), and ~~Section~~ 626.9954, F.S., to enforce ~~s~~Sections 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, 626.8437, 626.844, 626.8443, and 626.9954, F.S., by establishing standards for penalties described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 69B-231.020, F.A.C.

Rulemaking Authority 624.308(1), 626.207(8), 626.9957(12), 626.9958 FS. Law Implemented 624.307(1), 624.308(2), 626.207(8), 626.9954, 626.9957 FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.010, Amended 8-15-06, 9-10-14,\_\_\_\_\_.

69B-231.020 Scope.

This rule chapter shall apply to all resident and nonresident insurance agents, title insurance agents and agencies, surplus

lines agents, managing general agents, customer representatives, adjusters, navigators and service representatives licensed or appointed under ~~c~~Chapter 626, F.S., who are subject to discipline under ~~s~~Sections 626.611, and 626.621, 626.8437, and 626.844, F.S.

Rulemaking Authority 624.308(1), 626.207(8), 626.9957(12), 626.9958 FS. Law Implemented 624.307(1), 624.308(2), 626.207(8), 626.611, 626.621, 626.8437, 626.844, 626.9957 FS. History—New 7-13-93, Amended 8-15-00, 9-23-02, Formerly 4-231.020, Amended 8-15-06, 9-10-14, 9-13-15,\_\_\_\_\_.

69B-231.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) No change.

(2) “Administrative actions charges” means the charges ~~consisting of~~ factual allegations with citations to violations of the Florida Insurance Code, Department rules, or a Department orders grouped together in one or more counts.

(3) A “Count” means is a single allegation or multiple allegations relating to a single transaction or occurrence which, if true, would constitute a violation of one or more provisions of the Florida Insurance Code.

(4) No change.

~~(5) “Crimes involving moral turpitude” means each felony crime identified in subsections 69B-211.042(23) and (24), F.A.C., and each felony crime not identified in subsections 69B-211.042(23) and (24), F.A.C., that is substantially similar to a crime identified in subsections 69B-211.042(23) and (24), F.A.C.~~

(6) through (9) renumbered (5) through (8) NO change..

~~(9)(10)~~ “Penalty per count” means the penalty to be assessed for a single count and is equal to the maximum highest stated penalty ~~in the count~~ for a all proven violations.

~~(10)(11)~~ “Stated penalty” means the penalty for violations set forth in Rules 69B-231.080 through 69B-231.150, F.A.C.

~~(11)(12)~~ “Total penalty” means the sum of all maximum ~~the highest~~ stated penalties for each count.

Rulemaking Authority 624.308(1), 626.9957(12), 626.9958 FS. Law Implemented 624.307(1), 624.308(2), 626.207(2), 626.611, 626.621, 626.9957 FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.030, Amended 8-15-06, 8-12-10, 9-10-14,\_\_\_\_\_.

69B-231.040 Calculating Penalty.

(1) Penalty Per Count.

(a) The Department is authorized to find that multiple grounds exist under sections 626.611, 626.621, 626.8437, 626.844, and 626.9957, F.S., to initiate ~~for~~ disciplinary action against the licensee based upon a single count in an administrative complaint and based upon a single act of misconduct by a licensee. However, for the purpose of this rule chapter, only the violation specifying the maximum highest

stated penalty will be considered for that count. The maximum highest stated penalty ~~thus~~ established for each count is referred to as the “penalty per count.”

(b) The requirement for a single maximum highest stated penalty for each count in an administrative complaint shall be applicable regardless of the number or nature of the violations established in a single count of an administrative complaint.

(2) No change.

(3) Final Penalty. The final penalty imposed against a licensee under these rules shall be the total penalty, as adjusted to take into consideration any aggravating or mitigating factors set forth in Rule 69B-231.160, F.A.C. If the licensee is a title insurance agent or agency, in the event the final penalty is a suspension for a duration that exceeds twelve (12) months, the final penalty shall be revocation. For all other licensees, in the event the final penalty is a suspension for a duration that exceeds twenty-four (24) months, the final penalty shall be revocation.

~~(a) The final penalty which will be imposed against a licensee under these rules shall be the total penalty, as adjusted to take into consideration any aggravating or mitigating factors.~~

~~(b) The Department shall convert the total penalty to an administrative fine and probation if the licensee has not previously been subjected to an administrative penalty and the current action does not involve a violation of Section 626.611, F.S.;~~

~~(c) The Department will consider the factors set forth in rule subsection 69B-231.160(1), F.A.C., in determining whether to convert the total penalty to an administrative fine and probation.~~

~~(d) In the event that the final penalty would exceed a suspension of twenty four (24) months, the final penalty shall be revocation.~~

Rulemaking Authority 624.308(1), 626.9957(12), 626.9958 FS. Law Implemented 624.307(1), 624.308(2), 626.207(2), 626.611, 626.621, 626.641, 626.681, 626.691, 626.8437, 626.844, 626.8443, 626.9957 FS. History—New 7-13-93, Formerly 4-231.040, Amended 8-15-06, 9-10-14,\_\_\_\_\_.

69B-231.070 Prosecutorial Discretion.

(1) Letter of Guidance. Every violation of the Florida Insurance Code, Department rules, or an order of the Department will not necessarily result in the imposition of a disciplinary action against the licensee. The Department is authorized to shall close all or part of an investigation by issuing a letter of guidance or caution to the licensee, if warranted upon the Department’s consideration of the factors set forth in rule subsection (1) of Rule 69B-231.160(1), F.A.C.

(2) Stipulated Disposition. The provisions of this rule chapter are not intended and shall not be construed to limit the ability of the Department to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order

~~whether or not the Department has initiated administrative charges.~~

(3) Cease and Desist Actions. The provisions of t~~This rule chapter shall not preclude the Department from initiating an administrative action against licensed or unlicensed individuals for the purpose of imposing a cease and desist and penalty orders, as authorized under by sections 624.310 and 626.9581, F.S.~~

(4) Collateral Actions. The provisions of this rule chapter are not intended and shall not be construed to limit the ability of the Department to pursue or recommend collateral, civil, or criminal actions when where appropriate.

Rulemaking Authority 624.308(1), 626.9957(12), 626.9958 FS. Law Implemented 624.307(1), 624.308, 624.310(3), 626.207(2), 626.611, 626.621, 626.681, 626.691, 626.9521, 626.9561, 626.9571, 626.9581, 626.9957 FS. History—New 7-13-93, Formerly 4-231.070, Amended 8-15-06, Repromulgated 9-10-14, Amended\_\_\_\_\_.

69B-231.080 Penalties for Violations of Section 626.611, F.S.

The following stated penalties shall apply for violations under ~~If it is found that the licensee has violated any of the following subsections of s~~Section 626.611, F.S., regarding for which compulsory suspension or revocation of license(s) and appointment(s) is required, ~~the following stated penalty shall apply:~~

(1) No change.

(2) Section 626.611(1)(b), F.S. =

(a) Suspension for 12 months if, had the license application been accurate, the application would have been granted, subject to Department action, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license and the documentation in the applicant’s file at the time the Department issued the license;

(b) No change.

(3) No change.

(4) Section 626.611(1)(d), F.S. – suspension for 6 months.

(5) Section 626.611(1)(e), F.S. – suspension for 9 months.

(6) Section 626.611(1)(f), F.S. – suspension for 9 months.

(7) Section 626.611(1)(g), F.S. – suspension for 6 months.

(8) Section 626.611(1)(h), F.S. – suspension for 6 months.

(9) Section 626.611(1)(i), F.S. – suspension for 12 months.

(10) Section 626.611(1)(j), F.S. – suspension for 12 months. However, ~~t~~This provision does not apply if the facts constitute a violation of section 626.753, F.S.

(11) Section 626.611(1)(k), F.S. – suspension for 6 months.

(12) Section 626.611(1)(l), F.S. – suspension for 3 months.

(13) Section 626.611(1)(m), F.S. – suspension for 6 months.

(14) No change.

(15) Section 626.611(1)(o), F.S. – suspension for 12 months.

(16) Section 626.611(1)(p), F.S. – suspension for 12 months.

(17) Sections 626.611(1)(q)1., 3., or 4., F.S. – suspension for 12 months.

(18) No change.

Rulemaking Authority 624.308(1), 626.207(8)(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611 FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.080, Amended 8-15-06, 8-12-10, \_\_\_\_\_.

69B-231.090 Penalties for Violations of Section 626.621, F.S.

The following stated penalties shall apply for violations under ~~If it is found that the licensee has violated any of the following subsections of s~~Section 626.621, F.S., ~~regarding discretionary suspension or revocation of license(s) and appointment(s) for which suspension or revocation of license(s) and appointment(s) is discretionary, the following stated penalty shall apply:~~

- (1) No change.
- (2) Section 626.621(2), F.S. – suspension for 3 months.
- (3) Section 626.621(3), F.S. – suspension for 3 months.
- (4) Section 626.621(4), F.S. – suspension for 9 months.
- (5) Section 626.621(5), F.S. – suspension for 6 months.
- (6) Section 626.621(6), F.S. – No change.
- (7) Section 626.621(7), F.S. – suspension for 6 months.
- (8) Section 626.621(8), F.S. – suspension for 3 months. ~~see Rule 69B-231.150, F.A.C.~~

~~Rule 69B-231.150, F.A.C.~~

(9) Section 626.621(9), F.S. – suspension for ~~6~~ 3 months and re-exam.

