



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claire Anthony-Davis, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4266, e-mail: Claire.Davis@ahca.myflorida.com

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>. Comments will be received until 5:00 p.m., on the day of the workshop.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.140 Hospice Services.

1) This rule applies to all providers of hospice services who are providers enrolled in or registered with the Florida Medicaid program.

(2) All providers of hospice services providers enrolled in the Medicaid program must be in compliance with the provisions of comply with the Florida Medicaid Hospice Services Coverage Policy, incorporated by reference and Limitations Handbook, October 2003, updated January 2005, January 2006, and January 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB 04, incorporated by reference in Rule 59G-4.003, F.A.C. The policy is Both handbooks are available from the Florida Medicaid fiscal agent's Web site website at <http://portal.flmmis.com/flpublic> <http://floridamedicaid.aes-ine.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Medicaid fiscal agent at 1(800) 377 8216.

(3) ~~The following forms that are included in the Florida Medicaid Hospice Services Coverage and Limitations Handbook are incorporated by reference: AHCA 5000 20, July 1999, Florida Medicaid Hospice Care Services Referral for Medicaid Eligibility; AHCA 5000 21, July 1999, Florida Medicaid Hospice Care Services Election Statement; AHCA 5000 21S, July 1999, Servicios de Hospice Del Programa De Medicaid en la Florida Declaracion de Eleccion; AHCA 5000 22, July 1999, Florida Medicaid Hospice Care Services Revocation or Change Statement; AHCA 5000 22S, July 1999, Servicios Hospice Medicaid de la Florida, Revocacion o Declaracion de Cambio; AHCA 5000 23, July 1999, Notice of Change in Recipient's Hospice Status; AHCA 5000 24, July 1999, Notice of Hospice Election Nursing Facility; AHCA 5000 29, October 2003, Notice of Hospice Election Waiver; AHCA 5000 30, October 2003, Cooperative Agreement for a Hospice and Medicaid Waiver Enrolled~~

~~Recipient; AHCA 5000 30A, October 2003, Attachment to Cooperative Agreement for a Hospice and Medicaid Waiver Enrolled Recipient. These forms are available from the Medicaid fiscal agent.~~

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, 8-4-04, 10-2-05, 8-27-06, 12-24-07, \_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.: RULE TITLES:

62-777.100 Referenced Guidelines

62-777.150 Applicability

62-777.170 Derivation of Cleanup Target Levels

PURPOSE AND EFFECT: Review and discussion of changes made in response to public comment from the previous rule workshop. Since Chapter 62-777, F.A.C. was adopted in 2005 there have been many changes with regard to how to calculate appropriate risk-based cleanup target levels both in terms of the methods of calculation and the parameters used in the calculations. These developments lead to improved derivation of the appropriate cleanup target levels and provide the correct degree of protection to human health and the environment. These new methods also reduce the amount of conservatism in some previous estimates to suitable levels thereby providing sufficient protectiveness while minimizing potential cleanup costs. The department is proposing to review and update the method(s) for establishing cleanup target levels, the parameter values used, and develop updated cleanup target levels. Note that tables 1-6 and figures 1-10 in Chapter 62-777, F.A.C. will also be updated. This update to the method(s) and values is planned to run concurrently with the rule making for Chapter 62-780, F.A.C.

The agenda will be available at <http://www.dep.state.fl.us/waste/> by October 28th or by contacting the contact person listed below.

SUBJECT AREA TO BE ADDRESSED: Cleanup Target Levels, Contaminated Site Cleanup.

RULEMAKING AUTHORITY: 376.303, 376.30701, 376.3071, 376.3078(4), 376.81, 403.061, 403.704 FS.

LAW IMPLEMENTED: 376.30701, 376.3071, 376.3078(4), 376.81, 403.707 FS.

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

DATE AND TIME: November 4, 2015 from 9:00 a.m. until no later than 4:00 p.m. This workshop shall include discussions regarding both Chapters 62-780 and 62-777, F.A.C. The workshop for Chapter 62-780, F.A.C. will begin at the time indicated and at the conclusion of those discussions the workshop for Chapter 62-777, F.A.C. will begin.

PLACE: SOUTHWEST DISTRICT OFFICE of the Florida Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace. The workshop will also be available by teleconference at 1(888)670-3525, participant code: 164-302-8932 and webinar (no audio) at <https://meet.lync.com/floridadep/brian.dougherty/4Q9034PQ>

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: Brian Dougherty at (850)245-7503 or [brian.dougherty@dep.state.fl.us](mailto:brian.dougherty@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brian Dougherty at (850)245-7503 or [brian.dougherty@dep.state.fl.us](mailto:brian.dougherty@dep.state.fl.us)

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-780.100	Referenced Guidelines and Information Sources
62-780.150	Applicability
62-780.200	Acronyms and Definitions
62-780.210	Contamination Reporting
62-780.220	Notices
62-780.300	Quality Assurance Requirements
62-780.400	Professional Certifications
62-780.450	Combined Document
62-780.500	Emergency Response Action or Interim Source Removal
62-780.550	Nonpetroleum De Minimis Discharges
62-780.560	Petroleum or Petroleum Product De Minimis Discharges
62-780.600	Site Assessment
62-780.610	Fate and Transport Model and Statistical Method Requirements
62-780.650	Risk Assessment
62-780.680	No Further Action and No Further Action with Controls
62-780.690	Natural Attenuation Monitoring
62-780.700	Active Remediation
62-780.750	Post Active Remediation Monitoring
62-780.790	Time Schedules
62-780.900	Forms

PURPOSE AND EFFECT: Review and discussion of changes made in response to public comment from the previous rule workshop. Chapter 62-780, F.A.C. has not been substantially updated on a technical basis since adoption in 2005. In the

intervening time, much has been learned with regard to applying Risk-Based Corrective Action (RBCA) principles to contaminated site management and closure. The department is reviewing and updating these rules given technical advancement since original rule adoption. In addition, a number of inconsistencies or incongruities have been uncovered within the rule chapter, and these will be corrected. Specific topics to be addressed include evaluation of Incremental Sampling Methodology, revision of determination of leachability, the use and application of apportionment, and splitting the current rule 62-780.500 into two separate rules, one for emergency response actions and one for interim source removal.

The agenda and draft rule will be available at <http://www.dep.state.fl.us/waste/> by October 28th or by contacting the contact person listed below.

SUBJECT AREA TO BE ADDRESSED: Contaminated Site Cleanup, Risk Based Corrective Action.

RULEMAKING AUTHORITY: 376.303, 376.3071, 376.30701, 376.30702, 376.3078(4), 376.3078(9), 376.81, 403.061, 403.0877, 403.7255 FS.

LAW IMPLEMENTED: 376.303, 376.305, 376.3071, 376.30701, 376.30702, 376.30711, 376.3078(4), 376.3078(9), 376.315, 376.80, 376.81, 403.021, 403.061, 403.062, 403.0877, 403.7255 FS.

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

DATE AND TIME: Wednesday, November 4, 2015, 9:00 a.m. – 4:00 p.m.

This workshop shall include discussions regarding both Chapters 62-780 and 62-777, F.A.C. The workshop for Chapter 62-780, F.A.C. will begin at the time indicated and at the conclusion of those discussions the workshop for Chapter 62-777, F.A.C. will begin.

PLACE: SOUTHWEST DISTRICT OFFICE of the Florida Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace

The workshop will also be available by teleconference: 1(888)670-3525 participant code: 164-302-8932 and webinar at

<https://meet.lync.com/floridadep/brian.dougherty/4Q9034PQ>

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: Brian Dougherty at (850)245-7503 or [brian.dougherty@dep.state.fl.us](mailto:brian.dougherty@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: RULE TITLE:  
 64B5-17.002 Written Dental Records; Minimum Content; Retention

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language regarding pro bono dental events.

SUBJECT AREA TO BE ADDRESSED: Written Dental Records; Minimum Content; Retention.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.057, 456.058, 466.028(1)(m), 466.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**Section II  
 Proposed Rules**

**ADMINISTRATION COMMISSION**

RULE NOS.:	RULE TITLES:
28-24.003	Electrical Generating Facilities and Transmission Lines
28-24.004	Hospitals
28-24.005	Industrial Plants and Industrial Parks
28-24.006	Mining Operations
28-24.008	Petroleum Storage Facilities
28-24.009	Port Facilities
28-24.017	Hospitals
28-24.018	Industrial Plants and Industrial Parks
28-24.019	Mining Operations
28-24.021	Petroleum Storage Facilities
28-24.022	Port Facilities
28-24.026	Hotel or Motel Development
28-24.029	Industrial Plants, Industrial Parks and Distribution, Warehousing or Wholesaling Facilities
28-24.030	Port Facilities
28-24.033	Port Facilities
28-24.034	Port Facilities
28-24.036	Port Facilities

PURPOSE AND EFFECT: The above referenced rules have been determined to be unnecessary as the statutory requirement for development of regional impact review has either been repealed or exempted.

SUMMARY: The above referenced rules have been determined to be unnecessary as the statutory requirement for development of regional impact review has either been repealed or exempted.

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.

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: 14.202, 380.06(2), 380.0651(3)(c), (e), (g), FS, Section 54, Chapter 93-206, Laws of Florida

LAW IMPLEMENTED: 380.06, 380.0651, FS, Chapter 93-206, Laws of Florida

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: Barbara Leighty, Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida, (850)717-9513

THE FULL TEXT OF THE PROPOSED RULE IS:

28-24.003 Electrical Generating Facilities and Transmission Lines. Rulemaking Authority 14.202 FS. Law Implemented 380.06 FS. History–New 7-1-73, Formerly 22F-2.03, 27F-2.03, 27F-2.003, Repealed.

28-24.004 Hospitals. Rulemaking Authority 14.202 FS. Law Implemented 380.06 FS. History–New 7-1-73, Formerly 22F-2.04, 27F-2.04, 27F-2.004, Repealed.

28-24.005 Industrial Plants and Industrial Parks. Rulemaking Authority 14.202 FS. Law Implemented 380.06 FS. History–New 7-1-73, Formerly 22F-2.05, 27F-2.05, 27F-2.005, Repealed.

28-24.006 Mining Operations. Rulemaking Authority 14.202 FS. Law Implemented 380.06 FS. History–New 7-1-73, Formerly 22F-2.06, 27F-2.06, 27F-2.006, Repealed.

28-24.008 Petroleum Storage Facilities. Rulemaking Authority 14.202 FS. Law Implemented 380.06 FS. History–New 7-1-73, Formerly 22F-2.08, 27F-2.08, 27F-2.008, Repealed.

28-24.009 Port Facilities. Rulemaking Authority 14.202 FS. Law Implemented 380.06 FS. History–New 7-1-73, Formerly 22F-2.09, 27F-2.09, 27F-2.009, Repealed.

28-24.017 Hospitals. Rulemaking Authority 380.06(2) FS. Law Implemented 380.06, 380.0651 FS. History–New 12-31-85, Formerly 27F-2.017, Repealed.

28-24.018 Industrial Plants and Industrial Parks. Rulemaking Authority 380.0651(3)(c) FS. Law Implemented 380.06 FS. History–New 12-31-85, Formerly 27F-2.018, Repealed.

28-24.019 Mining Operations. Rulemaking Authority 380.06(2) FS. Law Implemented 380.06, 380.0651 FS. History–New 12-31-85, Formerly 27F-2.019, Repealed.

28-24.021 Petroleum Storage Facilities. Rulemaking Authority 380.06(2) FS. Law Implemented 380.06, 380.0651 FS. History–New 12-31-85, Formerly 27F-2.021, Repealed.

28-24.022 Port Facilities. Rulemaking Authority 380.0651(3)(e) FS. Law Implemented 380.06 FS. History–New 12-31-85, Formerly 27F-2.022, Repealed.

28-24.026 Hotel or Motel Development. Rulemaking Authority 380.0651(3)(g) FS. Law Implemented 380.06 FS. History–New 12-31-85, Formerly 27F-2.026, Repealed.

28-24.029 Industrial Plants, Industrial Parks and Distribution, Warehousing or Wholesaling Facilities. Rulemaking Authority 380.0651(3)(c) FS. Law Implemented 380.06 FS. History–New 7-25-89, Repealed.

28-24.030 Port Facilities. Rulemaking Authority 380.0651(3)(e) FS. Law Implemented 380.06 FS. History–New 7-25-89, Repealed.

28-24.033 Port Facilities. Rulemaking Authority 380.0651(3)(e) FS. Law Implemented 380.06 FS. History–New 1-5-94, Repealed.

28-24.034 Port Facilities. Rulemaking Authority 380.0651(3)(e) FS. Law Implemented 380.06 FS. History–New 1-5-94, Repealed.

28-24.036 Port Facilities. Rulemaking Authority Section 54, Chapter 93-206, Laws of Florida. Law Implemented Chapter 93-206, Laws of Florida. History–New 1-5-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Administration Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 9/29/15

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:  
 59A-18.0081 Certified Nursing Assistant and Home Health Aide

PURPOSE AND EFFECT: The Agency is proposing to amend the rule governing certified nursing assistants (CNAs) and home health aides referred by nurse registries. Rule 59A-18.0081, F.A.C. is amended to modify the certification and training requirements for a home health aide and a CNA. Currently, CNAs and home health aides must maintain a current CPR certification from an instructor that is approved to provide training by the American Heart Association or the American Red Cross only.

SUMMARY: Rule 59A-18.0081, F.A.C. is amended to modify training requirements for a home health aide and a CNA. The term "CPR" is spelled out as cardiopulmonary resuscitation for clarity. The rule is amended to add training providers, along with instructors, through whom a home health aide or CNA can receive CPR certification. Language is revised to add the Health and Safety Institute as an organization through which instructors and training providers can be approved to provide cardiopulmonary resuscitation training. Additionally, the rule is amended to require that a home health aide or CNA receive CPR training in which the student is required to demonstrate, in person, that he or she is able to perform cardiopulmonary resuscitation.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. For the rules listed above, the Agency prepared a checklist for each rule to determine the necessity for a SERC.

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: 400.488, 400.497, 400.506 FS.

LAW IMPLEMENTED: 400.488, 400.497, 400.506 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: October 28, 2015, 2:00p.m. – 3:00p.m.

PLACE: Agency for Health Care Administration Ft. Knox Bldg. 3, Conference Room C, 2727 Mahan Drive, 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 7 days before the workshop/meeting by contacting: Ruby Grantham, Home Care Unit, Bureau of Health Facility Regulation, (850)412-4403 or Ruby.Grantham@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruby Grantham, Home Care Unit, Bureau of Health Facility Regulation, HQAHOMEHEALTH@ahca.myflorida.com, (850)412-4386

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-18.0081 Certified Nursing Assistant and Home Health Aide.

The certified nursing assistant (C.N.A.) and the home health aide shall:

(1) through (10) No change.

(11) CNAs and home health aides referred by nurse registries must maintain a current cardiopulmonary resuscitation (CPR) certification from an instructor or training provider that is approved to provide training by the American Heart Association, ~~or~~ the American Red Cross, or the Health and Safety Institute, and that provides CPR training in which the student is required to demonstrate, in person, that he or she is able to perform cardiopulmonary resuscitation.

(12) through (15) No change.

Rulemaking Authority 400.488, 400.497, 400.506 FS. Law Implemented 400.488, 400.497, 400.506 FS. History—New 1-27-94, Amended 12-24-00, 8-10-06, 3-15-07, 5-4-15,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ruby Grantham

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 07, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 15, 2015

**DEPARTMENT OF MANAGEMENT SERVICES**

**RULE NO.:** 60FF-1.006  
**RULE TITLE:** Required Users: Replacement Declarations and Terminations for Existing Network Solutions that are Not Provided through SUNCOM.

**PURPOSE AND EFFECT:** Repeal.

**SUMMARY:** The proposed repealed rule applied only prior to March 31, 2009 regarding SUNCOM connections.

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

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

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

**RULEMAKING AUTHORITY:** 282.702(9), 282.707 FS.

**LAW IMPLEMENTED:** 282.702(2), (8), (12), 282.703 FS.

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

**DATE AND TIME:** Thursday October 29, 2015, 1:30 p.m. – 2:30 p.m.

**PLACE:** DMS/ Division of Telecommunications 4030 Esplanade Way, Tallahassee, FL 32399 Room 109

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any rulemaking proceeding is asked to advise the Department at least 48 hours before such proceeding by contacting: Denise Adkins (850)921-1647

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Denise Adkins (850)921-1647

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

60FF-1.006 Required Users: Replacement Declarations and Terminations for Existing Network Solutions that are Not Provided through SUNCOM.

Specific Authority 282.102(9) FS. Law Implemented 282.102(2), (8), (12), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—New 6-25-08, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Tammy Williams, Bureau Chief of Financial Operations, Division of Telecommunications.

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Secretary Chad Poppell

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 4, 2015

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

**RULE NOS.:** 60L-39.001  
**RULE TITLES:** Scope and Purpose  
60L-39.008 Local Steering Committees

**PURPOSE AND EFFECT:** These rules are to be repealed. There will be no adverse effect on stakeholders or the public.

**SUMMARY:** The agency will remove the scope and purpose from rules unless there is sufficient evidence of statutory authority for developing a scope and purpose which is not repetitive of the statute or a citation of legislative intent. 60L-39.008 is repealed as all references to local steering committees have been removed from Section 110.181, F.S., and the processes associated with forming and managing the committees are no longer necessary.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The 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 \$1 million dollars in the aggregate within 5 years after the implementation of the rule. For these reasons, a SERC has not been prepared by the agency and legislative ratification is not required.

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

**RULEMAKING AUTHORITY:** 110.181(3) FS.

**LAW IMPLEMENTED:** 110.181 FS.

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

DATE AND TIME: Thursday, October 29, 2015, 2:30 p.m.  
 PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, FL 32399-0950  
 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: Mr. Mark Helms at mark.helms@dms.myflorida.com or (850)487-1508. 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: Mr. Mark Helms at mark.helms@dms.myflorida.com or (850)487-1508

THE FULL TEXT OF THE PROPOSED RULE IS:

**60L-39.001 Scope and Purpose.**

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-1-02, Amended 1-23-07, 5-16-10, Repealed xx-xx-xx.

**60L-39.008 Local Steering Committees.**

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 5-16-10. Amended 2-17-13, Repealed xx-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director, Human Resource Management  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2015

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE NOS.:	RULE TITLES:
60L-39.0015	Definitions
60L-39.003	Statewide Steering Committee
60L-39.004	Eligibility Criteria for Participation by Charitable Organizations
60L-39.005	Application Procedures
60L-39.006	Department Duties and Responsibilities
60L-39.007	Appeals
60L-39.009	Employee Contributions and Campaign Events

PURPOSE AND EFFECT: Revisions are needed to Rule Chapter 60L-39, F.A.C. to implement the provisions of Chapter 2015-61, Laws of Florida.

SUMMARY: The proposed revisions further minimize use of state resources for FSECC administration and comport with one of the major tenets of the FSECC law, which is to facilitate employee giving for the benefit of charities, while

minimizing workplace disruption. Additionally, language is proposed throughout the rule to memorialize current practices and to provide clarity in the application of the rule.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The 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 \$1 million dollars in the aggregate within 5 years after the implementation of the rule. For these reasons, a SERC has not been prepared by the agency and legislative ratification is not required.

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

RULEMAKING AUTHORITY: 110.181(3) FS.

LAW IMPLEMENTED: 110.181 FS.

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

DATE AND TIME: Thursday, October 29, 2015, 2:30 p.m.  
 PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, FL 32399-0950

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: Mr. Mark Helms at mark.helms@dms.myflorida.com or (850)487-1508. 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: Mr. Mark Helms at mark.helms@dms.myflorida.com or (850)487-1508

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-39.0015 Definitions.

(1) No change.



(a) Activities. For purposes of applying Section 110.181(1)(e)2, s. 110.181(1)(h)2, F.S., this term means the actions of the charitable organization in providing services through its charitable work. This term does not refer to internal structure or membership of the charitable organization.

(b) through (c) No change.

(d) Campaign Cycle. A time period that begins ~~with the March 1 Form DMS ADM 100 (rev. 02/13) application deadline for participation in a given fundraising drive~~ and concludes at the end of the following calendar year ~~after all payroll deductions have been collected and distributed for that drive.~~

(e) No change.

(f) Completed Application. ~~A Form DMS ADM 100 (rev. 02/13)~~ The Florida State Employees' Charitable Campaign Application for Participation (Form DMS-ADM-100, rev.xx/2015) hereby incorporated by reference, on which charitable organizations have provided the requested information for every applicable question and data field, including the required supporting documentation. This form is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05901>. The application may also be filed electronically by accessing www.fsecc.com.

(g) Designated Funds. ~~All m~~Monies contributed by employees in the form of cash, checks, or recurring payroll deductions that are not collected as part of agency sponsored campaign events and that, pursuant to Section 110.181(1)(b), F.S., are designated to specific charitable organizations included from among the list of charitable organizations approved for participation in the Campaign Brochure.

(h) No change.

(i) Fiscal Agent Area. A geographic region of the state ~~defined by the Department for administrative convenience in managing the contracted services provided by the fiscal agents.~~

~~(i)(j)~~ Relettered, No change.

~~(j)(k)~~ Relettered, No change.

~~(l) Independent Unaffiliated Agency. A charitable organization which is not an umbrella group or a member of any umbrella group.~~

~~(m) International Service Agency. A charitable organization with any programs outside the United States.~~

~~(n) National Agency. An umbrella group or an affiliated member of an umbrella group serving basic human or environmental needs inside the United States. This definition excludes any charitable organization that is a member or affiliate of the United Way of Florida, Inc.~~

~~(k)(o)~~ Relettered, no change

~~(l)(p)~~ Relettered, no change

~~(m)(q)~~ Relettered, no change

~~(n)(r)~~ Relettered, no change

~~(o)(s)~~ Relettered, no change

~~(p)(t) Umbrella Group. An entity that is a federated fundraising organization as defined in Section 496.404(12)(10), F.S., and, if required, registered under Chapter 496, F.S.~~

(q) Unaffiliated Agency. A charitable organization which is neither an umbrella group nor a member of at least one umbrella group.

(r) Undesignated Funds. All monies contributed by employees in the form of cash or checks that are collected at agency sponsored campaign events and that, pursuant to Section 110.181(1)(b), F.S., are not designated to specific charitable organizations.

(2) No change.

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-23-07, Amended 5-16-10, 2-17-13, xx-xx-xx.

60L-39.003 Statewide Steering Committee.

(1) through (3) No change

(4) The Statewide Steering Committee shall approve the statewide calendar of events ~~and marketing materials~~ proposed by either the Department or the fiscal agent.

(5) The Statewide Steering Committee shall review all ~~Completed Form DMS ADM 100 (rev. 02/13)~~ Applications before June 1 of each ~~Campaign Cycle~~ and recommend approval or denial ~~to the Department~~ on the basis of compliance with the established criteria, completeness and timely submission.

(6) No change

~~(7) The Statewide Steering Committee shall recommend to the Department approval or denial of any reviewed Form DMS ADM 100, rev. xx/2015 Form DMS ADM 100 (rev. 02/13) application.~~

~~(7)(8)~~ Relettered, no change

(a) No change.

(b) Campaign brochures shall group charitable organizations by their respective umbrella group into separate sections of the brochure. The order of the umbrella groups shall be alphabetical. The individual charities that comprise an umbrella group shall be listed in alphabetical order within the umbrella group listing, except that the umbrella group itself will be listed first, if applicable. ~~Independent Unaffiliated~~ agencies shall be grouped together alphabetically as one listing and appear as the last section of the brochures. Electronic brochures that provide search functions to allow employees to find specific charities shall use search criteria established by the Department.

(c) through (e) No change.

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 3-5-04, 1-9-05, 2-13-06, 1-23-07, 5-16-10, 2-17-13, xx-xx-xx.

60L-39.004 Eligibility Criteria for Participation by Charitable Organizations.

(1) For purposes of ensuring compliance with the eligibility criteria of Sections 110.181(1)(c)-(e) ~~110.181(1)(e)-(h)~~, F.S., charitable organizations are subject to the following:

(a) No change

(b) Religious charitable organizations which provide services described in Section 110.181, F.S., may ~~shall~~ not be excluded because of religious viewpoint.

(c) Organizations which comply with all applicable state and federal nondiscrimination laws shall be deemed in compliance with Section 110.181(1)(e)3. ~~110.181(1)(h)3~~, F.S.

(d) No change

(e) Organizations which are duly registered under section 501(c)(3), Internal Revenue Code, shall be deemed in compliance with Section 110.181(1)(e)5. ~~110.181(1)(h)5~~, F.S.

(2) - (3) No change

~~(4) An Independent Unaffiliated Agency shall be deemed to be providing services throughout the year and throughout the state in accordance with Section 110.181(1)(d), F.S., if they demonstrate that their services were provided every month of the calendar year and in every fiscal agent area.~~

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 1-23-07, 5-16-10, 2-17-13, xx-xx-xx.

60L-39.005 Application Procedures.

(1) ~~A Completed Application for annual participation in the FSECC shall be submitted no later than March 1 of each year for the Campaign Cycle beginning that year on Form DMS-ADM 100 (rev. 02/13). Application for Participation in the Florida State Employees' Charitable Campaign, revised 02/13, which is hereby incorporated by reference. This form shall be available upon request and from <https://www.flrules.org/Gateway/reference.asp?No=Ref-02265> or on the Department's website: [www.dms.myflorida.com/fsecc](http://www.dms.myflorida.com/fsecc).~~

(a) through (c) No change.

(d) Each charitable organization shall document in Question 12 of the application, administrative expenses, fundraising expenses and total revenue from the organization's most recently filed IRS Form 990, which must cover a fiscal period ending not more than 24 months prior to March 1. Charitable Organizations that are not required to file an IRS Form 990 or that file an IRS Form 990 EZ or an IRS Form 990 PF shall provide analogous figures in Question 12, in accordance with the instructions on the Form DMS-ADM-100, rev. xx/2015, as follows:

~~1. Each charitable organization required to file IRS Form 990 shall submit a copy of the applicable pages of its most recently filed IRS Form 990, in accordance with the instructions for completing the Form DMS-ADM 100 (rev. 02/13) application, provided that such IRS Form 990 is for a fiscal period ending not more than 24 months prior to March 1.~~

~~2. Charitable organizations that are not required to file an IRS Form 990 or that file an IRS Form 990 EZ or an IRS Form 990 PF shall submit a copy of the applicable pages of an IRS Form 990 with their application, in accordance with instructions on the Form DMS-ADM 100 (rev. 02/13).~~

(2) No change.

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-1-02, Amended 3-5-04, 1-9-05, 2-13-06, 1-23-07, 5-16-10, 2-17-13, xx-xx-xx.

60L-39.006 Department Duties and Responsibilities.

(1) No change.

(a) No change.

~~(b) Select, train and partner with local steering committees comprised of state employees in the fiscal agent area to assist in conducting the campaign.~~

~~(b)(e)~~ Relettered, no change

~~(c)(d)~~ Honor employee designations as follows:

1. For payroll deducted contributions: Use the pledged designation amounts to establish the percentage of total payroll designations attributable to each charity and apply this percentage to the net payroll contributions collected to determine each charity's recurring distribution from payroll funds; and

2. For lump sum, one-time contributions: Use the actual designation amounts to determine each charity's net distribution from lump sum, one-time contributions.

~~(d)(e)~~ Relettered, no change

~~(e)(f)~~ Respond in a timely and appropriate manner to inquiries from employees, participating charitable organizations, umbrella groups or the Statewide ~~or Local Steering Committee Committees~~;

~~(f)(g)~~ Distribute net campaign funds to participating charitable organizations based on a schedule agreed upon through the fiscal agent contract, but on no less than a quarterly basis;

~~(g)(h)~~ Withhold the reasonable costs for performing contracted services ~~conducting the campaign and for accounting and distribution to the participating charitable organizations~~. These costs shall be shared proportionately by the participating charitable organizations based on their percentage share of the gross campaign funds;

~~(h)~~<sup>(i)</sup> In cases where the fiscal agent hosts events on behalf of the campaign where any participating charitable organization will be permitted to be in attendance, ensure that an invitation to attend is extended to all charitable organizations approved for participation in the campaign. The fiscal agent may invite charitable organizations that are members of an umbrella group by extending the invitation to their respective umbrella group;

~~(i)~~<sup>(j)</sup> Relettered, no change

(2) No change.