(10) Section 626.621(10), F.S. – suspension for ~~3~~ 6 months and re-exam.

- (11) Section 626.621(11), F.S. – suspension for ~~6~~ 3 months.
- (12) Section 626.621(12), F.S. – ~~suspension 6 months.~~
- ~~(13) Section 626.621(13), F.S.~~

(a) The ~~maximum highest~~ identical or substantially similar penalty to the penalty imposed by the court, state or federal agency, or national securities, commodities or options exchange or association for the same type of violation or, if not available, the highest substantially similar penalty to the penalty imposed.

1. A penalty of revocation, removal, lifetime ~~bar prohibition~~, lifetime ~~ban bar~~, or lifetime prohibition ban, or its the equivalent, or any suspension with a duration greater than 24 months, shall result in revocation; and,

2. A penalty of suspension with a duration of less than 24 months; shall result in a suspension of equal duration length.

(b) When substantially similar penalties are not available, the following penalties shall apply:

1. Penalties applicable to warnings, fines, or restitution, cease and desist orders, injunctions, censures, probations, license denials, and licensing restrictions, and similar situations:

a. Suspension for 6 months when ~~A 6-month suspension if~~ the order does not contain allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.

b. Suspension for 12 months when ~~A 12-month suspension if~~ the order contains allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.

~~2. Penalties applicable to cease and desist orders or injunctions:~~

~~a. A 6-month suspension if the order or injunction does not contain allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.~~

~~b. A 12-month suspension if the order or injunction contains allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.~~

~~3. Penalties applicable to censures, probations, license denials, licensing restrictions, and similar situations:~~

~~a. A 6-month suspension if the order does not involve allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.~~

~~b. A 12-month suspension if the order contains allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.~~

~~2.4. Penalties applicable to all other situations:~~

~~a. Suspension for 3 months when~~ ~~A 3-month suspension if~~ the order does not contain allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.

~~b. Suspension for 9 months when~~ ~~A 9-month suspension if~~ the order contains allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.

~~(13)(14) Section 626.621(13)(14), F.S. – 6-months suspension for 6 months.~~

~~(14) Section 626.621(14), F.S. – suspension for 6 months.~~

~~(15) Section 626.621(15), F.S. –~~

~~(a) The maximum identical or substantially equivalent penalty to the penalty imposed by this state, any other state, any nation, any possession or district of the United States, any court, or any state or federal agency, for the same type of violation.~~

~~1. A penalty of revocation, removal, lifetime bar, lifetime ban, lifetime prohibition, or its equivalent, or any suspension with a duration greater than 24 months, shall result in revocation; and.~~

~~2. A penalty of suspension with a duration of less than 24 months shall result in a suspension of equal duration.~~

(b) When substantially similar penalties are not available, the following penalties shall apply:

1. Penalties applicable to warnings, fines, restitution, cease and desist orders, injunctions, censures, probations, license denials, and licensing restrictions:

a. Suspension for 6 months when the order does not contain allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.

b. Suspension for 12 months when the order contains allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.

2. Penalties applicable to all other situations:

a. Suspension for 3 months when the order does not contain allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.

b. Suspension for 9 months when the order contains allegations or findings related to monetary loss, fraud, misappropriation, conversion, or unlawful withholding of money.

Rulemaking Authority 624.308(1), 626.207(8) FS. Law Implemented 624.307(1), 624.308, 626.207, 626.621 FS. History—New 7-13-93, Formerly 4-231.090, Amended 8-15-06, 3-24-14,\_\_\_\_\_.

69B-231.100 Penalties for Violations of ~~Subsections~~ 626.621(6), ~~626.844(5)~~, or ~~Section~~ 626.9541, F.S.

The following stated penalties shall apply for violations under ~~If a licensee is found to have violated~~ sections 626.621(6), 626.844(5), or 626.9541, F.S., ~~for by~~ engaging in unfair methods of competition or in unfair or deceptive acts or practices, as defined in any of the following paragraphs of section 626.9541(1), F.S., ~~the following stated penalty shall apply:~~

(1) Section Paragraph 626.9541(1)(a), F.S. – suspension for 12 months.

(2) Section Paragraph 626.9541(1)(b), F.S. – suspension for 6 months.

(3) Section Paragraph 626.9541(1)(c), F.S. – suspension for 3 months.

(4) Section Paragraph 626.9541(1)(d), F.S. – suspension for 3 months.

(5) Section Paragraph 626.9541(1)(e), F.S. – suspension for 6 months; except that the penalty for a violation of ~~section~~ ~~subparagraph~~ 626.9541(1)(e)1., F.S., shall be a suspension for ~~of~~ 12 months.

(6) Section Paragraph 626.9541(1)(f), F.S. – suspension for 3 months.

(7) Section Paragraph 626.9541(1)(g), F.S. – suspension for 6 months.

(8) Section Paragraph 626.9541(1)(h), F.S. – suspension for 6 months.

(9) Section Paragraph 626.9541(1)(i), F.S. – suspension for 6 months.

(10) Section Paragraph 626.9541(1)(j), F.S. – suspension for 3 months.

(11) Section Paragraph 626.9541(1)(k), F.S. – suspension for 9 months.

(12) Section Paragraph 626.9541(1)(l), F.S. – suspension for 12 months.

(13) Section Paragraph 626.9541(1)(m), F.S. – suspension for 3 months.

(14) Section Paragraph 626.9541(1)(n), F.S. – suspension for 6 months.

(15) Section Paragraph 626.9541(1)(o), F.S. – suspension for 6 months.

(16) Section Paragraph 626.9541(1)(p), F.S. – suspension for 3 months.

(17) Section Paragraph 626.9541(1)(q), F.S. – suspension for 3 months.

(18) Section Paragraph 626.9541(1)(r), F.S. – suspension for 3 months.

(19) Section Paragraph 626.9541(1)(s), F.S. – suspension for 3 months.

(20) Section Paragraph 626.9541(1)(t), F.S. – suspension for 3 months.

(21) Section Paragraph 626.9541(1)(u), F.S. – suspension for 9 months.

(22) Section Paragraph 626.9541(1)(v), F.S. – suspension for 3 months.

(23) Section Paragraph 626.9541(1)(w), F.S. – suspension for 6 months.

(24) Section Paragraph 626.9541(1)(x), F.S. – suspension for 6 months.

(25) Section Paragraph 626.9541(1)(y), F.S. – suspension for 6 months.

(26) Section Paragraph 626.9541(1)(z), F.S. – suspension for 6 months.

(27) Section Paragraph 626.9541(1)(aa), F.S. – suspension for 9 months.

(28) Section Paragraph 626.9541(1)(bb), F.S. – suspension for 3 months.

(29) Section Paragraph 626.9541(1)(cc), F.S. – suspension for 6 months.

(30) Section Paragraph 626.9541(1)(ee), F.S. – suspension for 12 months.

(31) ~~Section Paragraph~~ 626.9541(1)(ff), F.S. – suspension for 12 months.

Rulemaking Authority 624.308(1), 626.207(8), 626.9957(12), 626.9958 FS. Law Implemented 624.307(1), 624.308(2), 626.207(2), 626.621, 626.844, 626.9541(1), 626.9957(4)(a) FS. History–New 7-13-93, Formerly 4-231.100, Amended 8-15-06, 8-12-10, 9-10-14, \_\_\_\_\_.

69B-231.105 Penalties for Violations of Section 626.8437, F.S.

The following stated penalties shall apply for violations under section 626.8437, F.S., where suspension or revocation of license(s) and appointment(s) is required:

- (1) Section 626.8437(1), F.S. – revocation.
- (2) Section 626.8437(2), F.S. –
  - (a) Suspension for 12 months if, had the license application been accurate, the application would have been granted, subject to Department action, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license, and the documentation in the applicant’s file at the time the Department issued the license;
  - (b) Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.
- (3) Section 626.8437(3), F.S. – suspension for 9 months.
- (4) Section 626.8437(4), F.S. – suspension for 6 months.
- (5) Section 626.8437(5), F.S. – suspension for 6 months.
- (6) Section 626.8437(6), F.S. – suspension for 12 months.
- (7) Section 626.8437(7), F.S. – suspension for 12 months.
- (8) Section 626.8437(8), F.S. – suspension for 9 months.
- (9) Section 626.8437(9), F.S. – suspension for 6 months.
- (10) Section 626.8437(10), F.S. – see Rule 69B-231.150.

F.A.C.

(11) Section 626.8437(11), F.S. – suspension for 3 months.  
 Rulemaking Authority 624.308(1), 626.207(8) FS. Law Implemented 624.307(1), 624.308, 626.207, 626.8437 FS. History–New.

69B-231.106 Penalties for Violations of Section 626.844, F.S.

The following stated penalty shall apply for violations under section 626.844, F.S., regarding discretionary suspension or revocation of license(s) and appointment(s):

- (1) Section 626.844(1), F.S. – revocation.
- (2) Section 626.844(2), F.S. – suspension for 3 months.
- (3) Section 626.844(3), F.S. – suspension for 3 months.
- (4) Section 626.844(4), F.S. – suspension for 9 months.
- (5) Section 626.844(5), F.S. – see Rule 69B-231.100.

F.A.C.

(6) Section 626.844(6), F.S. – see Rule 69B-231.150, F.A.C.