(3) Upon conclusion of the Statewide Steering Committee's review of all applications, the Department shall document their final recommendations, and pursuant to subsection 60L-39.003(7) ~~60L-39.003(8)~~, F.A.C., and forward them to the Secretary, who will make the final determinations. The Department shall then notify all applicant charitable organizations and their umbrella group, if applicable, of their approval or denial and their appeal rights. Denied charitable organizations shall be notified by certified letter and advised of their appeal rights.

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 3-5-04, 1-9-05, 2-13-06, 1-23-07, 5-16-10, 2-17-13, xx-xx-xx.

60L-39.007 Appeals.

(1) Charitable organizations that have been notified of their ineligibility to participate in the campaign may appeal by notifying the Department within seven working days after the receipt of the notice of ineligibility.

(2) Charitable organizations or their respective umbrella group may not introduce new material designed to complete an application during the appeal process. This provision is established specifically to preclude the use of the appeal process to expand the time available to assemble a complete application by the required deadlines. A charitable organization that submitted expense and revenue information in Question 12 of its application derived from its IRS Form 990 by the application deadline of March 1 may provide updated information from a more recent IRS Form 990 in conjunction with its appeal.

(3) All appeals for participation in the campaign shall be concluded by July 15 ~~June 30~~ to allow timely publication of authorized participating charitable organizations in the FSECC brochures.

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 3-5-04, 5-16-10, 2-17-13, xx-xx-xx.

60L-39.009 Employee Contributions and Campaign Events.

(1) No change.

(2) Contributions shall be made only by public officials and employees, and shall be entirely voluntary, and designated

to charitable organizations approved for inclusion in the campaign unless such contributions are collected as part of a campaign event, pursuant to Section 110.181(1)(b), F.S.

(3) The primary method for employees to contribute designated funds shall be through recurring payroll deductions pledged for a specific calendar year or through a lump sum, one-time cash or check contribution in lieu of payroll deductions. Such pledged payroll deductions or one-time cash or check contribution shall be made using the electronic pledge system offered by the fiscal agent for the campaign ~~on a Form DMS ADM 103, FSECC Payroll Deduction Authorization or Lump Sum Gift Designation, effective 02/13, which is hereby incorporated by reference. The fiscal agent shall provide an input form for employees unable to enter their pledge directly into the electronic pledge system.~~ This form shall be available upon request ~~and~~ on <https://www.flrules.org/Gateway/reference.asp?No=Ref-02266> and on the Department's website: [www.fsecc.com](http://www.fsecc.com) [www.dms.myflorida.com/fsecc](http://www.dms.myflorida.com/fsecc).

(4) No change.

(4)(a) through (4)(c) No change

(5) For agency sponsored campaign events used to generate undesignated ~~designated~~ funds through cash or check donations for a specified campaign cycle, the agency head or designee shall ensure that the collected cash or check donations are submitted to the fiscal agent pursuant to the procedures and timelines established for that year's campaign. Agencies are permitted to utilize a portion of the undesignated funds received to offset the cost of an agency sponsored campaign event. In such cases the agency shall document and report such expenditures to the fiscal agent. †

~~(a) Employees contribute their designated cash or check donations at or prior to such events;~~

~~(b) Employees designate their contribution on a Form DMS ADM 104, FSECC Special Event Designation, effective 02/13, which is hereby incorporated by reference. This form shall be available upon request and on~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-02267> ~~and on the Department's website:~~ [www.dms.myflorida.com/fsecc](http://www.dms.myflorida.com/fsecc);

~~(c) Cash or check donations that are designated funds for the charities are segregated from any payment the employee is required to make to offset the cost of participation in the campaign event such as registration fees, greens fees for golf tournaments, and fees used to cover the cost of supplies or other overhead costs;~~

~~(d) The agency submits to the fiscal agent, pursuant to the timelines established for that year's campaign, all designated cash and check donations received in connection with that particular event, the corresponding Form DMS ADM 104 for each donation, and a summary of the total funds submitted.~~

(6) To minimize administrative costs associated with processing designated donations, the minimum amount that may be designated by an employee to a charity is ten ~~five~~ dollars (\$10.00) ~~(\$5.00)~~.

(7) No change.

(8) The agency or agency designee shall ensure that all the designated lump sum, one-time contributions that are made in lieu of payroll deduction ~~and all the corresponding Forms DMS ADM 103 completed by employees~~ are collected and submitted to the fiscal agent pursuant to the procedures and timelines established for that year’s campaign.

(9) through (11) No change.

(12) Participating charities may attend agency sponsored campaign events; however, agencies may ~~shall~~ not permit, plan, or conduct distribution or display of any materials, solicitation, or services of any specific charity within State facilities as part of the campaign.

(13) No change.

Rulemaking Authority 110.181(3) FS. Law Implemented 110.181 FS. History–New 5-16-10, Amended 2-17-13, xx-xx-xx.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sharon D. Larson, Director, Division of Human Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 01, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 2, 2015

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-6.002	General Duties and Responsibilities
61D-6.006	Procedures Relating to Split Samples
61D-6.008	Permitted Medications for Horses
61D-6.009	Veterinarians
61D-6.011	Penalty Guidelines for Class I-V Drug Violations in Horses
61D-6.012	Penalty Guidelines for Class I-V Drug Violations in Greyhounds

PURPOSE AND EFFECT: The purpose and effect of these rule amendments will be to bring the rules into congruency with the updates to the Florida Statutes made during the last session of the Florida Legislature.

SUMMARY: The proposed rule amendments edit the language of the rules for clarity and bring general duties and responsibilities, procedures relating to split samples, permitted medications for horses, penalty guidelines for Class I-V drug violations in horses, and penalty guidelines for Class I-V drug

violations in greyhounds into congruency with the updated Florida Statutes.

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

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

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

RULEMAKING AUTHORITY: 120.80, 550.155, 550.0251, 550.2415 FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.2415, 550.1155 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: October 29, 2015, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Northwood Centre Board Room, 1940 North Monroe 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: Bryan Barber, (850)717-1761, bryan.barber@myfloridalicense.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: Bryan Barber, Rules Coordinator, 850-717-1761, bryan.barber@myfloridalicense.com

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.002 General Duties and Responsibilities.

(1) The trainer of record shall be responsible for and be the absolute insurer of the condition of the horses or racing greyhounds, he/she enters to race. Trainers, kennel owners and operators are presumed to know the rules of the Division. The trainer of record shall be identified on Form DBPR

PMW-3360, ~~Kenel~~ Personnel Roster, effective on the date that this rule is promulgated and adopted herein by reference, which can be obtained at [https://www.flrules.org/gateway/reference.asp?NO=Ref-\\_\\_\\_\\_\\_, www.myfloridalicense.com/dbpr/pmw,](https://www.flrules.org/gateway/reference.asp?NO=Ref-_____, www.myfloridalicense.com/dbpr/pmw,) or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, ~~adopted and incorporated by Rule 61D 10.001, Florida Administrative Code, which~~ The the trainer of record shall provide to the chief inspector and racing secretary at any track where the trainer enters racing animals in pari-mutuel races Form DBPR PMW-3360, Personnel Roster at the beginning of each race meet and whenever any changes are made to the personnel under his/her employment.

(2) Each permitholder of a thoroughbred, harness, quarter horse, or greyhound racing facility shall provide and maintain a detention enclosure in a location approved by the Division for the purpose of securing urine, blood or other samples from racing greyhounds or horses. The detention enclosure at horse tracks shall have a perimeter fence which will prevent access of unauthorized persons, contain a wash rack, an office for the Division veterinarian, and not less than six detention stalls with an adjacent walking ring. The detention enclosure at greyhound tracks shall be located within a reasonable distance of the veterinary assistant detention office and shall have a chain link perimeter fence which will prevent access of unauthorized persons. The detention enclosure at greyhound tracks shall be large enough to allow three dogs to be walked simultaneously for the purpose of taking urine samples, be partially covered to allow sampling during inclement weather, and have sufficient lighting to allow sampling during hours of darkness.

Rulemaking Authority 120.80(4)(a), 550.0251(3), 550.2415(2), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06,\_\_\_\_\_.

#### 61D-6.006 Procedures Relating to Split Samples.

The following procedures shall be followed when requesting a portion of an official sample for analysis at an independent another laboratory:

(1) A trainer of record or owner of a racehorse or racing greyhound who has received a report of positive result may request that a split sample analysis be conducted on the corresponding portion of the specimen analyzed by the primary racing laboratory under contract with the Division. The trainer of record or owner may request that the split sample be sent to an independent laboratory approved by the Division for split sample analysis. The request must be made in writing or on Form DBPR PMW-3290, Split Sample Request, effective on the date this rule is promulgated and adopted herein by reference, which can be obtained at

[https://www.flrules.org/gateway/reference.asp?NO=Ref-\\_\\_\\_\\_\\_, www.myfloridalicense.com/dbpr/pmw,](https://www.flrules.org/gateway/reference.asp?NO=Ref-_____, www.myfloridalicense.com/dbpr/pmw,) or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, and submitted by certified mail or hand delivery to the State Steward, Division Hearing Officer, or the Division's Office of the General Counsel no later than ten (10) calendar days after receipt of the report of positive result. Requests shall be made in writing or on Form DBPR PMW 3290, Notification to Stewards/Judges of Split Sample Request, ~~adopted and incorporated by Rule 61D 10.001, Florida Administrative Code, and shall be submitted to the division's steward or judge by certified mail, return receipt, or by hand delivery, within 10 calendar days after the trainer or owner has received written notification of the results of the laboratory under contract with the division from the stewards or judges or the division's Office of Operations.~~

(2) The party requesting the split sample shall select an independent laboratory from a list of laboratories approved by the Division division to perform the split sample analysis. Said party shall notify the laboratory of his/her choice, confirm its ability to test the suspect sample and make arrangements for the payment of all charges incurred with testing. The party requesting a split sample analysis shall bear all costs of the analysis.

(3) Failure to request a split sample or failure to select and make arrangements, including payment for services, with an approved independent laboratory within ten (10) calendar days after receiving written notification from Office of Operations, stewards or judges, of the report of positive results from the primary racing laboratory under contract with the division shall constitute a waiver of the right to a split sample. Failure to pay the independent laboratory in full for split sample analysis within ten (10) days of receipt of the request by the Division shall constitute a waiver of the right to a split sample.

(4) Upon receipt of the split sample request, the Division Whenever a split sample is requested, the stewards or judges shall promptly notify the Office of Operations, which in turn shall notify the primary laboratory under contract with the division of the request, identifying only the number on the sample container from which the split sample is to be taken, and the independent laboratory which has been selected, the volume requested by the independent laboratory, and the primary laboratory's internal tracking number. The primary racing laboratory under contract with the division shall send the split sample to the independent laboratory selected within ten (10) calendar days of receiving the request.

(5) The request of a split sample shall operate as a stay of any hearing before the stewards or judges until the analysis of the split sample has been completed. Failure by the requestor to pay the independent laboratory for a split sample test shall

not operate as a stay of any hearing before the stewards or judges.

~~(6) If the approved independent laboratory confirms the findings of the laboratory under contract with the division, the division is authorized to proceed with administrative action against any affected licensees pursuant to this chapter and the Florida Statutes. If a request for a split sample is made and there is an insufficient quantity of the official sample remaining for analysis by the approved independent laboratory, the division may still proceed with administrative action against any affected licensees based upon the findings of the laboratory under contract with the division, provided that the division has made a good faith effort to obtain and retain a sufficient quantity of sample during collection and testing of the sample.~~

~~Rulemaking Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(5), (12) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 6-26-11,\_\_\_\_\_.~~

61D-6.008 Permitted Medications for Horses.

(1) The prescription medications defined in this rule shall be permitted under the conditions set forth to conserve and protect the health of the horse which is entered to race. All such medications shall be procured and administered by a licensed veterinarian, except where a valid prescription or dispensing occurs in compliance with the requirements of Chapter 474, F.S.

~~(2)(a) Phenylbutazone may be administered to a horse providing:~~

- ~~1. The phenylbutazone is not administered closer than 24 hours prior to the officially scheduled post time of the race; or~~
- ~~2. The post race serum sample of such horse contains a concentration less than 2 micrograms (meg) of phenylbutazone or its metabolites per milliliter (ml) of serum.~~

~~(b) When the post race serum sample of such horse contains a concentration of phenylbutazone equal to or in excess of 2 micrograms per milliliter of serum, but less than 5 micrograms per milliliter of serum, the trainer as the absolute insurer of the horse, shall be subject to the following penalties:~~

- ~~1. First violation of this chapter in a 12-month period \$250.00 fine;~~
- ~~2. Second violation of this chapter in a 12-month period \$500.00 fine;~~
- ~~3. Third or subsequent violation of this chapter in a 12-month period \$1,000.00 fine and suspension of any division license 0 to 15 days.~~

~~(c) When the post race serum sample contains a concentration of phenylbutazone equal to or in excess of 5~~

~~micrograms per milliliter of serum, the trainer as the absolute insurer of the horse, shall be subject to the following penalties:~~

- ~~1. First violation of this chapter in a 12-month period \$500.00 fine and suspension of any division license 0 to 15 days;~~
- ~~2. Second violation of this chapter in a 12-month period \$1,000.00 fine and suspension of any division license 0 up to 30 days;~~
- ~~3. Third or subsequent violation of this chapter in a 12-month period \$1,000.00 fine and suspension of any division license 0 up to 60 days.~~

~~(3)(a) Furosemide (Salix) may be used solely for the treatment of horses participating in pari-mutuel racing events in the State of Florida that have exhibited exercise-induced pulmonary hemorrhage (bleeding) as provided below:~~

~~1. A "bleeder" shall be defined as a horse which demonstrates evidence of pulmonary hemorrhage within 3.0 hours of exercise as evidenced by fulminant bilateral epistaxis where endoscopic examination is not warranted, or by intratracheal evidence of pulmonary hemorrhage ascertained through endoscopic examination, either of which must be witnessed and certified in writing by a Florida licensed veterinarian. Such certification shall be submitted to the division's Salix Coordinator on Form DBPR PMW 3300, Bleeder's Certificate adopted and incorporated by Rule 61D-10.001, F.A.C. Out of state horses racing in Florida must be witnessed in Florida as outlined above or must have been certified by the state/commission or association/ track veterinarian from the previous state. Certification, in writing from the accredited College of Veterinary Medicine, will also be accepted if the horse has received a comprehensive cardio-pulmonary examination at an accredited College of Veterinary Medicine and as a result thereof is diagnosed with exercise induced pulmonary hemorrhage either viewed endoscopically after a treadmill exercise or via tracheal wash cytology and therefore found to require medication with furosemide in order to successfully compete.~~

~~2. Any horse on furosemide to be entered in a pari-mutuel racing event in the State of Florida shall not require re-certification if the horse has been certified as a "bleeder" and approved for the administration of furosemide by a racing jurisdiction utilizing certification procedures which are approved by the director of the Division of Pari-Mutuel Wagering in Florida. Documentation of certification from approved racing jurisdictions must be evidenced by an official~~

~~letter signed by a track veterinarian, or division/ State Veterinarian stating that a horse has exhibited exercise induced pulmonary hemorrhage and as a result of such bleeding was determined to require the administration of furosemide prior to participation in pari-mutuel racing events.~~

~~3. A horse which has not exhibited external bleeding may be placed on the Furosemide List after the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interest to race with furosemide and so notify the State Veterinarian.~~

~~4. It shall be the trainer's responsibility to provide the required documentation of certification to the Salix Coordinator prior to entry of any horse to race on furosemide in a pari-mutuel event in the State of Florida. When the trainer cannot provide written documentation within 48 hours prior to the scheduled post time for the race, the trainer of the horse in question may personally attest in writing that the horse meets all eligibility requirements for the use of furosemide and request that the stewards waive the requirement for receipt of written documentation prior to racing the horse on furosemide. All requests for waiver must be submitted on Form DBPR PMW 3330, Salix Certification Waiver, adopted and incorporated by Rule 61D-10.001, F.A.C. The stewards then may allow the horse to race on furosemide and grant the trainer a reasonable period of time, not to exceed 10 days, to produce the necessary written documentation as required in paragraph (a) above.~~

~~5. All purses, stakes, awards, or other prizes or compensation to be granted as a result of the subject horse's performance in the pari-mutuel event shall be withheld until such time as the trainer who attested to the horse's eligibility to race on furosemide has provided the required documentation. If the trainer fails to provide adequate documentation of the horse's eligibility, the subject horse will be disqualified and the trainer who represented the horse's eligibility to race on furosemide shall be suspended up to 10 days and fined \$500. Any purses, stakes, awards or other prize or compensation will be redistributed in accordance with the disqualification.~~

~~(b) When a horse exhibits a bleeding incident and goes on the Veterinarian's List, the horse is suspended beginning the first day after a bleeding incident is observed. Horses placed on the Veterinarian's List for bleeding must remain suspended according to the following schedule:~~

~~1. The first bleeding incident — 10 days suspension from racing;~~

~~2. A second bleeding incident within a 365-day period of a previous bleeding incident — 30 days suspension from racing;~~

~~3. A third bleeding incident within a 365-day period from two previous bleeding incidents — 180 days suspension from racing; and~~

~~4. A fourth bleeding incident within a 365-day period from three previous bleeding incidents — barred from racing in Florida. The above schedule of suspensions commences the day immediately following a bleeding incident.~~

~~(c) Horses will be eligible to race on the day immediately following the completion of the suspension period. The owner or trainer of any horse placed on the Veterinarian's List as a result of exercise-induced pulmonary hemorrhage (bleeding) may elect to place the animal on Florida's official Furosemide (Salix) List. The official Furosemide List shall be maintained by the Salix Coordinator and shall be the official list of horses approved for racing with furosemide in Florida. Horses placed on the official Furosemide List must have furosemide administered on race day, at a dosage of 150 mg — 500 mg, administered intravenously (I.V.) no closer than 4 hours prior to the officially scheduled post time of the race for which the horse is entered. The furosemide must be administered by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes. Every race day administration of furosemide must be reported by the attending veterinarian to the division on Form DBPR PMW 3280, Veterinarian Report of Race Day Salix Administration (the Salix tag), adopted and incorporated by Rule 61D-10.001, F.A.C. The Salix tag shall be delivered to the Salix Coordinator/State Veterinarian at least two hours prior to the scheduled post time of the horse's race. Failure to comply with this subsection shall result in a minimum fine of \$100 to be imposed by the Stewards upon the person found to be responsible for failure to deliver the Salix tag. The Stewards shall scratch a horse if they are unable to determine that a horse on the Salix List has been administered Salix prior to a race, or that Salix was administered to a horse less than four hours prior to the post time of a race that horse is entered to run.~~

~~(d) Horses racing on furosemide which ship in to run from centers, other pari-mutuel facilities, or other locations, must be in the receiving barn no later than four hours prior to the post time of their officially scheduled race and have the furosemide (Salix) tag, Form DBPR PMW 3280 firmly attached to their halter. Any violation of this rule shall result in the trainer of the horse being subject to the following penalties:~~

~~1. First violation in a 12-month period — \$300.00 fine;~~

~~2. Second violation in a 12-month period — \$400.00 fine and the horse shall be scratched prior to the race;~~

~~3. Third violation in a 12-month period — \$500.00 fine, suspension of license for 10 days, and the horse shall be scratched prior to the race;~~

4. Fourth or subsequent violation in a 12-month period—\$500.00 fine, suspension of license for 30 days, and the horse shall be scratched prior to the race.

(e) Track security officers at the gate(s) through which horses arrive from other locations shall maintain a log depicting the horse's name, time of arrival, scheduled race number and post time. In the event that a horse arrives less than four hours prior to the scheduled post time for its race, the security officer shall notify the Stewards and Racing Secretary of the late arrival.

(f) Horses placed on the official Furosemide List must remain on that list unless a trainer requests to remove a horse after consultation with and upon the advice of the horse's attending veterinarian. This request to discontinue use of furosemide must be submitted with a written verification from the bleeder horse's attending veterinarian to the Salix Coordinator no later than 48 hours prior to racing the horse without furosemide. Such requests shall be submitted on Form DBPR PMW 3310, Request to Discontinue Salix, adopted and incorporated by Rule 61D 10.001, F.A.C. Once a horse has been removed from the official Furosemide List, it shall not be placed back on the list until it exhibits exercise induced pulmonary hemorrhage in accordance with paragraphs (3)(a) (b) and (c) of this rule.

(g) Horses are ineligible for furosemide/Salix use if they:

1. Have not been verified as exhibiting bleeding by exercise induced pulmonary hemorrhage certification or have not been certified by the attending veterinarian that the use of furosemide/Salix is in the best interest of the horse.

2. Have been certified as bleeders but whose trainers do not elect to place the animal on the official Furosemide/Salix List.

3. Are officially on a Furosemide/Salix List but have been approved to discontinue furosemide/Salix.

(h) Certified bleeders that run in jurisdictions that do not allow the use of furosemide/Salix shall be allowed to run on furosemide/Salix upon returning to Florida without re-qualifying. Trainers shall notify the Salix Coordinator of the status of these horses prior to entry.

(i) Certified bleeders that run in jurisdictions that allow furosemide/Salix usage, but do not run on furosemide/Salix, will be considered as bleeders and do not have to re-qualify to run on furosemide/Salix in Florida.

(j) Re-qualifying for a Bleeder's Certificate for furosemide/Salix means that the horses must exhibit subsequent exercise induced pulmonary hemorrhage in accordance with paragraphs (3)(a), (b) and (c).

(k) The trainer of any horse to be entered in a race in a pari-mutuel event in the State of Florida shall report any previous or current incidents of exercise induced pulmonary hemorrhage and any previous or current use of

furosemide/Salix to the track veterinarian, division veterinarian, and Salix Coordinator prior to entry.

(1) Documentation which validates that a horse has been previously permitted to race with furosemide includes, but is not limited to, the National Daily Racing Form, the North American Pari-Mutuel Regulators Horse Database, databases of individual racing jurisdictions, and daily racing program of individual racetracks.

(4) Synthetic corticosteroids are permitted to be administered to a horse providing:

(a) Only prednisolone sodium succinate may be administered on race day no closer than four hours prior to the officially scheduled post time of the race for which the horse is entered.

(b) All other corticosteroids (natural, synthetic, or precursors) shall not be administered closer than 24 hours prior to the officially scheduled post time.

(5) The detection of caffeine at a urinary concentration less than 200 nanograms per milliliter and/or its metabolites, theophylline and theobromine at a urinary concentration less than 400 nanograms per milliliter shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, F.S.

(6) Sulfa drug(s) is/are permitted to be administered to a race horse providing:

(a) The race horse is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, F.S.; and

(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, F.S.; and

(c) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.

(7) No Androgenic Anabolic Steroids (AAS) shall be permitted in test samples collected from racing horses, except for the major metabolites of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the following thresholds:

(a) Stanozolol or 16 $\beta$ -hydroxystanozolol—1 nanogram per milliliter in urine for all horses regardless of sex.

(b) Boldenone—15 nanograms per milliliter in urine of male horses other than geldings. No boldenone shall be permitted in geldings or female horses.

(c) Nandrolone—1 nanogram per milliliter in urine of geldings or females; or 45 nanograms per milliliter of metabolite, 5 $\alpha$ -oestrane 3 $\beta$ ,17 $\alpha$ -diol in urine of male horses other than geldings.

(d) Testosterone—20 nanograms per milliliter in urine of geldings, 55 nanograms per milliliter in urine of females. Samples collected from male horses other than geldings will not be tested for testosterone.



~~(8) Urine samples of horses shall be identified as having been collected from a female, male, or gelding before being sent to the laboratory.~~

~~(2)(9) The following permitted medications at concentrations less than or equal to the following schedule shall not be reported by the racing laboratory to the Division as a violation of Section 550.2415, F.S.:~~

~~(a) The detection of acepromazine [2-(1-hydroxyethyl) promazine sulfoxide] at a urinary concentration of 10 nanograms per milliliter.~~

~~(b) The detection of albuterol at a urinary concentration of 1 nanogram per milliliter.~~

~~(c) The detection of betamethasone at a blood serum concentration of 10 picograms per milliliter.~~

~~(d) The detection of butorphanol (total) at a urinary concentration of 300 nanograms per milliliter, or (free) at a blood serum concentration of 2 nanograms per milliliter.~~

~~(e) The detection of clenbuterol at a urinary concentration of 140 picograms per milliliter, or a blood serum concentration at the lowest level of detection.~~

~~(f) The detection of dantrolene (5-hydroxydantrolene) at a blood serum concentration of 100 picograms per milliliter.~~

~~(g) The detection of detomidine (carboxydetomidine) at a urinary concentration of 1 nanogram per milliliter, or a blood serum concentration at the lowest level of detection.~~

~~(h) The detection of dexamethasone at a blood serum concentration of 5 picograms per milliliter.~~

~~(i) The detection of diclofenac at a blood serum concentration of 5 nanograms per milliliter.~~

~~(j) The detection of dimethyl sulfoxide (DMSO) at a blood serum concentration of 10 micrograms per milliliter~~

~~(k) The detection of firocoxib at a blood serum concentration of 20 nanograms per milliliter.~~

~~(l) The detection of furosemide at a blood serum concentration of 100 nanograms per milliliter.~~

~~(m) The detection of glycopyrrolate at a blood serum concentration of 3 picograms per milliliter.~~

~~(n) The detection of isoflupredone at a blood serum concentration of 100 picograms per milliliter.~~

~~(o) The detection of lidocaine at a blood serum concentration of 20 picograms per milliliter.~~

~~(p) The detection of mepivacaine (hydroymepivacaine) at a urinary concentration of 10 nanograms per milliliter, or a blood serum concentration at the lowest level of detection.~~

~~(q) The detection of methocarbamol at a blood serum concentration of 1 nanogram per milliliter.~~

~~(r) The detection of methylprednisolone at a blood serum concentration of 100 picograms per milliliter.~~

~~(s) The detection of omeprazole at a urinary concentration of 1 nanogram per milliliter.~~

(t) The detection of prednisolone at a blood serum concentration of 1 nanogram per milliliter.

(u) The detection of procaine penicillin at a blood serum concentration of 25 nanograms per milliliter.

(v) The detection of triamcinolone acetoneide at a blood serum concentration of 100 picograms per milliliter.

(w) The detection of xylazine at a blood serum concentration of 0.01 nanogram per milliliter.

(3) Samples collected may contain one of the three non-steroidal anti-inflammatory drugs (NSAIDs) listed below, up to the primary threshold. Samples may contain two of the NSAIDs at a concentration up to the secondary threshold. No more than two of the NSAIDs listed below may be present in any sample.

(a) Flunixin at a primary blood serum concentration of 20 nanograms per milliliter, and a secondary blood serum concentration of 3 nanograms per milliliter.

(b) Ketoprofen at a primary blood serum concentration of 2 nanograms per milliliter, and a secondary blood serum concentration of 1 nanogram per milliliter.

(c) Phenylbutazone at a primary blood serum concentration of 2 micrograms per milliliter, and a secondary blood serum concentration of 0.3 micrograms per milliliter.

~~(a) The detection of dimethyl sulfoxide (DMSO) at a blood serum concentration less than or equal to 10 micrograms per milliliter.~~

~~(b) The detection of flunixin at a blood serum concentration less than or equal to 20 nanograms per milliliter.~~

~~(c) The detection of guaifenesin (free) at a blood serum concentration less than or equal to 100 nanograms per milliliter.~~

~~(d) The detection of total isoxsuprine at a urinary concentration less than or equal to 100 nanograms per milliliter.~~

~~(e) The detection of ketoprofen at a blood serum concentration less than or equal to 10 nanograms per milliliter.~~

~~(f) The detection of methocarbamol (free) at a blood serum concentration less than or equal to 20 nanograms per milliliter.~~

~~(g) The detection of naproxen at a blood serum concentration less than or equal to 1 microgram per milliliter.~~

(4)(10) All prescription medications, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Rulemaking Authority 550.0251(3), 550.2415(7)(a), (b), (c), (e), (8)(c), (12) FS. Law Implemented 550.0251(11), 550.2415(1), (7)(e), (8)(c), (12), (14), (15) FS. History—New 10-20-96, Amended 1-5-98, 6-6-00, 5-14-02, 6-6-04, 7-6-06, 8-12-07, 12-30-08, 12-29-11, \_\_\_\_\_.