Rulemaking Authority 624.308(1), 626.207(8) FS. Law Implemented 624.307(1), 624.308, 626.207, 626.844 FS. History–New.

69B-231.110 Penalties for Violations of Other Specific Provisions of the Florida Insurance Code.

The following stated penalties shall apply for violations ~~if the licensee is found to have violated any~~ of the following provisions of the Florida Insurance Code, ~~the following stated penalty shall apply:~~

- (1) Section ~~Subsection~~ 624.318(2), F.S. – suspension for 3 months.
- (2) Section ~~Subsection~~ 626.112(2), F.S. – suspension for 3 months.
- (3) Section 626.112(8), F.S. – suspension for 3 months.
- (4) Section 626.311(4), F.S. – suspension for 3 months.
- (5) Section 626.311(6) F.S. – suspension for 6 months.
- (6) Section 626.331(2), F.S. – suspension for 3 months.
- (7)(3) Section ~~Subsection~~ 626.342(1), F.S. – suspension for 3 months.
- (8) Section 626.431(1), F.S. – suspension for 6 months.
- (9)(4) Section 626.441, F.S. – suspension for 6 months.
- (10) Section 626.451(6), F.S. – suspension for 3 months and an administrative fine of not less than \$1,500.
- (11) Section 626.471(2), F.S. – administrative fine of not less than \$1,000.
- (12)(5) Section 626.536, F.S. – administrative fine of not less than \$1,500 for the first violation, and suspension for 3 ~~of~~ 2 months for the second and subsequent violations.
- (13)(6) Section 626.541, F.S. – administrative fine of not less than \$1,500 for the first violation, and suspension for 3 ~~of~~ 2 months for the second and subsequent violations.
- (14)(7) Section 626.551, F.S. – administrative fine of not more than \$250 for the first violation, administrative fine of not less than \$500 for the second violation, and ~~an~~ administrative fine of not less than \$500 and suspension for 3 ~~of~~ 2 months for the third and subsequent violations.
- (15)(8) Section ~~Subsection~~ 626.561(1), F.S. – suspension for 9 months.
- (16)(9) Section ~~Subsection~~ 626.561(2), F.S. – suspension for 3 months.
- (17)(10) Section 626.572, F.S. – suspension for 3 months.
- (18)(11) Section 626.591, F.S. – suspension for 6 months.
- (19)(12) Section 626.593, F.S. – suspension for 3 months.
- (20)(13) Section ~~Subsection~~ 626.601(2), F.S. – suspension for 3 months.
- (21)(14) Section ~~Subsection~~ 626.631(1), F.S. – revocation.

- ~~(22)(15)~~ Section ~~Subsection~~ 626.641(4), F.S. – revocation.
- ~~(23)(16)~~ Section 626.7315, F.S. – suspension for 3 months.
- ~~(24)~~ Section 626.7352, F.S. – suspension for 3 months.
- ~~(25)~~ Section 626.7354(3), F.S. – suspension for 3 months.
- ~~(26)~~ Section 626.7354(4), F.S. – suspension for 6 months.
- ~~(27)~~ Section 626.7355(2), F.S. – suspension for 3 months.
- ~~(28)~~ Section 626.7355(3), F.S. – suspension for 3 months.
- ~~(29)~~ Section 626.7355(6), F.S. – suspension for 3 months.
- ~~(30)~~ Section 626.7355(7), F.S. – suspension for 3 months.
- ~~(31)(17)~~ Section ~~Subsection~~ 626.741(3), F.S. – suspension for 3 months.
- ~~(32)(18)~~ Section ~~Subsection~~ 626.741(4), F.S. – suspension for 6 months.
- ~~(19)~~ Section 626.747, F.S. – suspension 3 months.
- ~~(33)(20)~~ Section 626.748, F.S. - suspension for 2 months.
- ~~(34)~~ Section 626.749, F.S. – suspension for 3 months.
- ~~(35)(21)~~ through ~~(36)(22)~~ No change.
- ~~(37)(23)~~ Section 626.7845, F.S. – suspension for 3 months.
- ~~(38)(24)~~ Section ~~Subsection~~ 626.792(3), F.S. – suspension for 3 months.
- ~~(39)(25)~~ Section ~~Subsection~~ 626.792(6), F.S. – revocation.
- ~~(40)(26)~~ Section 626.793, F.S. – suspension for 2 months.
- ~~(41)(27)~~ Section 626.794, F.S. – suspension for 6 months.
- ~~(42)(28)~~ Section 626.798, F.S. – suspension for 9 months.
- ~~(43)(29)~~ Section 626.8305, F.S. – suspension for 3 months.
- ~~(44)(30)~~ Section ~~Subsection~~ 626.835(3), F.S. – suspension for 3 months.
- ~~(45)(31)~~ Section ~~Subsection~~ 626.835(6), F.S. – revocation.
- ~~(46)(32)~~ Section 626.837, F.S. – suspension for 6 months.
- ~~(47)(33)~~ Section 626.8373, F.S. – suspension for 6 months.
- ~~(48)(34)~~ Section 626.838, F.S. – suspension for 6 months.
- ~~(49)(35)~~ Section ~~Subsection~~ 626.901(1), F.S. – suspension for 12 months.
- ~~(50)(36)~~ Section ~~Subsection~~ 626.901(2), F.S. – suspension for 12 months.
- ~~(51)~~ Section 626.901, F.S. – revocation.
- ~~(52)~~ Section 626.916(1), F.S. – suspension for 3 months.
- ~~(53)~~ Section 626.916(4), F.S. – suspension for 3 months.
- ~~(54)(37)~~ Section 627.4554, F.S. – suspension for 12 months.
- ~~(55)(38)~~ Section 627.901, F.S. – suspension for 3 months.
- ~~(56)(39)~~ No change.

Rulemaking Authority 624.308(1), 626.207(8), 626.536, 626.551, 626.9957(12), 626.9958, ~~627.4554(9)~~ FS. Law Implemented 624.307(1), 624.308(2), 626.207(2), 626.611, 626.621, 626.681, 626.691, 626.9957(4)(a), 631.155 FS. History–New 7-13-93, Formerly 4-231.110, Amended 8-15-06, 8-12-10, 9-10-14, \_\_\_\_\_.

69B-231.115 Penalties for Violations of Section 626.9957, F.~~Florida Statutes.~~

~~The following stated penalties shall apply for violations of if it is found that the navigator has violated any of the following~~

~~subsections of s~~Section 626.9957, F.S., ~~the following stated penalty shall apply:~~

- ~~(1)~~ Section ~~Paragraph~~ 626.9957(2)(a), F.S. – suspension for 6 months.
- ~~(2)~~ ~~Paragraph~~ 626.9957(2)(b), F.S. – suspension 6 months.
- ~~(2)(3)~~ Section ~~Paragraph~~ 626.9957(3)(a), F.S. – suspension for 6 months.
- ~~(4)~~ ~~Paragraph~~ 626.9957(3)(b), F.S. – suspension 6 months.
- ~~(5)~~ ~~Paragraph~~ 626.9957(3)(c), F.S. – suspension 6 months.
- ~~(3)(6)~~ Section ~~Paragraph~~ 626.9957(4)(c), F.S. – suspension for 6 months.
- ~~(4)(7)~~ Section ~~Paragraph~~ 626.9957(4)(d), F.S. – revocation.
- ~~(5)(8)~~ Section ~~Paragraph~~ 626.9957(4)(e), F.S. –
- (a) Suspension for 12 months if, had the license application been accurate, the application would have been granted, subject to Department action, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license and the documentation in the applicant’s file at the time the Department issued the license;
- (b) No change.
- ~~(6)(9)~~ Section ~~Paragraph~~ 626.9957(4)(f), F.S. – revocation.
- ~~(7)(10)~~ Section ~~Paragraph~~ 626.9957(4)(g), F.S. – see Rule 69B-231.150, F.A.C.
- ~~(8)(11)~~ Section ~~Paragraph~~ 626.9957(4)(h), F.S. – suspension for 3 months ~~revocation~~.
- ~~(9)(12)~~ Section ~~Paragraph~~ 626.9957(4)(i), F.S. – suspension for 6 months.
- ~~(10)(13)~~ Section ~~Paragraph~~ 626.9957(4)(j), F.S. – revocation.

Rulemaking Authority 626.9957(12), 626.9958 FS. Law Implemented 626.9957 FS. History–New 9-10-14, Amended \_\_\_\_\_.

69B-231.120 Penalties for Violations of Other Florida Insurance Code Provisions.

Unless otherwise specified in this rule chapter or in the code provision violated, the stated penalty for violations of other If the licensee is found to have violated a provisions of the Florida Insurance Code or Department rules, the stated penalty, unless otherwise prescribed in these rules or in the code provision violated, shall be a six (6) month suspension for 6 months if the violation was willful, or shall be a three (3) month suspension for 3 months if the violation was non-willful.

Rulemaking Authority 624.308(1), 626.207(8), 626.9957(12) FS. Law Implemented 624.307(1), 624.308(2), 626.207(2), 626.611, 626.621, 626.9957(4)(a) FS. History–New 7-13-93, Formerly 4-231.120, Amended 8-15-06, \_\_\_\_\_.

69B-231.130 Penalties for Violation of Department Rules.

Rulemaking Authority 624.308(1), 626.9957(12) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.9957(4)(a) FS. History–New 7-13-93, Formerly 4-231.130, Amended 8-15-06, Repealed.