61D-6.009 Veterinarians.

(1) The ~~D~~ivision shall employ a veterinarian (the ~~D~~ivision or state veterinarian) who is licensed and in good standing with the Florida State Board of Veterinary Medicine pursuant to Chapter 474, Florida Statutes. The ~~D~~ivision veterinarian is authorized to:

(a) Maintain and operate a detention enclosure for the securing of urine, blood, or other samples ~~of horses~~ in accordance with this chapter;

(b) Collect other specimens and samples for analysis in accordance with this chapter;

(c) ~~Monitor~~ ~~Oversee~~ the conduct and practice of veterinarians licensed by the ~~D~~ivision in accordance with this chapter;

(d) Recommend ~~to the stewards~~ the scratching of any racing animal ~~horse~~ the veterinarian considers to be unsound or unfit to race;

~~(e) Work with the Salix coordinator;~~

~~(e)(f)~~ Inquire into ~~investigate~~ any violation concerning a practicing veterinarian, and counsel the stewards, judges, or Division investigators concerning such violations of rules;

~~(f)(g)~~ Investigate any illness of racing animals exhibiting symptoms suggestive of any infectious, contagious or epizootic disease. ~~Any such unusual disease, or symptoms of disease, shall be immediately reported by the kennel owner, trainer or attending veterinarian to the division veterinarian, track veterinarian or steward/judge;~~

~~(g)(h)~~ Inspect stables and greyhound compound areas for general health and safety requirements ~~and report any problems to the stewards/judges and division regional managers;~~

~~(h)(i)~~ Recommend to the stewards or judges that a special urine or blood sample be collected from any racing animal that he/she suspects is not performing according to form; and

~~(i)(j)~~ Perform such other duties as the ~~D~~ivision may from time to time require.

(2) Each racing animal permitholder shall employ a veterinarian (the track or permitholder veterinarian) who is licensed by and in good standing with the Florida State Board of Veterinary Medicine pursuant to Chapter 474, Florida Statutes. It is the duty of the general manager to ensure that the requirements of rules pertaining to the track veterinarian are strictly complied with.

(a) Every racing animal entered to race shall be given a pre-race examination on the day of the race ~~for which entered~~ to determine the entry's fitness to race. The pre-race examination shall be made by the track veterinarian.

1. Horses shall be examined prior to racing. All bandages shall be removed by the groom and the entry exercised outside the stall so the track veterinarian can determine the physical condition of the entry.

2. Racing greyhounds shall be examined by the track veterinarian at the first weighing-in time, before entry into the lock-out kennel (Jenny pit).

(b) The track veterinarian shall observe the condition of all racing animals immediately prior to, during, and after the race, ~~time permitting~~. Any racing animal which has been entered to race that the track veterinarian or ~~D~~ivision veterinarian considers to be unsound for racing shall be promptly reported to the stewards or judges and said animal shall be scratched.

(c) The track veterinarian shall maintain a list to be known as the "Veterinarian's List" upon which the veterinarian shall enter the name of any racing animal which the veterinarian considers unfit, unsound or not ready for racing. Any racing animal placed on the Veterinarian's List shall be refused entry until the track veterinarian removes its name from the list. A trainer or kennel owner may appeal any decision to place a racing animal on the Veterinarian's List to the stewards or judges.

~~(d) Horses which exhibit exercise induced pulmonary hemorrhage shall be placed on the Veterinarian's List by the track veterinarian or division veterinarian and must remain on the list according to the suspension schedule as set forth in this chapter.~~

~~(d)(e)~~ The track veterinarian shall perform such other reasonable duties pertaining to the health and welfare of the racing animals as shall be directed by the stewards, judges, or the ~~D~~ivision.

(3) Any veterinarian duly licensed in accordance with the laws of the State of Florida and desiring to practice on the grounds of a permitholder (practicing veterinarian) must be licensed by the ~~D~~ivision.

(a) Practicing veterinarians shall not furnish, sell or loan any hypodermic syringe, hypodermic needle or other device which could be used for injection, infusion or other administration into a racing animal of any medication, drug or compound (natural or synthetic). Only one-time disposable syringes and infusion tubes are authorized for use in the treatment of racing animals by veterinarians practicing on the grounds of a permitholder and said syringes must be properly disposed of following their use.

(b) Practicing veterinarians who prescribe or use any drug, medication, compound (natural or synthetic) or treatment which contains a legend or proprietary drug, medication, or medicinal compound (natural or synthetic) which may restrict the racing ability of a racing animal for a period of time, shall at the time of prescribing or use deliver to the racing animal's trainer of record or their designee when witnessed to, a written statement setting forth the date, the name of the animal, and the name of said drug, medication or compound (natural or synthetic), the effect and reason so

prescribed and used. A copy of this statement shall ~~also~~ be available delivered upon the request of to the Division veterinarian, track veterinarian or ~~and~~ stewards/judges. Any illness with unusual symptoms shall immediately be reported by the trainer, kennel owner/operator or attending veterinarian to the Division veterinarian, track veterinarian or steward/judge.

(4)(a) Practicing veterinarians shall maintain records of all racing animals treated and of all medications sold or dispensed. These records shall include the names of the racing animals, their trainer or kennel owner of record, the date, time, amount and type of medication, drug or compound (natural or synthetic), method of administration, and diagnosis. These records shall be retained for at least 60 days after the completion of the meet and shall be available for inspection by the Division personnel.

(b) Practicing veterinarians shall not possess or possess with intent to sell, dispense, deliver or cause to be on the grounds of any pari-mutuel facility, any legend or proprietary drugs, medications or medicinal compounds (natural or synthetic) that are not in compliance with the provisions of Chapters 465, 474, 499, and 893, Florida Statutes.

~~(5) Practicing equine veterinarians shall make daily reports to the division veterinarian of all medications or drugs that are prescribed or administered by them to horses within 48 hours of the officially scheduled post time of the race in which such animal is entered. Such reports shall be submitted on Form DBPR PMW 3050, Veterinary Report of Medication, adopted and incorporated by Rule 61D 10.001, Florida Administrative Code.~~

~~(6)~~(6) The track veterinarian, the Division veterinarian and any practicing veterinarian who furnishes professional services at a race meeting are prohibited:

(a) From possessing any ownership, directly or indirectly, in any racing animal racing during the meeting at which the veterinarian is employed or practicing, and;

(b) From placing any wager for any thing of value on the outcome of any race conducted at the meeting at which the veterinarian is employed or practicing.

~~(7)~~(7)(a) No veterinarian employed by a permitholder or by the Division shall be permitted, during the period of employment (30 days prior to the meet, until the completion of the meet), to treat or prescribe for any racing animal participating in a pari-mutuel meeting for compensation or otherwise, except in cases of emergency, or as otherwise authorized by the Division. In all cases where emergency treatment is rendered, a full and complete report of such treatment shall be made to the Division. No owner or trainer shall employ or pay compensation to any such veterinarian, either directly or indirectly, during the period for which he/she

is so employed by the Division or a permitholder unless otherwise authorized by the Division.

(b) As an exception to this section, greyhound permitholders may direct their track veterinarians to adopt a schedule for and perform the administration of testosterone for the control of estrus to female racing greyhounds, and required inoculations for all racing greyhounds. The costs of such administrations shall be determined by contractual agreement.

~~(8)~~(8) No horse shall be allowed to enter, start, or be stabled on the grounds of a pari-mutuel facility unless a copy of a ~~valid~~ negative original Coggin's Test certificate, within one year of the date on which the sample was drawn, is presented and on file with the permitholder, ~~within one year of the date on which the sample was drawn~~.

~~(9)~~(9)(a) All racing animals shall be inoculated for infectious, contagious, and epizootic diseases including the following, and given boosters as recommended by veterinarians:

1. CANINE: Each of the following, once per year: Distemper, Adenovirus (Hepatitis), Leptospirosis, Para-Influenza, Parvo, Bordetella bronchiseptica and Rabies.

2. EQUINE: Mandatory (unless the attending veterinarian, based upon the veterinarian's professional judgement, as indicated in the animal's veterinary records, determines that inoculation is contraindicated) at least as often as recommended by the vaccine manufacturer unless additional inoculations are required by the attending veterinarian: Influenza, Equine Encephalitis, and Rhinopneumonitis. Any other inoculation shall occur as recommended by the attending veterinarian.

(b) Proof of vaccination for each active or inactive racing greyhound must be kept on file by the kennel owner/operator, trainer of record ~~or designee~~ and be subject to inspection by the Division, provided, however, that failure to possess such proof shall not be the basis for disciplinary action if proof of inoculation can be secured through the treating veterinarian. Proof of vaccination and a Coggin's Test certificate for racing horses must be kept on file with the trainer of record and be subject to inspection by the Division, provided, however, that failure to possess such proof shall not be the basis for disciplinary action if proof of inoculation and/or Coggin's Test can be secured through the treating veterinarian or the Florida race track where the horse is stabled.

~~(10)~~(10) Any veterinarians practicing on the grounds of a permitholder shall promptly report to the Division veterinarian, track veterinarian or in their absence, the stewards/judges, any inhumane, illegal, or improper treatment of a racing animal that comes to their attention. The failure to do so will be considered a violation of these rules.

~~(11)~~(11) Any veterinarian who euthanizes a greyhound shall:

(a) Use only one-time disposable syringes in compliance with paragraph (3)(a) of this rule; and

(b) Maintain all records required by paragraph (4)(a) of this rule.

Rulemaking Authority 120.80(4)(a), 550.155(1), 550.0251(3), (11), 550.2415(6)(b), (12) FS. Law Implemented 550.0251, 550.2415(6)(b) FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 7-20-10,

61D-6.011 Penalty Guidelines for Class I-V Drug Violations in Horses.

The penalties in this rule shall be imposed when the stewards or the ~~D~~ivision finds that the following substances have been identified by the state laboratory in a urine sample or blood sample collected from a horse participating in a pari-mutuel event:

(a) Any medication listed in subsection 61D-6.008(2) <del>(8)</del> , F.A.C.	
1. First violation <u>of this chapter</u>	\$500 to \$1,000 fine and suspension of license <del>zero up</del> to 15 days;
2. Second violation <u>of this chapter</u> <del>within 12 months of a previous violation</del>	\$1,000 to \$2,500 fine and suspension of license <del>zero up</del> to 60 days, or revocation of license;
3. Third violation <u>of this chapter</u> <del>within 12 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation</del>	\$2,500 to \$5,000 fine and suspension of license <del>zero up</del> to 180 days, or revocation of license.
(b) Any medication that:	
1. Is not approved for veterinary use in the United States by the Food and Drug Administration;	
2. Cannot be detected by the state laboratory in a urine or blood sample unless the	

medication was administered within 24 hours of the race; or 3. Is detected in urine or blood concentrations that indicate a level of dosage that would constitute a threat to the health and safety of the horse.	
a. First violation <u>of this chapter</u>	\$1,000 to \$2,500 fine and suspension of license <del>60 days up</del> to one year, or revocation of license;
b. Any subsequent violation <u>of this chapter</u>	\$2,500 to \$5,000 fine and revocation of license.

(2) The penalty for any medication or drug which is not described in subsection (1) above shall be based upon the classification of the medication or drug found in the Uniform Classification Guidelines for Foreign Substances, revised ~~December 2014~~ ~~January 2010~~, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted herein by reference, which can be obtained at, <https://www.flrules.org/gateway/reference.asp?NO=Ref-00308>, [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw) or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. A copy of this document may be obtained at [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw) or by contacting the Division of Pari Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

The penalty schedule shall be as follows:

(a) Class I <del>impermissible</del> substances:	
1. First violation <u>of this chapter</u>	<del>\$1,000 to \$3,000 to \$5,000</del> fine and suspension of license <del>90 days up</del> to one year, or revocation of license;
2. Second violation <u>of this chapter</u>	<del>\$34,000 to \$5,000</del> fine

	and suspension of license of no less than one year, or revocation of license.
3. Third or subsequent violation of this chapter	<del>\$3,000 to \$5,000 to</del> \$10,000 fine and revocation of license.
(b) Class II impermissible substances:	
1. First violation of this chapter	\$250 to \$1,000 fine and suspension of license <del>zero up</del> to 180 days;
2. Second violation of this chapter within 36 months of a previous violation	\$500 to \$1,000 fine and suspension of license of no less than 180 days, or revocation of license;
3. Third or subsequent violation of this chapter within 36 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation	\$1,000 to \$5,000 fine and suspension of license of no less than one year, or revocation of license.
(c) Class III impermissible substances:	
1. First violation of this chapter	\$300 to \$500 fine;
2. Second violation of this chapter within 12 months of a previous violation	\$500 to \$750 fine and suspension of license <del>zero up</del> to 30 days, or revocation of license;
3. Third or subsequent violation of this chapter within 24 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation	\$750 to \$1,000 fine and suspension of license <del>zero up</del> to 180 days, or revocation of license.
(d) Class IV or V impermissible substances:	
1. First violation of this chapter	\$100 to \$250 fine;
2. Second violation of this chapter in a 12-month period	\$250 to \$500 fine and suspension of license <del>zero up</del> to 10 days;
3. Third or subsequent violation of this chapter in a 12-month period	\$500 to \$1,000 fine and suspension of license <del>zero up</del> to 60 days.

(3) The Division may consider mitigation or aggravation to deviate from these penalty guidelines.

(4) Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(a) The impact of the offense to the integrity of the pari-mutuel industry.

(b) The danger to the public and/or racing animals.

(c) The number of repetitions of offenses.

(d) The time periods between offenses.

(e) The number of complaints filed against the licensee or permitholder, which have resulted in prior discipline.

(f) The length of time the licensee or permitholder has practiced.

(g) The deterrent effect of the penalty imposed.

(h) Any efforts at rehabilitation.

(i) Any other relevant mitigating or aggravating circumstances.