69B-231.140 Penalties for Violations of Department Orders.

Unless the penalty is specified in the Department's order, the stated penalty for a violation of ~~If a licensee is found to have violated a Department order, the stated penalty shall be a six (6) month suspension for 6 months if the violation was willful, or shall be a three (3) month suspension for 3 months if the violation was non-willful, unless the penalty is prescribed in the order itself;~~ except that, if a licensee or an affiliated party transacts insurance in violation of an order of suspension, the penalty shall be revocation of license(s) and appointment(s) if the violation was willful, or shall be an additional suspension ~~for of three (3) months if the violation was non-willful.~~

Rulemaking Authority 624.308(1), 626.9957(12) FS. Law Implemented 624.307(1), 624.308(2), 626.207(2), 626.611, 626.621, 626.9957(4)(a) FS. History—New 7-13-93, Formerly 4-231.140, Amended 8-15-06, \_\_\_\_\_.

69B-231.150 Criminal Proceedings.

(1) If While licensed by the Department, if a licensee was convicted of, or been found guilty of, or has entered a plea of has pled guilty or nolo contendere (no contest) to, regardless of adjudication, a felony or a crime punishable by imprisonment of one + year or more under the laws of the United States of America, or of any state thereof or under the laws of any other country, regardless of adjudication, the penalty shall be revocation or suspension for 24 months of all licenses and appointments held by the licensee. However, if the licensee is a title insurance agent, the penalty shall be revocation or suspension for 12 months of the title insurance agent license or appointment. The terms of suspension and revocation and the conditions for reapplying for licensure are contained in sections 626.641(2), 626.8443, and 626.207, F.S.

(2)(a) In accordance with section 626.207, F.S., any licensee, ~~while licensed by the Department,~~ that was is convicted or found guilty of, or entered a plea of has pled guilty or nolo contendere (no contest) to, regardless of adjudication or was found guilty of, a first degree felony, a capital felony, a felony involving money laundering, fraud or embezzlement, or a felony directly related to the financial services business, ~~regardless of adjudication,~~ is permanently barred from applying for reinstatement of any revoked or suspended license and from applying for any license under the Florida Insurance Code.

(b) In accordance with section 626.207, F.S. While licensed by the Department, any licensee that was is convicted or found guilty of, or entered a plea of has plead guilty or nolo contendere (no contest) to, regardless of adjudication or was found guilty of, a felony involving moral turpitude, ~~and such felony is not specifically included in paragraph (2)(a) of this rule or section 626.207(2) (3), F.S., regardless of adjudication,~~ is prohibited from applying for reinstatement of any revoked or

suspended license, and prohibited from applying for any other license under the Florida Insurance Code ~~in accordance with Section 626.207, F.S.,~~ for a period of 15 -years (subject to modification pursuant to Rule 69B-211.042, F.A.C.). The disqualifying period shall start on the date of the licensee's beginning in accordance with Section 626.207, F.S., from that person's final release from supervision or upon the completion date of the licensee's that person's criminal sentence, whichever occurs later including payment of fines, restitution, and court costs. The Department shall not issue a license unless all related fines, court costs and fees, and court-ordered restitution have been paid.

(c) In accordance with section 626.207, F.S., any licensee that has been convicted or found guilty of, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication While licensed by the Department, any licensee that is convicted of, has pled guilty or nolo contendere (no contest) to, or was found guilty of, a felony not involving moral turpitude, regardless of adjudication, is prohibited from applying for reinstatement of a revoked or suspended license and from applying for any license under the Florida Insurance Code for a period of 7 -years, ~~in accordance with Section 626.207, F.S.,~~ The disqualifying period shall start on the date of the licensee's beginning from that person's final release from supervision or upon the completion date of the licensee's that person's criminal sentence, whichever occurs later including payment of fines, restitution, and court costs for such crime. The Department shall not issue a license unless all related fines, court costs and fees, and court-ordered restitution have been paid.

(3) For purposes of this rule, the definitions of the terms "financial services business," "felony of the first degree," and "capital felony" contained in section 626.207, F.S., apply.

(3)(4) For purposes of this rule, in the event that a conviction or plea is based on the laws of a country other than the United States, the Department shall consider the following factors to determine if the crime is the equivalent of a felony crime under sections 626.611 and/or 626.621, F.S.:

(a) No change.

(b) The degree of the penalty associated with the same or similar crimes in the United States.

Rulemaking Authority 624.308(1), 626.207(8), 626.9957(12), 626.9958 FS. Law Implemented 624.307(1), 624.308(2), 626.207(2), 626.611, 626.621, 626.631, 626.631(1), 626.9954, 626.9957(4)(g) FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.150, Amended 8-15-06, 11-6-13, \_\_\_\_\_.

69B-231.160 Aggravating/Mitigating Factors.

The Department shall consider the following aggravating and mitigating factors in order to determine and apply them to the total penalty in reaching the final penalty assessed against a licensee under this rule chapter. ~~After consideration and~~

~~application of these factors, the Department shall, if warranted by the Department's consideration of the factors, either decrease or increase the penalty to any penalty authorized by law.~~

(1) For penalties other than those assessed under Rule 69B-231.150, F.A.C.:

(a) through (l) No change.

(m) Violation of any part of sections 626.9541 and 627.4554, F.S., in relation to the sale of a life insurance policy or annuity to a senior citizen; ~~and,~~

~~(n) Other relevant factors.~~

(2) For ~~suspensions penalties~~ assessed under Rule 69B-231.150, F.A.C., for violations of sections ~~626.611(1)(n)(44) and 626.621(8)~~, F.S.:

(a) through (f) No change.

(g) Whether or not restitution was, or is being timely paid; ~~and,~~

(h) Whether or not licensee's civil rights have been restored; ~~and,~~

~~(i) Other relevant factors.~~

Rulemaking Authority 624.308(1), 626.207(8), 626.9957(12), 626.9958, 627.4554(9) FS. Law Implemented 624.307(1), 624.308(2), ~~624.310(5)~~, 626.207(2), 626.611, 626.621, 626.631, 626.681, ~~626.8437, 626.844, 626.9541(1), 627.4554, 626.9954, 626.9957, 627.4554, 627.9957(4)(e)~~ FS. History—New 7-13-93, Formerly 4-231.160, Amended 8-15-06, 8-12-10, 9-10-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ray Wenger  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: CFO Jimmy Patronis  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 02, 2018  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 08/01/2018

### Section III Notice of Changes, Corrections and Withdrawals

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:           RULE TITLE:  
12A-19.100       Public Use Forms  
                          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. 44 No. 180, September 14, 2018 issue of the Florida Administrative Register.

As a result of recent local elections, and in response to information presented at the November 7, 2018, public hearing

(a notice for which was published on October 26, 2018, in Vol. 44, No. 210, pp. 4948-4949), changes are made to Form DR-700016 (incorporated by reference in Rule 12A-19.100, F.A.C.) as described:

Local tax rates have been adjusted for each jurisdiction within each of the following counties: Alachua, Broward, Collier, Hillsborough, Lee, Martin, Okaloosa, St. Lucie, and Washington.

A copy of the revised form is posted to the Department's website at [http://floridarevenue.com/rules/Pages/12a19100\\_0119.aspx](http://floridarevenue.com/rules/Pages/12a19100_0119.aspx)

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.:           RULE TITLE:  
12B-8.003       Tax Statement; Overpayments  
                          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. 44 No. 219, November 8, 2018 issue of the Florida Administrative Register.

The following changes are made in response to written comments received from the staff of the Joint Administrative Procedures Committee.

12B-8.003 Tax Statement; Overpayments  
(1) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year <del>2018</del> <u>2017</u> ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-_____">http://www.flrules.org/Gateway/reference.asp?No=Ref-_____</a> )	XX/XX
(b)	No change	
(6) DR-350900	<u>2018</u> <del>2017</del> Insurance Premium Tax Information for Schedules XII and XIII, Form DR-908 ( <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-_____">http://www.flrules.org/Gateway/reference.asp?No=Ref-_____</a> )	XX/XX

In addition, in response to information presented at the November 7, 2018, public hearing (a notice for which was published on October 26, 2018, in Vol. 44, No. 210, pp. 4948-4949), changes are made to the following forms as described:

DR-908: Code 317 for Dunnellon in Marion County was removed from Schedule XII-A, Firefighters’ Pension Trust Fund.

DR-350900: The removal of Code 317 for Dunnellon in Marion County from Schedule XII-A was added to the first page, under the “2018 Additions, Deletions, and Changes to Schedules XII and XIII” heading.

Copies of these revised forms are posted on the Department’s website at [http://floridarevenue.com/rules/Pages/12b8003\\_0119.aspx](http://floridarevenue.com/rules/Pages/12b8003_0119.aspx)

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers’ Board**

RULE NO.: 61G3-21.001  
 RULE TITLE: Normal Penalty Ranges  
 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. 44 No. 172, September 4, 2018 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the board at a public meeting held October 7, 2018. The changes are as follows:

61G3-21.001 Normal Penalty Ranges.

The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to the other provisions of this chapter. The disciplinary guidelines are based on a single count violation of each provision listed. All penalties at the upper range of the sanctions set forth in the guidelines, such as suspension and revocation, include lesser penalties such as fine, probation or reprimand. Penalties increase with the severity of the violation and number of repeat violations. For the purposes of this rule, the descriptions of the violations in the table below are abbreviated and the statute or rule cited should be consulted for a complete description of the prohibited conduct.

VIOLATION	PENALTY RANGES	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(1) through (15) No change.		
(16) Section 455.227(1)(f), F.S.: Having a license or the authority to	Denial of licensure <u>when a license has not been issued up to revocation when</u>	Denial of licensure <u>when a license has not been issued up to revocation when</u>

practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.	<u>a license has been issued</u>	<u>a license has been issued</u>
(17) through (31) No change.		

Rulemaking Authority 455.2273(1), 476.064(4) FS. Law Implemented 455.227(1), (2), 455.2273(1), 476.204 FS. History—New 11-25-86, Amended 7-4-90, 12-23-90, Formerly 21C-21.001, Amended 10-30-95, 3-29-04, 11-26-09, \_\_\_\_\_.

**AGENCY FOR STATE TECHNOLOGY**

RULE NOS.: 74-2.001  
 RULE TITLES: Purpose and Applicability; Definitions  
 74-2.002 Identify

**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. 44 No. 183, September 19, 2018 issue of the Florida Administrative Register.

- 74-2.001 Purpose and Applicability; Definitions
- (1) No change.
- (2) Each agency shall:
  - (a) No change.
  - (b) Submit the assessment to AST with the agency’s strategic and operational plan. Document the result of the assessment within the agency’s strategic and operational plan (ASOP). Annually submit the ASOP to AST via the submission process established and maintained by AST.
  - (c) No change.
  - (3) Definitions
    - (a) The following terms are defined:
      - 1. through 5. No change.
      - 6. Compensating security controls – See Rule 74-5.001.
      - 7. through 24. No change.

25. Remote access – access by users (or information systems) communicating externally to an information security perimeter.

26. through 33. No change.

(b) No change.

74-2.002 Identify.

(1) through (3) No change.

(4) Risk Assessment.

(a) Approach. Each agency shall identify and manage the cybersecurity risk to agency operations (including mission, functions, image, or reputation), agency assets, and individuals using the following approach, that derives from the NIST Risk Management Framework (RMF) which is hereby incorporated by reference and may be found at: <http://csrc.nist.gov/groups/SMA/fisma/framework.html> (rev. 9/11/2018). The Risk Assessment steps provided in the table below must be followed; however, agencies may identify and, based on the risk to be managed, consider other risk assessment security control requirements and frequency of activities necessary to manage the risk at issue.

In accordance with section 282.318(4)(d)(e), F.S., each agency shall complete and submit to AST no later than July 31, 2017, and every three years thereafter, a comprehensive completed Florida Cybersecurity Standard (FCS) Risk Assessment Tool. In completing the risk assessment FCS Assessment Tool, agencies shall follow the six-step process (“Conducting the Risk Assessment”) outlined in Section 3.2 of NIST Special Publication 800-30, utilizing the exemplary tables provided therein as applicable to address that particular agency’s threat situation. NIST Special Publication 800-30, Guide for Conducting Risk Assessments, Revision 1 (September 2012) is hereby incorporated by reference and may be found at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-06499>. When establishing risk management processes, it may be helpful for agencies to review NIST Risk Management Framework Special Publications – they can be downloaded from the following website: <http://csrc.nist.gov/publications/PubsSPs.html>. When assessing risk, agencies shall estimate the magnitude of harm resulting from unauthorized access, unauthorized modification or destruction, or lost of availability of a resource. Estimates shall be documented as low-impact, moderate-impact, or high-impact relative to the security objectives of confidentiality, integrity, and availability.

(b) No change.

(5) through (6) No change.

74-2.003 through 74-2.006, No change.

## Section IV Emergency Rules

NONE

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 25, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Helen Homes of South Dade LLC d/b/a Homestead Manor A Palace Community, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016003. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 25, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Excel Facility, Inc. d/b/a Excel Care Center seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016007. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 25, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Kendall Health Care Properties III d/b/a Palace at Kendall Nursing and Rehabilitation Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016002. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 29, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Ayers Health & Rehabilitation Center LLC d/b/a Ayers Health and Rehabilitation Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016115. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 29, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Brooksville Health Care Center

LLC d/b/a Brooksville Healthcare Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016118. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 29, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Bear Creek Nursing Center, LLC d/b/a Bear Creek Nursing Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016116. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: subsection 59A-4.1265(5) from Bear Creek Nursing Center, LLC d/b/a Bear Creek Nursing Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016116. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 29, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Bear Creek Nursing Center, LLC d/b/a Bear Creek Nursing Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016116. Any interested person or other agency may submit written comments on the petition within 14 days

after this notice by e-mailing LTCstaff@ahca.myflorida.com. A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
RULE NO.: RULE TITLE:  
59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 29, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Heather Hill Nursing Center, LLC d/b/a Heather Hill Healthcare Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016121. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
RULE NO.: RULE TITLE:  
59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 31, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from The Ponce Therapy Care Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016282. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
RULE NO.: RULE TITLE:  
59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on November 01, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Good Samaritan Society - Daytona, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016426. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
RULE NO.: RULE TITLE:  
59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 29, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Heather Hill Nursing Center, LLC d/b/a Heather Hill Healthcare Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016121. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
RULE NO.: RULE TITLE:  
59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on October 31, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Healthpark Care Center, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016412. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on November 01, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Good Samaritan Society - Daytona, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016426. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on November 1, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Children’s Comprehensive Care Center, Inc., seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016442. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on November 01, 2018, the Agency for Health Care Administration, received a petition for subsection 59A-4.1265(5) from Evangelical Lutheran Good Samaritan Society d/b/a Good Samaritan Society – Florida Lutheran, seeking additional time beyond January 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2018016436. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

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

On October 30, 2018 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code from La Jamotca Inc. located in Miami. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and the three compartment sink.

The Petition for this variance was published in Vol. 44/213 on October 31, 2018. The Order for this Petition was signed and approved November 6, 2018. 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 wastewater holding tank for the handwash sink and the three compartment sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink and the three compartment sink is provided with hot and cold running water under pressure, and that the handwash sink is provided with soap, an approved hand drying device and a handwashing sign.

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on November 7, 2018, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Angelina Catering #1 located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

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

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com  
Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on November 7, 2018, the Florida Department of Business and Professional Regulation,

Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code from Julie's Mexican Restaurant located in Clearwater. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

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

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com  
Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on November 7, 2018, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code from Dragon Breath LLC Vineland Ave located in Orlando. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the three compartment sink and the handwash sink.

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

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com  
Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.002 Supervisor

NOTICE IS HEREBY GIVEN that on November 06, 2018, the Board of Clinical Laboratory Personnel, received a petition for

variance and waiver submitted by Praneetha Muthumani. Petitioner is seeking a variance and waiver of Rule 64B3-5.002, Florida Administrative Code, which sets forth the education, training/experience and examination requirements for licensure as a supervisor. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257, telephone: (850)488-0595, or by electronic mail – Anthony.Spivey@flhealth.gov, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, at the above address.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.002 Supervisor

The Board of Clinical Laboratory Personnel hereby gives notice: that on October 23, 2018, an Order was filed on the Petition for Variance or Waiver submitted by Tyra J. Andre. The Petition for Variance or Waiver was filed on August 23, 2018, seeking a variance or waiver from Rule 64B3-5.002, F.A.C., which sets forth the education, training/experience and examination required for licensure as a supervisor. The Notice was published in Volume 44, No. 167, of the Florida Administrative Register, on August 27, 2018. The Board, at its meeting held on September 7, 2018, in Orlando, Florida, voted to grant the Petition for Variance or Waiver. Petitioner has achieved the purpose of the underlying statute and that application of the rule to her circumstances would create a substantial hardship and/or violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257, telephone: (850)488-0595, or by electronic mail – Anthony.Spivey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.003 Technologist

The Board of Clinical Laboratory Personnel hereby gives notice: that on October 23, 2018, an Order was filed on the Petition for Variance or Waiver submitted by Essam Mankarios. The Petition for Variance or Waiver was filed on August 23, 2018, seeking a variance or waiver from Rule 64B3-5.003, F.A.C., which sets forth the education, training/experience and examination requirements for a specialty licensure as a medical technologist. The Notice was

published in Volume 44, No. 167, of the Florida Administrative Register, on August 27, 2018. The Board, at its meeting held on September 7, 2018, in Orlando, Florida, voted to grant the Petition for Variance or Waiver. The Board found that Petitioner met the purpose of the underlying statute and approval is being granted for his application for clinical laboratory technologist only.

A copy of the Order or additional information may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257, telephone: (850)488-0595, or by electronic mail – Anthony.Spivey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.002 Supervisor

The Board of Clinical Laboratory Personnel hereby gives notice: that on October 23, 2018, an Order was filed on the Petition for Variance and Waiver submitted by Marchella F. Bradshaw, MT. The Petition for Variance and Waiver was filed on August 23, 2018, seeking a variance and waiver from Rule 64B3-5.002, F.A.C., which sets forth the education, training/experience and examination required for licensure as a supervisor. The Notice was published in Volume 44, No. 167, of the Florida Administrative Register, on August 27, 2018. The Board, at its meeting held on September 7, 2018, in Orlando, Florida, voted to deny the Petition for Variance and Waiver finding that the application of the rule did not create a substantial hardship nor violate the principles of fairness; and that the purpose of the underlying statute was not met.