(5)(3) Absent mitigating circumstances, the stewards or the Division shall order the return of any purse, prize, or award from any pari-mutuel event for redistribution when a positive test for a drug or medication described in paragraph (1)(a), (1)(b), (2)(a), or (2)(b) is reported by the state laboratory and confirmed through the hearing process.

(6)(4) The stewards or the Division may order ~~shall specify in writing the reasons for requiring~~ the return of any purse, prize, or award for redistribution when the positive test of a drug or medication reported by the state laboratory is not described in paragraph (1)(a), (1)(b), (2)(a), or (2)(b) of this rule. In the event the stewards or Division orders the return of the purse, prize, or award for redistribution as described in this subsection, the reason(s) for the redistribution shall be provided in writing.

(7) An owner or trainer who fails to return the purse, prize, or award for redistribution within 60 days of the order is in violation of this rule and may be subject to further administrative action.

(8)(5) Nothing in this rule modifies the provisions of Rule 61D-6.008 or 61D-3.002, F.A.C., or rules promulgated under Section 550.2415, F.S.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 1-5-98, Amended 2-8-01, 3-4-07, 6-26-11, \_\_\_\_\_.

61D-6.012 Penalty Guidelines for Class I-V Drug Violations in Greyhounds.

(1) The penalties in this rule shall be imposed when the Division finds that the following substances have been identified by the state laboratory in a urine sample or blood sample collected from a greyhound participating in a pari-mutuel event:

(a) Any drug or medication that:

1. Is not approved for veterinary use in the United States by the Food and Drug Administration;

2. Cannot be detected by the state laboratory in a urine or blood sample unless the medication was administered within 24 hours of the race; or

3. Is detected in urine or blood concentrations that indicate a level of dosage that would constitute a threat to the health and safety of the greyhound.

a. First violation of <u>this chapter</u>	\$1,000 to \$2,500 fine and suspension of license <del>zero up</del> to one year, or revocation of license;
b. Any subsequent violation of <u>this chapter</u>	\$2,500 to \$5,000 fine and revocation of license.

(2) The penalty for any medication or drug which is not described in subsection (1) above shall be based upon the classification of the medication or drug found in the Uniform Classification Guidelines for Foreign Substances, revised ~~December 2014~~ January 2010, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted by reference, <https://www.flrules.org/gateway/reference.asp?No=Ref-00309> \_\_\_\_\_. A copy of this document may be obtained at [www.myfloridalicense.com/dbpr/pmw](http://www.myfloridalicense.com/dbpr/pmw) or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The penalty schedule shall be as follows:

(a) Class I <del>impermissible</del> substances:	
1. First violation of <u>this chapter</u>	\$500 to \$1,000 fine and suspension of license <del>zero up</del> to one year, or revocation of license;
2. Any subsequent violation of <u>this chapter</u>	\$1,000 to \$5,000 fine and suspension of license no less than one year, or revocation of license.
(b) Class II <del>impermissible</del> substances:	
1. First violation of <u>this chapter</u>	\$100 to \$1,000 fine and suspension of license <del>zero up</del> to 30 days;
2. Second violation of <u>this chapter</u> <del>within 36 months of a previous violation</del>	\$250 to \$1,000 fine and suspension of license no less than 30 days, or revocation of license;

3. Third violation <del>within 36 months of a second violation, or a fourth or any subsequent violation of this chapter without regard to the time past since the third violation</del>	\$500 to \$1,000 fine and suspension of license no less than 60 days, or revocation of license.
(c) Class III <del>impermissible</del> substances:	
1. First violation of <u>this chapter</u>	\$50 to \$500 fine;
2. Second violation of <u>this chapter</u> <del>within 12 months of a previous violation</del>	\$150 to \$750 fine and suspension of license <del>zero up</del> to 30 days;
3. Third violation <del>within 24 months of a second violation, or a fourth or any subsequent violation of this chapter without regard to the time past since the third violation</del>	\$250 to \$1,000 fine and suspension of license <del>zero up</del> to 60 days.
(d) Class IV or V <del>impermissible</del> substances:	
1. First violation of <u>this chapter</u>	\$50 to \$250 fine;
2. Second violation of <u>this chapter</u> <del>in a 12-month period</del>	\$100 to \$500 fine;
3. Third or subsequent violation of <u>this chapter</u> <del>in a 12-month period</del>	\$200 to \$1,000 fine and suspension of license <del>zero up</del> to 30 days.

(3) The Division may consider mitigation or aggravation to deviate from these penalty guidelines.

(4) Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

- (1) The impact of the offense to the integrity of the pari-mutuel industry.
- (2) The danger to the public and/or racing animals.
- (3) The number of repetitions of offenses.
- (4) The time periods between offenses.
- (4) The number of complaints filed against the licensee or permitholder, which have resulted in prior discipline.
- (5) The length of time the licensee or permitholder has practiced.
- (6) The deterrent effect of the penalty imposed.
- (7) Any efforts at rehabilitation.
- (8) Any other mitigating or aggravating circumstances.
- (5)(3) Absent mitigating circumstances, the Division judge or the Division shall order the return of any purse, prize, or award from any pari-mutuel event for redistribution when a positive test for a drug or medication described in paragraph (1)(a), (1)(b), (1)(c), (2)(a), or (2)(b) is reported by the state laboratory and confirmed through the hearing process.

~~(6)(4)~~ The judges or the Division shall specify in writing the reasons for requiring the return of any purse, prize, or award for redistribution when the positive test of a drug or medication reported by the state laboratory is not described in paragraph (1)(a), (1)(b), (1)(c), (2)(a), or (2)(b) of this rule.

~~(7)(5)~~ Nothing in this rule modifies the provisions of Rule 61D-6.008 or 61D-3.002, F.A.C., or rules promulgated under Section 550.2415, F.S.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 6-26-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jonathan Zachem, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/02/2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 08/18/2015

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.015  
RULE TITLE: Minimum Security Procedures for Voting Systems

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 159, August 17, 2015 issue of the Florida Administrative Register.

The following changes were made to Rule 1S-2.015 Minimum Security Procedures for Voting Systems:

(2)(c) changed as follows:

(c): “Ballot type” means an early voting, ~~E~~election ~~D~~day, or absentee ballot. Provisional ballots cast in the election may be grouped with early voting, ~~E~~election ~~D~~day, or absentee ballots, as applicable. Overseas absentee ballots are to be grouped with other absentee ballots.

(2)(f) changed as follows:

(f) “Election management system” means those components of a voting system ~~is an entity~~ that defines, develops, and maintains election databases, performs election definitions and setup functions, formats ballots, acquires the tabulation results, consolidates the aggregate election results, produces report results, and maintains its audit trails.

(2)(g) changed as follows:

(g) “Election materials” mean those materials provided to poll workers to properly conduct the election ~~to and shall~~ include, but not be limited to, as applicable, legally required affidavits and forms, provisional ballots, voter authority slips, precinct registers, and any electronic devices necessary to activate ballot styles in the voting system.

(4)(c) was added as follows:

(c) Upon approval of the security procedures by the Division, the supervisor shall submit to the Division a copy of the approved version of the procedures that has all confidential and exempt information redacted from the procedures, along with the statutory citations for each redaction contained in the document. The supervisor shall submit the redacted copy within 15 days of notification by the Division of the approval.

(5)(b) changed as follows:

(b) Election schedule template. The security procedures shall include one or more schedule templates for each type of election. A schedule template need not be prepared for a municipal election. The supervisor shall provide the template to the Division of Elections at least 90 days prior to each regularly scheduled election and within 20 days of the date a special election is scheduled. The supervisor is not required to provide a previously submitted schedule template before an election unless changes have been made since the prior submission; however, any changes to a schedule template must be submitted in a revised security procedure within the time period specified in paragraph (3)(b). The election schedule template shall contain the following:

1. A list of all tasks necessary to conduct the election; and
2. The legal deadline, where applicable, or tentative date each task is to be completed

(5)(d) changed as follows:

(d) Filing of election information. The supervisor of elections shall file with the Division of Elections a copy of the information used within the election management ~~voting~~ system to define the tabulation and reporting instructions for each election regardless of filings for prior elections. The filing shall, at a minimum, include the following:

1. A copy of the election database used to define the election; and
2. If the election definition is created by an individual who is not an employee of the supervisor of elections, the information shall include a statement by the person who created the election database and definition. The person coding the election shall sign the election coding statement using Form DS-DE 132.

(5)(f)1. changed as follows:

1. Each component of the test performed including the test materials utilized for ~~ADA voting devices~~, early voting devices, precinct voting devices, and absentee voting devices.

(5)(g) changed as follows:

(g) Pre-election steps for voting systems. The security procedures for use with voting devices shall include a description of the process to seal and secure the voting devices on Election Day and daily during the early voting period. This description shall include:

1. The process for ~~permanently~~ identifying electronic media type such as memory packs, compact flash cards, PC Cards or PCMCIA cards, and any instrument used to activate a voting machine type of key activators. This activity shall include:

a. The process to create and maintain an inventory of all electronic media.

b. The chain of custody process and procedure for identifying, documenting, handling, and tracking electronic media from the point of collection or transfer from their storage location, through election coding, through the election process, to their final post-election disposition and return to storage. ~~Such process must use two or more individuals to perform any written check and verification checks whenever a transfer of custody takes place.~~ This electronic media must be given the same level of attention that one would give to official ballots.

(5)(g)2.c. changed as follows:

c. A procedure is created and maintained for tracking the custody of these voting devices once these devices are loaded with an election definition. ~~This record shall include the protective counter numbers for the voting device, where applicable, to permit the protective count numbers at poll opening and poll closing to be verified, if necessary, against the public vote count.~~ The chain of custody must specifically provide for the identifying, documenting, handling, and tracking of such devices from the point of loading to final post-election disposition. ~~A minimum of two persons must be used to perform any written checks and verification checks when a transfer of custody takes place.~~ These voting devices must be given the same level of attention that one would give to official ballots.

(5)(h) changed as follows:

(h) Ballot distribution. Where marksense ballots or paper outputs from a hybrid voting system are used, including on Election Day and during the early voting period, the security procedures shall, at a minimum, include the following:

1. Description of how the number and variations of ballots required by each precinct is determined;

2. Description of the method for securing the ballots; and

3. Description of the process for distributing the ballots to precincts, to include an accounting of who distributed and who received the ballots, the date, and how they were checked.

(5)(j) changed as follows:

(j) Election Board duties.

1. The security procedures when marksense ballots or paper outputs from a hybrid voting system, including provisional ballots are used shall, at a minimum, include the following Election Board duties on Election Day and during the early voting period:

a. Verification that the correct number of ballots were received, and that they are the proper ballots for that precinct;

b. Checking the operability or readiness of the voting devices;

c. Checking and sealing the ballot box;

d. Description of how unscanned and spoiled ballots are handled;

e. Description of how write-in and provisional ballots are handled; and

f. Accounting for all ballots after the polls close.

(5)(k) changed as follows:

(k) Transport of ballots and/or election materials. The security procedures shall describe the steps necessary to ensure a complete written record of the chain of custody of ballots and/or election materials on Election Day and during the early voting period and shall include:

1. A description of the method and equipment used to transport all ballots and/or election materials.;

2. A method of recording the names of the individuals who transport the ballots and/or election materials from one site to another and the time they left the sending site.

3. A method of recording the time the individuals who transport the ballots and/or election materials arrived at the receiving site and the name of the individual at the receiving site who accepted the ballots and/or election materials.

4. A description of the process to create and maintain a secured location for storing and transporting voting devices once the election definitions are loaded. This description shall include procedures that are to be used at locations outside the direct control of the supervisor of elections, such as overnight storage at a polling location or early voting site. This description shall include:

a. A process for creating and maintaining an inventory of these items for each storage location, for each election. These voting devices must be given the same level of attention that one would give to official ballots.

b. A chain of custody process that specifically provides for the identifying, documenting, handling, and tracking of such voting devices from the point of storage to transfer to final disposition or when the voting devices have been left unattended for any length of time. ~~A minimum of two persons must be used to perform any written checks and verification checks when a transfer of custody takes place.~~ Particular attention must be given to the integrity of the tamper-resistant or tamper-evident seals. These voting devices must be given



the same level of attention that one would give to official ballots.

(5)(m) changed as follows:

(m) Tabulation of vote.

1. The security procedures for use with polling locations and central sites shall describe each step of a ballot tabulation, including on ~~E~~lection ~~D~~ay and daily during the early voting period and shall ~~to~~ include, at a minimum, the following:

- a. Counting and reconciliation of voted marksense paper ballots or paper outputs from a hybrid voting system;
- b. Processing, tabulation and accumulation of voted ballots and election data;
- c. Processing and recording of all write-in and provisional ballots;
- d. The process for handling unreadable ballots and returning any duplicates to tabulation;
- e. Backup and recovery of tabulated results and voting system programs for electronic or electromechanical voting systems; and
- f. The procedure for public viewing of the accumulation tabulation process and access to results.

2. Security procedures shall describe each step of ballot tabulation during the early voting period the steps necessary for vote tabulation in the precincts.

3. The security procedures for use in the precincts on ~~E~~lection ~~D~~ay shall include procedures that describe each step of ballot tabulation to include, at a minimum, the following:

- a. Printing of precinct results and results from individual tabulating devices;
- b. Processing and recording of write-in votes;
- c. Endorsing a copy of the precinct results by the Election Board;
- d. Posting a copy of precinct results;
- e. Transport of precinct results to central or regional site;
- f. Consolidation of precinct and provisional ballot results; and
- g. The process for public viewing of the accumulation tabulation process and access to results.

(5)(n) changed as follows:

(n) Electronic access to voting systems. Security procedures shall identify all methods of electronic access to the vote tabulation system including on ~~E~~lection ~~D~~ay and daily during the early voting period. The procedures for authorizing electronic access and specific functions, and specifying methods for detecting, controlling and reporting access to the vote tabulation system shall be identified, and shall additionally include:

1. A document that defines the procedure that ensures that default or vendor supplied passwords, encryption keys, or

other identifier have been changed. This activity must ensure that:

a. Access control keys/passwords are maintained in a secured and controlled environment. The individual(s) with access to these items must be delineated ~~in the relevant position descriptions.~~

b. Changes to the encryption keys and passwords are at the discretion of the supervisor of elections. This discretionary authority should not be delegated. The individual(s) that implement a change to the encryption keys and/or passwords must have this "authorization to change" responsibility ~~delineated within their position description(s).~~

c. The degree of access is ~~defined within each relevant position description and maintained at that level~~ within the election management system and/or equipment. This applies where a voting system can limit an individual's access to certain menus, software modules, or other component.

2. A procedure that governs access to any device, election media, or election management system with a requirement to use an encryption key. ~~This process must be witnessed by one or more individuals authorized to use such information and an access log must be created and maintained.~~

(5)(p) changed as follows:

(p) Ballot ~~s~~Security. The security procedures shall describe ballot accountability and security beginning with their receipt from a printer or manufacturer until such time as they are destroyed. The procedures for each location including on ~~E~~lection ~~D~~ay and during the early voting period shall describe physical security, identify who has authorized access and identify who has the authority to permit access.

(5)(q)1. changed as follows:

(q) Voting system maintenance and storage.

1. The security procedures shall describe the maintenance and testing performed on all components of the system to assure that it is in proper working order and is within manufacturer's operating specifications including on ~~E~~lection ~~D~~ay and during the early voting period. Procedures shall also describe storage and nonoperational maintenance of all voting devices.

Rulemaking Authority 20.10(3), 97.012(1), 101.015 FS. Law Implemented 101.015(4) FS. History—New 5-27-85, Formerly 1C-7.15, 1C-7.015, Amended 8-28-93, 11-24-04,\_\_\_\_\_.

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:           RULE TITLE:

1S-2.031            Recount Procedures

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 155, August 11, 2015 issue of the Florida Administrative Register.

Changes were made to (2)(b) as follows:

(b) Security of ballots. The Supervisor of Elections shall ensure the security of the ballots at all times during ~~of~~ a recount including recess and adjournment of the canvassing board.

Changes were made to (2)(g) as follows:

(g) Recording and minutes. The activities of the canvassing board in making determinations of ballots to be counted shall be recorded by either audio or audio/video tape. In addition, the minutes of a manual recount shall be made ~~and approved by the canvassing board~~. All tapes and minutes are public record.

Changes were made to (3)(b)1.e. as follows:

e. The candidate or chairperson, informing them ~~that they will have~~ to contact the supervisor of elections in each county involved in the recount to find out the date, time, and location of the recount in that county.

Changes were made to (3)(c)(4) as follows:

4. If the recount involves only a municipal election, the notice also shall be posted on the municipal clerk's website or through a link to the notice on the clerk's homepage, at the public entrance to the building where the city clerk's office is located, and in at least three other conspicuous locations in the municipality such as at a community center, public library, city park, and city hall.

Changes were made to (4)(b)1.a.-b. as follows:

1.a. The supervisor of elections shall change the election parameters so that all the ballots for the recounted race can be tabulated and all the ballots containing overvotes and undervotes in the recounted race can be outstacked from the other ballots and counted. ~~If a race involves a contest where a voter may properly vote for more than one candidate, the overvotes and undervotes must be manually counted if the voting system's election results report does not permit a determination of the number of overvotes and undervotes.~~

b. In the case of a race to be recounted that includes a contest where a voter may properly vote for more than one candidate, overvotes and undervotes must first be outstacked. Once tabulation is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. These outstacked ballots must remain segregated in the event that a manual recount becomes necessary.

Changes were made to (4)(c)1.a.-b. as follows:

1.a. The supervisor of elections shall change the election parameters so that all the ballots for the recounted race or races can be tabulated and all the ballots containing overvotes and undervotes in the recounted race or races can be outstacked from the other ballots and counted. ~~If a race involves a contest where a voter may properly vote for more~~

~~than one candidate, the overvotes and undervotes must be manually counted if the voting system's election results report does not permit a determination of the number of overvotes and undervotes.~~

b. In the case of a race to be recounted that includes a contest where a voter may properly vote for more than one candidate, overvotes and undervotes must first be outstacked. Once tabulation is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. These outstacked ballots must remain segregated in the event that a manual recount becomes necessary.

Changes were made to (4)(d)3. as follows:

3. The canvassing board shall determine the total combined number of overvotes and undervotes ~~ballots~~ for each race. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the number of overvotes and undervotes in the county for the affected race.

Changes were made to (4)(f) as follows:

(f) Machine recount of hybrid voting system's paper outputs. The procedures for a machine recount of the paper output from a hybrid voting system are identical to those as specified in subparagraphs (b), (c), and (d), above, as applicable. ~~If the hybrid voting system's paper output is identical to the optical scan ballot mentioned in this paragraph, the paper output may be treated as an optical scan ballot for the recount.~~

Changes were made to (5)(c)3.c.(i)-(ii) as follows:

(i) ~~If a~~ Each ballot is set aside because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be placed in one or more containers (envelopes, folders, tubs, bins, baskets, etc.) designated for undetermined ballots or ballots for which there is an objection.

(ii) The designated container envelope may each contain one or more ballots at the canvassing board's discretion; however, if not already located on the ballot itself, the container envelope or a separate paper contained in the envelope for each ballot therein must include the precinct number, ~~why the team is unable to make the determination, and the names of the counting team's members.~~ In addition, if the ballot is placed in the container because there was an objection to the counting team's determination, the container or separate paper for each such ballot therein ~~If a ballot is set aside because a representative objected to the counting team's decision, must be placed in one or more envelopes, designated for undetermined ballots or ballots for which there is an objection the envelope or the separate paper contained in the envelope for each ballot therein must include the precinct~~

~~number, the names of the counting team's members, the counting team's initial determination, the reasoning behind the challenge and the name and representative capacity of the person bringing the challenge.~~

Changes were made to (5)(c)7. as follows:

7. The canvassing board shall re-examine the outstacked ballots for which a determination of a voter's choice could not be made. Based on that re-examination, the board shall notify the Division of Elections to determine if the standards for determining a voter's choice as set forth in law or adopted by rule as mandated in sections 102.166(4), and 101.6952(2), F.S., should be revised to better determine the voter's choice on those outstacked ballots. The notification shall occur at the same time the canvassing board files the report on the conduct of the election pursuant to section 102.141(9), F.S.

Changes were made to (5)(d)6.c.(i)-(ii) as follows:

(i) ~~If a~~ Each ballot ~~is~~ set aside because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be placed in one or more containers (envelopes, folders, tubs, bins, baskets, etc.) designated for undetermined ballots or ballots for which there is an objection.

(ii) The designated container envelope may each contain one or more ballots at the canvassing board's discretion; however, if not already located on the ballot itself, the container envelope or a separate paper contained in the envelope for each ballot therein must include the precinct number, why the team is unable to make the determination, and the names of the counting team's members. In addition, if the ballot is placed in the container because there was an objection to the counting team's determination, the container or separate paper for each such ballot therein ~~If a ballot is set aside because a representative objected to the counting team's decision, must be placed in one or more envelopes, designated for undetermined ballots or ballots for which there is an objection the envelope or the separate paper contained in the envelope for each ballot therein must include the precinct number, the names of the counting team's members, the counting team's initial determination, the reasoning behind the challenge and the name and representative capacity of the person bringing the challenge.~~

Changes were made to (5)(d)10.a. as follows:

10. If there is another race to be manually recounted, following the first manual recount:

a. The canvassing board or its representatives shall ensure that stamp or make an identifying mark or color next to the ballot title (in an area that will not interfere with the counting of the ballot) on each sorted ballot from the first manual recount can be to indicate that the ballot was manually recounted for additional races, as necessary a particular race.

Changes were made to (5)(e)1. and (5)(e)1.a. as follows:

(e) Touchscreen ballot manual recounts.

1. The canvassing board shall apply the following standards to determine whether there is a clear indication on the ballot text image report that the voter has made a definite choice to ~~overvote or~~ undervote:

a. ~~A definite choice not to cast an overvote is clearly indicated either by the presence on the ballot text image of a selection in the race or issue, or of an indication of an undervote in the manner prescribed by subparagraph b.~~ Because ~~Since~~ touchscreen voting systems do not permit a voter to cast an overvote, the canvassing board shall accept the machine recount as conclusive that no overvotes were cast in the manually recounted race.

Changes were made to (5)(e)1.b.(iii) as follows:

(iii) ~~AccuVote TSx DRE touchscreen's ballot image is a representative ballot with a~~ clear indication that the voter made a definite choice to undervote by the absence of an "X" within the brackets ([ ]) located next to the candidates or choices for the affected race or issue, or by the presence on the ballot image of Xs within the brackets located next to the candidates for the affected race which total a number less than the number of candidates for which the voter is permitted to cast a vote.

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.043  
 RULE TITLE: Electronic File Reporting Relating to Absentee Ballot Request Information, Voting Activity, and Election Results  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 145, July 28, 2015 issue of the Florida Administrative Register.

1S-2.043(3)(b)3. changes as follows:

3. For a special election, by operation of Section 100.191, Florida Statutes, the first file shall be transmitted 60 days before the special primary or if the order calling for the special election occurs less than 60 days before the special primary, no later than two business days after the Division provides the Supervisor the election identifications for the special primary and special election, and the last file transmitted on the 15<sup>th</sup> day after the special election.

(3)(c)5. changes as follows:

5. Information required by statute and other information deemed necessary by the Supervisor for each record shall be submitted in the format specified in Form DS-DE 145 (eff. /2015) (insert hyperlink). The information in each record of the file shall be in the following specified format:

**SEE PUBLISHED NOTICE OF CHANGE FOR TABLE**

(3)(c)6. changes as follows:

65. File names shall adhere to the following convention:

a. Three character county identifier followed by underscore.

b. Followed by three character file type identifier followed by an underscore ('ABL' = Absentee Request List).

c. Followed by FVRS election ID followed by an underscore.

d. Followed by Date Created (format YYYYMMDD) followed by an underscore.

ef. Followed by Time Created (format HHMMSS).

fg. Followed by '.txt'.

gh. Example: LEO\_ABL\_10217\_20140810\_001000.txt.

(3)(d)1. and 2. changes as follows:

1. Any person or entity authorized under Section 101.62, F.S., may access online daily county files of absentee ballot request information as directly received from the Supervisor and posted on the Division's website. In order to access this information, a person or entity authorized under Section 101.62, F.S., must first submit an online request application, Form DS-DE 146, Application to Obtain Absentee Ballot Request Information (eff. /2015) (insert hyperlink)~~form DS DE #70, entitled "Access Application for Absentee Ballot Request Information" (eff. 2/10)~~. The Division shall then assign a login account a username and password. Authorization for access is only valid through the earlier of the end of the general election year in which authorization was initially granted or until the person or entity is no longer statutorily entitled to the information for one general election cycle. All login accounts for access automatically expire at the end of each general election year and if the person or entity remains eligible and wishes to receive the information for future elections, the person or entity must reapply. ~~In the event, the online application system is nonfunctioning, an applicant may alternatively submit an application to access the information using Form DS DE #70, entitled Access Application for Absentee Ballot Request Information" (eff. 02/10). This form is incorporated by reference and is available by contacting the Florida Department of State, Division of Elections, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850) 245-6200, or by access to the Division website at: <http://election.dos.state.fl.us>.~~

2.3. An individual voter requesting access to his or her personal absentee ballot request information must obtain such information directly from the Supervisor of his or her county of residence.

(4)(b) changes as follows:

(b) File transmission. The Supervisor shall transmit to the Division the electronic files in subparagraph (a)2., no later than 12:00 ~~n~~Noon in the time zone of the Supervisor's office of the day after the day being reported. The files shall be sent daily even if there is no new information or activity to report. The first file shall be sent the day after the early voting period begins and the last file shall be sent the day after the early voting period ends for that respective election in that county.

(4)(c)(1) changes as follows:

1. The file shall be created in or converted into a tab-delimited text file format.

(4)(c)(4) changes as follows:

4. Information required by statute and any other information for each record shall be submitted in the format specified in Form DS-DE 147 (eff. /2015) (insert hyperlink).~~Each record in the file must contain the following information in the specified format for each voter who is recorded as having voted early by the time the file is prepared:~~

**SEE PUBLISHED NOTICE OF CHANGE FOR TABLE**

(5) is added as follows:

(5) All forms mentioned in this rule are incorporated by reference and are available by contacting the Florida Department of State, Division of Elections, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850) 245-6200, or by access to the Division website.

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.053  
 RULE TITLE: Election Results and Precinct-Level Reporting  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 145, July 28, 2015 issue of the Florida Administrative Register.

1S-2.053 Election Results, Precinct-Level Election Results, Voting History, and Reconciliation Reporting.

Section (3)(b) has changed as follows:

(b) Transmission. After the polls close on the day of the election, the Supervisor on behalf of the county canvassing board shall transmit the summary election results to the Division at the times set forth in s. 102.141, F.S., by entering the results at the Division's secure website or uploading the results file to via the Division's secure enight SOE website service after obtaining user credentials from the Division.

(c) XML File specifications. The specifications for reporting election results are defined in DS-DE 137-S (eff. 07/2015) (insert hyperlink), entitled, “Florida Election Results Summary XML Schema Reference, Version 3.0-S.” The election results shall be reported in the XML format as specified in DS-DE 138-S.xsd (eff. 07/2015) (insert hyperlink).”

Section (4)(b) has changed as follows:

(b) Transmission. The Supervisor shall file with the Division a copy of the results export file for the applicable election by transmitting the file at the same time that the official results of the election are certified. The file shall be transmitted ~~to using the Division’s secure website SOE File Transfer Utility website.~~ If the site is not available, then the file may be uploaded to the Division’s secure file transfer protocol (SFTP) or emailed to: BSVC.Reports@DOS.MyFlorida.com.

(5) Precinct-level election results reports.