A copy of the Order or additional information may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, telephone: (850)488-0595, or by electronic mail – Anthony.Spivey@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On November 6, 2018, the Florida Housing Finance Corporation issued an order granting waiver of subsection 67-48.002(96) F.A.C. and Section II.K. of the 2016 QAP, for Blue Broadway, LLC, permitting the exchange of its 2017 credits for allocation of 2018 credits now, rather than to wait until the last quarter of 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on September 26, 2018 and notice of the receipt of petition was published on September 28, 2018 in Vol. 44, Number 190, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org).

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NO.: RULE TITLE:**

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On November 6, 2018, the Florida Housing Finance Corporation issued an order granting waiver of subsection 67-48.002(95) F.A.C. and Section II.K. of the 2016 QAP, for Warley Park, Ltd., permitting the exchange of its 2017 credits for allocation of 2018 credits now, rather than to wait until the last quarter of 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on September 27, 2018 and notice of the receipt of petition was published on September 28, 2018 in Vol. 44, Number 190, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org).

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NO.: RULE TITLE:**

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On November 6, 2018, the Florida Housing Finance Corporation issued an order granting waiver of subsection 67-48.002(95) F.A.C. and Section II.K. of the 2015 QAP, for Redding Development Partners, LLC, permitting the exchange of its 2017 credits for allocation of 2018 credits now, rather than to wait until the last quarter of 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on October 1, 2018 and notice of the receipt of petition was published on October 3, 2018 in Vol. 44, Number 193, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org).

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NO.: RULE TITLE:**

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On November 6, 2018, the Florida Housing Finance Corporation issued an order granting waiver of subsection 67-48.002(95) F.A.C. and Section II.K. of the 2016 QAP, for Silver Pointe Development Partners, LLC, permitting the exchange of its 2017 credits for allocation of 2018 credits now, rather than to wait until the last quarter of 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on October 2, 2018 and notice of the receipt of petition was published on October 3, 2018 in Vol. 44, Number 193, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org).

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NO.: RULE TITLE:**

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On November 6, 2018, the Florida Housing Finance Corporation issued an order granting waiver of subsection 67-48.002(95) F.A.C. and Section II.K. of the 2016 QAP, for Amaryllis Park Place Development Partners, LLC, permitting the exchange of its 2017 credits for allocation of 2018 credits now, rather than to wait until the last quarter of 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on October 2, 2018 and notice of the receipt of petition was published on October 3, 2018 in Vol. 44, Number 193, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org).

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NO.: RULE TITLE:**

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On November 6, 2018, the Florida Housing Finance

Corporation issued an order granting waiver of subsection 67-48.002(95) F.A.C., Section II.K. of the 2015 QAP, and paragraph 67-48.0072(4)(c) F.A.C. for Woodland Park Redevelopment I, LLC, permitting the exchange of its 2017 credits for allocation of 2018 credits now, rather than to wait until the last quarter of 2019, and extending the SAIL Loan closing deadline from November 8, 2018 to May 1, 2019. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on October 16, 2018 and notice of the receipt of petition was published on October 18, 2018 in Vol. 44, Number 204, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, Florida 32301-1329. The Order has also been posted on Florida Housing's website at [floridahousing.org](http://floridahousing.org).

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

The Florida Office of Financial Regulation hereby gives notice: On October 16, 2018, the Florida Office of Financial Regulation, received a Petition for Temporary Waiver from Title XXXIII, Chapter 560, Section 304 from Wal-Mart Stores East, LP. The Petition sought a temporary waiver of the \$2,000 limit for a period of 90 days in order to serve customers cashing U.S. Treasury-issued FEMA checks up to and including a face value of \$7,500. On November 7, 2018, the Petition for Temporary Waiver was WITHDRAWN.

A copy of the Order or additional information may be obtained by contacting:

Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, [Agency.Clerk@flofr.com](mailto:Agency.Clerk@flofr.com).

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

The Friends of the Museums of Florida History, Inc. announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, November 15, 2018, 3:30 p.m.

**PLACE:** R.A. Gray Building, Gallery for Innovation and the Arts, 1st Floor, 500 South Bronough Street, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business

A copy of the agenda may be obtained by contacting: Thomas W. Robinson, Development and Financial Director, (850)245-6413.

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: Thomas W. Robinson, Development and Financial Director, (850)245-6413. 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: Thomas W. Robinson, Development and Financial Director, (850)245-6413.

**DEPARTMENT OF EDUCATION**

**Division of Florida Colleges**

The Florida State College at Jacksonville District Board of Trustees announce the following workshop/meeting which is open to the public, and an Executive Session for Tuesday, November 13, 2018.

**DATE:** Tuesday, November 13, 2018

**PLACE:** FSCJ Administrative Offices, 501 West State Street, Jacksonville, FL 32202

**DEEP DIVE WORKSHOP/MEETING:**

**TIME:** 12:00 Noon – 2:00 p.m.

**PLACE:** Board Room 405

**GENERAL SUBJECT MATTER(S) TO BE CONSIDERED:** Enrollment Data and Enrollment - FSCJ DBOT Ad Hoc Committee Final Report will be discussed. In addition, the Report will be reviewed/responded to by the FSCJ Leadership Team, and action taken by the Board, as deemed necessary.

**EXECUTIVE SESSION:**

**TIME:** Approximately 2:00 p.m.

**PLACE:** Room 403A

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Executive Session and Board discussion regarding the Faculty Collective Bargaining Agreement and related labor matters pursuant to Section 447.605, Florida Statutes (2018).

Pursuant to Section 447.605, Florida Statutes (2018), the Executive Session is closed to the public and exempt from the provisions of Section 286.011, Florida Statutes (2018). Documents prepared for the Executive Session pertaining to faculty collective bargaining are confidential and exempt from subsection 119.07(1), Florida Statutes (2018).

A copy of the agenda for the workshop/meeting may be obtained by contacting: District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or [Kim.Sodek@fscj.edu](mailto:Kim.Sodek@fscj.edu).

Copies of the agenda for the workshop/meeting will be available for inspection beginning Tuesday, November 6, 2018, and copies will be provided upon written request and the payment of approved duplicating charges. Any person requesting to address an item at the workshop/meeting will be provided the opportunity to do so by appearing before the Board at the workshop/meeting. If any person decides to appeal any decision made by the Board with respect to any matter considered at the workshop/meeting, 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.

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 24 hours before the workshop/meeting by contacting: The Office of the College President, District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or Kim.Sodek@fscj.edu. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Florida State College at Jacksonville, hereby reaffirms the principle of equal opportunity for all persons regardless of race, disability, color, ethnicity, national origin, religion, gender, age, sex, sexual orientation/ expression, marital status, veteran status, pregnancy or genetic information. Equal opportunity principle applies with regard to employment, delivery of educational programs and services, and all other appropriate areas in which the College is involved.

For more information, you may contact: District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or Kim.Sodek@fscj.edu.

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#### DEPARTMENT OF LAW ENFORCEMENT

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

DATE AND TIME: Thursday, November 15, 2018, 1:00 p.m.

PLACE: Conference Call: Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/125776789>. You can also dial in using your phone. United States (Toll Free): 1(877)309-2073, United States: 1(646)749-3129, Access Code: 125-776-789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the MEPIC Advisory Board for their 4th Quarterly meeting.

A copy of the agenda may be obtained by contacting: Craig Schroeder at 1(888)356-4774.

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: Craig Schroeder at 1(888)356-4774. 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: Craig Schroeder at 1(888)356-4774.

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#### BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

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

DATE AND TIME: Wednesday, December 19, 2018, 6:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR), Marineland Office, 9741 Oceanshore Blvd., St. Augustine, Florida 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group for GTMNERR will hold a meeting to provide advisory input for the management of GTMNERR.

A copy of the agenda may be obtained by contacting: Brooke Ellis by email: Brooke.L.Ellis@FloridaDEP.gov, or by phone: (904)823-4500.

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: Brooke Ellis at (904)823-4500. 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).

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#### DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATE AND TIME: \*Change of time\* November 13, 2018, 12:00 Noon – 12:30 p.m. ET

PLACE: Change of venue\* Conference Call: Call in: 1(888)670-3525, Participant Passcode: 780-930-7873

GENERAL SUBJECT MATTER TO BE CONSIDERED: East Central Council Business

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way,

Tallahassee, FL 32399; (850)414-2323, LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: (850)414-2323. 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).

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
Health Facility and Agency Licensing

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2018, 10:00 a.m.

PLACE: Agency for Health Care Administration Medicaid Field Office, 6800 North Dale Mabry Highway, Main Training Room, Suite 216B, Tampa, FL 33614

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Governor’s Panel on Excellence in Long-Term Care will be meeting to review applications received for consideration for the Gold Seal Award. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
Certificate of Need

RULE NO.: RULE TITLE:

59C-1.032 Pediatric Cardiac Catheterization and Angioplasty Institutional Health Services

59C-1.033 Pediatric Open Heart Surgery Program

The Agency for Health Care Administration announces a public meeting to which all persons are invited. announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 29, 2018, 5:30 p.m. – 6:30 p.m. ET

PLACE: This meeting is available via webinar and requires a telephone for audio. To join the webinar, please use the following link

<https://attendee.gotowebinar.com/register/2123211220973689091> and webinar ID: 629-075-747. United States (Toll-free): 1(877)309-2074, Access Code: 798-477-993. If you have any difficulty accessing the teleconference, please call the Florida Center’s main number at (850)412-3730. This meeting will be recorded.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Full Pediatric Cardiology Technical Advisory Panel (PCTAP) to which all interested parties are invited. The purpose of this meeting is to discuss the business of the PCTAP.

A copy of the agenda may be obtained by contacting: The agenda will be posted on the Agency website seven (7) days prior to the meeting: <http://ahca.myflorida.com/SCHS/PCTAP/meetings.shtml>.

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: Jess Hand, Florida Center for Health Information and Transparency at [Jessica.Hand@ahca.myflorida.com](mailto:Jessica.Hand@ahca.myflorida.com) or (850)412-3750. 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: Jess Hand, Florida Center for Health Information and Transparency at [Jessica.Hand@ahca.myflorida.com](mailto:Jessica.Hand@ahca.myflorida.com) or (850)412-3750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Building Commission

The Florida Building Commission, Product Approval Program Oversight Committee, announces a public meeting to which all persons are invited.

DATE AND TIME: November 29, 2018, 10:00 a.m.

PLACE: Meetings to be conducted using communications media technology, specifically teleconference and webinar.

Join the meeting at <https://global.gotomeeting.com/join/545051013>; Join the conference call: United States (toll-free) 1(877)309-2070, access code/meeting ID: 545-051-013; public point of access: 2601 Blair Stone Road, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Product approval & entities statistics report.

Report on conditional approval from the October, 2018 meeting.

Review of product approval and entity applications.

A copy of the agenda may be obtained by contacting: Zubeyde Binici, as set forth below or on the Commission website.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436. 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: Zubeyde Binici, Product Approval POC, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436; or access information on the Commission's website, <https://floridabuilding.org/c/default.aspx>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

The Florida Building Commission, Energy Technical Advisory Committee, announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 29, 2018, 2:00 p.m.

**PLACE:** Meetings to be conducted using communications media technology, specifically teleconference and webinar: Join the meeting at <https://global.gotomeeting.com/join/874241349>. Join the conference call: United States (toll-free): 1(877)309-2073, Meeting ID / Access Code: 874-241-349; public point of access 2601 Blair Stone Road, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To Consider and discuss the following Declaratory Statement: DS 2018-072 by Greg Miller of Palm Beach County Building Advisory Board

**Other General Business**

A copy of the agenda may be obtained by contacting: Norman Bellamy, as set forth below or on the Commission website.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436. 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: Norman Bellamy, Energy Technical Advisory Committee, Office of Building Codes and Standards, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436 or access information on the Commission's website: <https://floridabuilding.org/c/default.aspx>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

The Florida Building Commission, Electrical Technical Advisory Committee concurrent with The Code Administration Technical Advisory Committee, announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 27, 2018, 10:00 a.m.

**PLACE:** Meetings to be conducted using communications media technology, specifically teleconference and webinar: Join the meeting at <https://global.gotomeeting.com/join/317261677>. Join the conference call: United States (toll-free): 1(866)899-4679; Meeting ID / Access Code: 317-261-677; public point of access 2601 Blair Stone Road, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To Consider and discuss the following Declaratory Statement:

DS 2018-070 by Michael Savage, Sr. of Marion County Department of Building Safety

**Other General Business**

A copy of the agenda may be obtained by contacting: Joe Bigelow or Marlita Peters, as set forth below or on the Commission website.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436. 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: Joe Bigelow, Electrical Technical Advisory Committee or Marlita Peters, Code

Administration Technical Advisory Committee, Office of Building Codes and Standards, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1824, fax: (850)414-8436 or access information on the Commission's website: <https://floridabuilding.org/c/default.aspx>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Building Commission**

The Florida Building Commission, Education Program Oversight Committee, announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 28, 2018, 10:00 a.m.

**PLACE:** Meetings to be conducted using communications media technology, specifically teleconference and webinar. Join the meeting at <https://global.gotomeeting.com/join/148382085>. Join the conference call: United States (toll-free) 1(877)309-2073, meeting ID/access code: 148-382-085; public point of access 2601 Blair Stone Road, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review pending accreditor applications for recommendation to the Commission. Review pending advanced accredited courses for recommendation to the Commission.

A copy of the agenda may be obtained by contacting: Thomas Campbell, as set forth below or on the Commission website.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. 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: Thomas Campbell, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, call (850)487-1824 or access the Commission website: <https://floridabuilding.org/c/default.aspx>.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

The Board of Dentistry announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 14, 2019, 9:00 a.m. ET

**PLACE:** Hilton UF Conference Center, 1714 SW 34th Street, Gainesville, FL 32607

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review and discuss dental sedation inspection requirements.

A copy of the agenda may be obtained by contacting: [www.floridasdentistry.gov](http://www.floridasdentistry.gov). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact the Board Office at (850)245-4474.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

The Board of Opticianry announces a public meeting to which all persons are invited.

**DATE AND TIME:** January 25, 2019, 9:00 a.m. ET

**PLACE:** Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss general board business.

A copy of the agenda may be obtained by contacting: [www.floridasopticianry.gov](http://www.floridasopticianry.gov). If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should contact the Board Office by phone at (850)245-4474 at least one week prior to the meeting date.

**DEPARTMENT OF HEALTH**

**Division of Children's Medical Services**

The Florida Department of Health, Children's Medical Services, Early Steps State Office announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** December 10, 2018, 1:00 p.m. – 2:30 p.m.

PLACE: 1(888)670-3525, Passcode: 6272156732#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Early Steps Child & Family Outcomes Stakeholder Workgroup is meeting to review the action steps in the draft Early Steps State Plan.

A copy of the agenda may be obtained by contacting: Kelly.Rogers@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: The Early Steps Child & Family Outcomes Stakeholder Workgroup is meeting to review the action steps in the draft Early Steps State Plan. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Early Steps Child & Family Outcomes Stakeholder Workgroup is meeting to review the action steps in the draft Early Steps State Plan.

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**SCRIPPS FLORIDA FUNDING CORPORATION**

The Audit Committee of the Scripps Florida Funding Corporation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, November 12, 5:00 p.m. ET.

PLACE: call in number: (605)475-3200, Access Code: 255626#

GENERAL SUBJECT MATTER TO BE CONSIDERED: audit and compliance report engagements letters, TSRI audited financial statements and draft compliance report.

A copy of the agenda may be obtained by contacting: scrippscorp@bellsouth.net.

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: 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: scrippscorp@bellsouth.net.

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**FLORIDA LEAGUE OF CITIES**

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

DATE AND TIME: Thursday, November 29, 2018, 11:00 a.m.

PLACE: Streamsong Resort, 1000 Streamsong Drive, Bowling Green, FL 33834 – 1(888)294-6322

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Municipal Pension Trust Fund general meeting conducted through the use of communications media

technology, as authorized by subsection 163.01(18), Florida Statutes. Persons interested in attending may do so in person at Streamsong Resort, 1000 Streamsong Drive, Bowling Green, FL 33834 – 1(888)294-6322, where a communications media technology facility will be located.

A copy of the agenda may be obtained by contacting: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649 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: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649. 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: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649

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**FLORIDA LEAGUE OF CITIES**

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

DATE AND TIME: Thursday, November 29, 2018, 1:00 p.m.

PLACE: Streamsong Resort, 1000 Streamsong Drive, Bowling Green, FL 33834 – 1(888)294-6322

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Municipal Investment Trust general meeting conducted through the use of communications media technology, as authorized by subsection 163.01(18), Florida Statutes. Persons interested in attending may do so in person at Streamsong Resort, 1000 Streamsong Drive, Bowling Green, FL 33834 – 1(888)294-6322, where a communications media technology facility will be located.

A copy of the agenda may be obtained by contacting: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649.

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: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649. 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: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649.

**FLORIDA LEAGUE OF CITIES**

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

DATE AND TIME: Friday, November 30, 2018, 9:00 a.m.

PLACE: Streamsong Resort, 1000 Streamsong Drive, Bowling Green, FL 33834 – 1(888)294-6322

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Florida Municipal Insurance Trust general meeting conducted through the use of communications media technology, as authorized by subsection 163.01(18), Florida Statutes. Persons interested in attending may do so in person at Streamsong Resort, 1000 Streamsong Drive, Bowling Green, FL 33834 – 1(888)294-6322, where a communications media technology facility will be located.

A copy of the agenda may be obtained by contacting: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649.

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: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649. 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: Penny Mitchell, email: pmitchell@flcities.com or call: (850)701-3649.

**ENTERPRISE FLORIDA, INC.**

The Florida Opportunity Fund announces a public meeting to which all persons are invited.

DATE AND TIME: November 14, 2018, 3:00 p.m.

PLACE: Enterprise Florida, 800 North Magnolia Ave, Suite 1100, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

Dial-in Number: 1(800)501-8979, Access Code: 9565613#

A copy of the agenda may be obtained by contacting: Russell Marcus, (305)808-3582.

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 1 days before the workshop/meeting by contacting: 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**

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF EDUCATION

#### School Districts

Request for Qualifications (RFQ) Professional Services for Industrial Hygiene and Environmental Consulting Services on a Continuing Contract Basis/DCSB No. M-83700/OFDC-RFQ-001-19

NOTICE TO PROFESSIONAL CONSULTANTS OFFICE OF FACILITIES DESIGN AND CONSTRUCTION-Duval County Public Schools Request for Qualifications (RFQ)-OFDC RFQ-001-19. Professional Services for Industrial Hygiene and Environmental Consulting Services on a Continuing Contract Basis/DCSB Project No. M-83700-Publish date November 8, 2018. The Office of Facilities Design and Construction announces that professional services are required for a contract for Industrial Hygiene and Environmental Consulting Services on a Continuing Contract Basis for Duval County Public Schools. The firm selected under this contract will be responsible for assigned projects having estimated study fees not exceeding the threshold amount of \$200,000, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for four additional one-year periods. The selected firm(s) shall be required to execute the Duval County School Board standard form of agreement. Applicants are advised that plans, drawings, specifications for these projects become the property of the Owner. Applications are to be sent to: Duval County Public Schools, Facilities Design and Construction, 1701 Prudential Drive – 5th Floor, Jacksonville, FL 32207-8182. PROJECT MANAGER: Bruce Ackerman PHONE NO.: 904-390-2363. RESPONSE DUE DATE: RFQ RESPONSES ARE DUE ON OR BEFORE DECEMBER 4, 2018 AND WILL BE ACCEPTED UNTIL 2:00 PM. OEO GOALS: Encouragement (Based on the available MBE's). Information on the selection process can be found at <http://www.duvalschools.org/> Follow website to Departments / Facilities/ Professional Services Selection Booklets / Selection of the Industrial Hygiene-Environmental Services Consultant (DOC). See Appendix A of the RFQ document for more information on the RFQ contract term, renewals, and timeline.

### VILLAGE OF PALMETTO BAY

UP# 1819-00-002 Mixed-Use Downtown Development for Village of Palmetto Bay

#### PUBLIC NOTICE

Village of Palmetto Bay

Notice of Receipt of an Unsolicited Proposal to develop a Parking Garage and Mixed-Use Development in the Village of Palmetto Bay

No. 1819-00-002

NOTICE IS HEREBY GIVEN that the Village of Palmetto Bay, Florida, a Municipal corporation of the State of Florida, has received an unsolicited proposal for a qualifying public-private partnership (PPP) in accordance with Florida Statutes Section 255.065 for a 500 space parking garage with a mixed use development (“the Project”) to be developed and operated on public land in downtown Palmetto Bay as a ground lease agreement. The unsolicited proposal also includes an entertainment component and a 190-key hotel, both privately owned and operated, and will serve to enhance the parking garage. The Village requests, and in accordance with Florida Statute Section 255.065, will accept alternative proposals for the Project until Tuesday, December 11th, 2018.

Individuals or entities wishing to submit alternative proposals for the Project may do so by delivering sealed proposals to: Village of Palmetto Bay, Village Clerk Office, Attn: Missy Arocha, 9705 E. Hibiscus Street, Palmetto Bay, Florida 33157. Each sealed proposal should be clearly marked on the outside: “Sealed Proposal- Mixed Use Downtown Development”.

All proposals must be timely submitted no later than 3:00pm on December 11th, 2018 and must contain the information and requirements set forth under Florida Statute Section 255.065 and the additional submission requirements required by the Village of Palmetto Bay, as provided below. Any proposal received after 3:00 pm on December 1, 2018 will not be opened or considered. Responsibility for submitting timely proposals rests solely with Proposers; the Village will not be responsible for any delays caused by mail, courier service or other occurrence. Proposals will be ranked by order of preference by the Village. In ranking the proposals, the Village may consider factors in accordance with Florida Statute Section 255.065, including, but not limited to, professional qualifications, general business terms, innovative design and techniques, energy efficiency, cost reduction terms and finance plans. A more complete listing of the factors and requirements that the Village may consider can be obtained on October 24th 2018. Documents can be

downloaded through the Village website [www.palmettobay-fl.gov](http://www.palmettobay-fl.gov), tab “business”, and then click Bids&RFP’s.

The Village reserves the right to reject any or all proposals, or as provided under Florida Statue Section 255.065 to award and negotiate an interim agreement and/or comprehensive agreement with the firm whose proposal best serves the interest of the Village. Nothing contained herein shall be interpreted as an obligation or binding agreement by the Village regarding the Project.

The Village’s Cone of Silence will be in effect during the procurement process in accordance with Section 2-138 of the Village of Palmetto Bay Code. All communications regarding the Project shall be addressed in writing via email to [Lpittser@palmettobay-fl.gov](mailto:Lpittser@palmettobay-fl.gov); Litsy C. Pittser., Procurement Specialist.

All proposals received in response to this Notice will become the property of the Village of Palmetto Bay and will not be returned. Such proposals and related information shall be subject to applicable provisions of the Florida Public Records Law.

The Village will post notice of a decision or proposed decision regarding contract on the Village of Palmetto Bay website.

Preparation and costs incurred by the Proposer in developing the submittal shall be solely the responsibility of the Proposer.

## 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 3:00 p.m., Thursday, November 1, 2018 and 3:00 p.m., Wednesday, November 7, 2018.

Rule No.	File Date	Effective Date
5C-4.0015	11/1/2018	11/21/2018
5C-4.0016	11/1/2018	11/21/2018
5C-4.002	11/1/2018	11/21/2018
5C-4.003	11/1/2018	11/21/2018
5C-4.004	11/1/2018	11/21/2018
5C-24.003	11/1/2018	11/21/2018
25-4.0665	11/1/2018	11/21/2018
25-4.113	11/1/2018	11/21/2018
59A-3.2085	11/1/2018	11/21/2018

59A-3.272	11/1/2018	11/21/2018
61G10-12.002	11/7/2018	11/27/2018
64B10-15.001	11/1/2018	11/21/2018
64B19-12.005	11/7/2018	11/27/2018
64C-7.002	11/2/2018	11/22/2018
65-6.010	11/6/2018	11/26/2018
65-6.015	11/6/2018	11/26/2018
65-6.019	11/6/2018	11/26/2018
65-6.020	11/6/2018	11/26/2018
65-6.022	11/6/2018	11/26/2018
65-6.023	11/6/2018	11/26/2018
65A-1.900	11/6/2018	11/26/2018
65A-2.036	11/6/2018	11/26/2018
65C-15.028	11/6/2018	11/26/2018
68A-12.010	11/2/2018	11/22/2018
68A-12.011	11/2/2018	11/22/2018
68B-13.009	11/6/2018	10/1/2019
68B-13.010	11/6/2018	10/1/2019
68B-45.004	11/6/2018	1/20/2020
68B-45.011	11/6/2018	1/20/2020

### 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
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Austin Global Enterprises, LLC d/b/a New Scooters 4 Less for the establishment of SHIN motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters LLC, intends to allow the establishment of Austin Global Enterprises, LLC, d/b/a New Scooters 4 Less as a dealership for the sale of motorcycles manufactured by Chongqing Shineray Motorcycle Co., Ltd. (line-make SHIN) at 633 Northwest 13th Street, Gainesville, (Alachua County), Florida 32601, on or after December 10, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Austin Global Enterprises, LLC, d/b/a New Scooters 4 Less are dealer operator(s): Collin Austin, 633 Northwest 13th Street, Gainesville, Florida 32601, principal investor(s): Collin Austin, 633 Northwest 13th Street, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county with a population of less than 300,000, 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 MS65, 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: Elaine Richard, Genuine Scooters LLC, 2700 West Grand Avenue, Chicago Illinois, 60612.

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

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

Ebtsco LLC, d/b/a Roadshark Scooters for the establishment of ZHNG motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Hammer Brand, LLC, d/b/a Wolf Brand Scooters intends to allow the establishment of Ebtsco LLC, d/b/a Road Shark Scooters as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd. (line-make ZHNG) at 626 South 8th Street, Suite A, Fernandina

Beach, (Nassau County), Florida 32034, on or after December 10, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Ebtsco LLC, d/b/a Road Shark Scooters are dealer operator(s): Scott Thompson, 626 South 8th Street, Fernandina, Florida 32034, Teressa Thompson, 626 South 8th Street, Fernandina Beach, Florida 32034, principal investor(s): Scott Thompson, 626 South 8th Street, Fernandina, Florida 32034, Teressa Thompson, 626 South 8th Street, Fernandina Beach, Florida 32034.

The notice indicates intent to establish the new point location in a county with a population of less than 300,000, 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 MS65, 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: Justin Marmolejo, Hammer Brand, LLC, 12485 44th Street North, Unit A, Clearwater, Florida 33762.

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

Gulfside Motorsports LLC for the establishment of HYOS motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that KRM America, LLC, intends to allow the establishment of Gulfside Motorsports LLC, as a dealership for the sale and service of Hyosung motorcycles (line-make HYOS) at 4237 US Highway 19, New Port Richey, (Pasco County), Florida 34652, on or after December 10, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Gulfside Motorsports LLC are dealer operator(s): Beth Tarchis, 4237 US Highway 19, New Port Richey, Florida

34652; principal investor(s): Beth Tarchis, 4237 US Highway 19, New Port Richey, Florida 34652.

The notice indicates intent to establish the new point location in a county with a population of more than 300,000, 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 MS65, 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: Tae Kwan Kim, KRM America, LLC, 5815 Brook Hollow Parkway, Suite C, Norcross, Georgia 30071.

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

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### 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.

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