(a) Compilation. For each election as defined in subsection (2):

1. For results unable to be transmitted in XML format, the county shall transmit the tab-delimited text file prescribed in section 98.0981, F.S. The Division will supply the county with any additional data needed to create the file in this format; or ~~For each election as defined in subsection (2), the Supervisor shall use the supplemental export utility for the county’s voting system to create the precinct level results in the prescribed format. If a supplemental export utility has not been created for the voting system used by the county, then the county can use the voting system’s export function to create the precinct level results. r~~

2. For results able to be transmitted in XML format, the Supervisor shall provide the precinct-level results in the prescribed format; and ~~The Supervisor shall aggregate and record for each precinct the total number of ballots cast by all voters voting in the election, with subtotals for each candidate and ballot type. If a precinct has a subtotal of one to nine votes, the Supervisor shall report zero votes in all subtotals except in the “Total Votes” group for that precinct.~~

3. ~~For results unable to be transmitted in XML format, the county must transmit the tab delimited text file prescribed in section 98.0981, F.S. The Division will supply the county with any additional data needed to create the file in this format. The Supervisor shall aggregate and record for each precinct the total number of ballots cast by all voters voting in the election, with subtotals for each candidate and ballot type. If a precinct has a subtotal of one to nine votes, the Supervisor shall report zero votes in all subtotals except in the “Total Votes” group for that precinct.~~

(b) Transmission. The Supervisor shall electronically transmit the precinct-level election results file to the Division

no later than noon local time for the Supervisor’s office on the 30th day after certification of the election by the Elections Canvassing Commission. The file shall be transmitted using the Division’s SOE File Transfer Utility secure website. If the site is not available, then the file may be uploaded to the Division’s secure file transfer protocol (SFTP) or emailed to: BSVC.Reports@DOS.MyFlorida.com.

(c) XML File specifications. The specifications for reporting election results are defined in DS-DE 137-P (eff. 07/2015) (insert hyperlink), entitled, “Florida Election Results Precinct XML Schema Reference, Version 3.0-P.” The election results shall be reported in the XML format as specified in DS-DE 138-P.xsd (eff. 07/2015) (insert hyperlink).”

Sections (7), (8) and (9) have changed as follows:

(7) Reconciliation report.

(a) Requirement for reconciliation. ~~Before transmission of the precinct level election results in paragraph (5),~~ The Supervisor shall reconcile the aggregate total of all ballots cast in each precinct as reported in the precinct-level election results to the aggregate number of voters with voter history for the election for each district, which for purposes of being able to properly reconcile is to be construed to mean precinct being contested in the election. The reconciliation shall be made on Form DS-DE 141, Reconciliation Report – Elections Results and Voter History, eff. (07/2015)(insert hyperlink here).

(b) Transmission. The Supervisor shall report the results of the reconciliation to the Division contemporaneously with the transmission of the precinct-level election results by uploading the completed Form DS-DE 141 using the Division’s secure SOE File Transfer Utility website.

~~(7)(8)~~ (8) The forms mentioned in this rule are hereby incorporated by reference and are available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850) 245-6200, or by download from the Division of Elections’ website.

(9) The requirements of this rule apply to all required reports for elections held on or after July 1, 2017. If a vendor with a voting system certified and in use as of the effective date of this rule intends to submit an application for review and approval that will allow the respective vendor’s system to be used to meet the reporting requirements herein by July 1, 2017, such application must be submitted to the Division of Elections no later than October 1, 2016.

The following changes have been made to the incorporated documents:

DS-DE 137 Summary: Changed the effective dates at the footer of the document to “eff. \_\_/2015”

DS-DE 138 Precinct: Edited Appendix A to change the last two rows on the chart. These correspond with “remove 30-day from the description: 30-day Precinct Level Results” and “change effective July 1, 2015 to (eff. \_\_/2015).”

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE NOS.: RULE TITLES:

2A-9.001 Definitions

2A-9.006 Reimbursement Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 173, September 4, 2015 issue of the Florida Administrative Register.

2A-9.001 Definitions

(1) Through (11) No change.

(12) “Promotional materials” means ~~approved~~ items of tangible personal property that are given away, or otherwise distributed, to the public to ~~promote~~ increase public awareness of, and to educate the public about, a particular crime stoppers organization, as authorized by Section 16.555(5)(c), F.S., ~~as approved by the Department of Financial Services.~~

(13) No Change

2A-9.006 Programmatic and Reimbursement Requirements

(1) through (6)(h) No Change

(7) Form CSA-2, entitled “Attachment C Florida Crime Stoppers Trust Fund Programmatic and Reporting Requirements”, revised 10/2015, which is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

The following forms are included:

(a) Form CSA-2.1, entitled “Reimbursement Request / Expenditure Report”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(b) Form CSA-2.1A1, entitled “Operating Expenses – Invoice Tracking Form”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(c) Form CSA-2.1A2, entitled “Salary Expenses – Invoice Tracking Form”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:

[http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(d) Form CSA-2.1A3, entitled “Rewards and Public Education – Invoice Tracking Form”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(e) Form CSA-2.1B, entitled “OAG Tip Report”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:

[http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(f) Form CSA-2.1C, entitled “Monthly Statement of Salary/Benefits”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(g) Form CSA-2.1D, entitled “Project Specific Timesheet”, revised 10/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(h) Form CSA-2.1E, entitled “Daily Vehicle Use Log”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:

[http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(i) Form CSA-2.1F, entitled “Property Inventory Report”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:

[http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(j) Form CSA-2.2, entitled “Budget Modification”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:

[http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(k) Form CSA-2.3, entitled “Program Modification Request”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address: [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____).

(l) Form CSA-2.4.1, entitled “Crime Stoppers Monthly Performance Report (Attachment D) \$19,999.00 or Less”, revised 10/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref->

(m) Form CSA-2.4.2, entitled “Crime Stoppers Monthly Performance Report (Attachment D) \$20,000.00 or More”, revised 10/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref->

(8) Additional forms:

(a) Form CSA-3, entitled “Florida Crime Stoppers Trust Fund Advance Payment Request Invoice”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref->

(b) Form CSA-4, entitled “Postage Log”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref->

(c) Form CSA-5, entitled “OAG Event Reporting Form”, revised 08/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref->

(d) Form CSA-6.1, entitled “Attachment D - \$19,999 or Less Contract Deliverables”, revised 10/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref->

(e) Form CSA-6.2, entitled “Attachment D - \$20,000 or More Contract Deliverables”, revised 10/2015 is available at <http://www.fcpti.com>, and is incorporated into this rule by reference at the following address:  
<http://www.flrules.org/Gateway/reference.asp?No=Ref->

Rulemaking Authority 16.555 (6) FS. Law Implemented 16.555, 16.556, 938.06 FS. History—New 6-22-15, Amended \_\_\_\_\_.

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE NOS.: RULE TITLES:  
 2A-9.002 Grant Eligibility  
 2A-9.003 Grant Application

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 126, June 30, 2015 issue of the Florida Administrative Register.

2A-9.002 Grant Eligibility.

(1) No change.

(a) No change.

(b) Within 10 days of determining same, ~~the~~ Florida Association of Crime Stoppers shall provide to the Department in writing ~~within 10 days~~ the name of any organization which is no longer in good standing.

(c) through (5) No change.

2A-9.003 Grant Application.

(1) through (4) No change.

(5) No change.

(a) Original, fully completed and signed form CSA-1, entitled “Florida Crime Stoppers Trust Fund Attachment B (CSTF) Grant Application”, effective May 2015. The instructions for same are found on form CSA-1.1 entitled “Attachment B Instructions Crime Stoppers Trust Fund Grant Application”, revised October 2015. The forms are available at <http://www.fcpti.com>. The application is incorporated into this rule by reference at the following address: <http://www.flrules.org/Gateway/reference.asp?No=Ref-> and the instructions are incorporated into this rule by reference at the following address: <http://www.flrules.org/Gateway/reference.asp?No=Ref->. The application ~~which~~ requires the following information be provided:

1. through (8)(d) No change.

Rulemaking Authority 16.555 (6) FS. Law Implemented 16.555, 16.556, 938.06 FS. History—New 6-22-15, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.: RULE TITLES:  
 40D-1.1002 Variances and Waivers from Water Shortage Rules and Orders

40D-1.659 Forms and Instructions

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 147, July 30, 2015 issue of the Florida Administrative Register.

Correction is made to the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification in the Notice of Proposed Rules to state:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule amendments did not reveal any adverse impacts or costs in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

Reasons why request would serve the purposes of the underlying statute (describe)		

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

- RULE NO.:      RULE TITLE:  
 40D-1.1002:    Variances and Waivers from Water Shortage Rules and Orders  
 40D-1.659:     Forms and Instructions  
                   NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 147, July 30, 2015 issue of the Florida Administrative Register.

In Part IX there is a correction made to the second box and on Part X a box is removed.

The form changes are as follows:

**Part IX**

Correction is made to the second box describing the requested statement from the petitioner to read:

Reasons why request would serve the purposes of the underlying statute

Instead of stating: Reason why request would serve the underlying statute

**Part X**

The box to check that statement that the request for a variance or waiver is for temporary relief for the duration of the current water shortage has been removed.

Period variance or waiver is requested (check box/boxes) (fill in any blanks)		The request for a variance or waiver is for permanent relief from provisions of the rule
		The request for a variance or waiver is for temporary relief, only for this range of dates: ___/___/_____ to ___/___/_____

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

- RULE NOS.:      RULE TITLES:  
 59C-1.040       Hospital Inpatient General Psychiatric Services  
 59C-1.041       Hospital Inpatient Substance Abuse Services  
                   NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 41 No. 2, January 5, 2015 issue of the Florida Administrative Register have been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

- RULE NO.:      RULE TITLE:  
 64B-1.016       Fees: Examination and Post-Examination Review  
                   NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 162, August 20, 2015 issue of the Florida Administrative Register.

The correction is as follows:

The Purpose and Effect and Summary of the proposed rule was incorrectly stated and should read:

PURPOSE AND EFFECT: To repeal rules identified as no longer necessary.

SUMMARY: The rule is being repealed as unnecessary.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adrienne Rodgers, 4052 Bald Cypress Way, Bin #C-00, Tallahassee, Florida 32399, (850)245-4095 or Adrienne.Rodgers@flhealth.gov.

## DEPARTMENT OF HEALTH

### Board of Pharmacy

RULE NO.: 64B16-28.905  
 RULE TITLE: Non Resident Pharmacies Inspection for Obtaining Nonresident Sterile Compounding Permits.

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 45, March 6, 2015 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote by the Board at its meeting held August 12, 2015. The Notice of Change is a substantial rewording of the rule. See text of the Notice of Proposed Rule, published in Vol. 41, No. 45, of the March 6, 2015 issue of the Florida Administrative Register.

The rule shall now read as follows:

#### 64B16-28.905 Nonresident Sterile Compounding Permit Inspections; Approved Inspection Entities.

All applicants for a nonresident sterile compounding permit must have and present a current and satisfactory inspection report, and all nonresident sterile compounding permit holders seeking biennial renewal of the permit must have and present a current and satisfactory inspection report, as mandated by section 465.0185, F.S.

(1) Current and Satisfactory Inspection Report: An inspection report is current if the inspection report establishes that the inspection took place within the time frames established in section 465.0158(3)(e), F.S. An inspection report will be deemed satisfactory when the report reflects that the applicant or permit holder compounds all sterile products in compliance with minimum practice and quality standards (minimum standards). The minimum standards are different for those who are only registered as a nonresident pharmacy pursuant to section 465.0156, F.S., and for those who are registered as an outsourcing facility pursuant to section 21 U.S.C. 353b.

(2) Minimum Standards: Applicants for an initial permit or applicants for biennial renewal that are both a registered nonresident pharmacy and a registered outsourcing facility must meet the minimum standards applicable to a registered outsourcing facility.

(a) Registered Outsourcing Facility: The minimum standards for a registered outsourcing facility are the Current

Good Manufacturing Practices (cGMP) that are adopted and incorporated by reference in rule 64B16-27.797(3), F.A.C.

(b) Registered Nonresident Pharmacies: The minimum standards for a registered nonresident pharmacy are chapters 797; 71; 85; and 731 of the United States Pharmacopeia that are adopted and incorporated by reference in rule 6416-27.797(1), F.A.C.

(3) Mandatory State Inspection Report: The current and satisfactory inspection report must be generated from an inspection that is performed by the regulatory or licensing authority of the state, territory, or district (herein after "state") where the applicant is geographically located, unless the applicant meets the acceptable circumstances established herein. The board hereby deems the following as acceptable circumstances for the department's acceptance of a current and satisfactory inspection report performed pursuant to section 465.0158(3)(e)1.-3., in lieu of the state inspection report:

(a) In the event that state or federal law prohibits the submission of the state inspection report;

(b) In the event that the state refuses to perform the inspection or fails to generate an inspection report after completion of the inspection;

(c) In the event that the state is unable to perform an inspection within a reasonable time period from the date requested. Reasonable time period means within 180 days from the date that the applicant requested an inspection be performed. A failure by the applicant to request an inspection within 180 days from the date of permit renewal is deemed not to be an acceptable circumstance.

(d) In the event that the state inspection report documents that the applicant fails to meet the minimum standards adopted in this rule or when the inspection report merely lists an overall pass or fail and does not have the minimum standards enumerated within the inspection report with an appropriate indication of pass, fail, or not applicable, next to each enumerated standard.

(e) In the event the state inspection report would not be admissible in an administrative proceeding pursuant to the provision of Chapter 120, F.S., or when state or federal inspectors advise they will not testify to the contents, results thereof, or authentication of the state inspection report.

(f) In the event that the applicant is able to submit a current inspection report from the United States Food and Drug Administration that concludes or establishes the applicant is in compliance with cGMP.

(4) Approved Inspection Entities for Registered Nonresident Pharmacies: This section is not applicable to inspection reports for registered outsourcing facilities. The board must approve entities for which the department will accept a current and satisfactory inspection report in lieu of an

onsite inspection by the department or an inspection by the licensing or regulatory authority of the state, territory, or district where the applicant is located. An entity that wants to be approved as an inspection entity must submit an Approval Request with attached documentation to the board office. The Approval Request, and attached documentation, shall demonstrate compliance with the following requirements:

(a) The entity must be a legally recognizable business entity that possesses a separate existence for tax purposes. An Approval Request must be submitted with business formation documents that establish compliance with this paragraph.

(b) The entity is formed, established, or created to avoid a reoccurring conflict of interest between the entity and those whom the entity will be inspecting. A conflict of interest is a real or seeming incompatibility between the entity's private interests and the entity's duty to conduct an impartial inspection.

(c) The entity will not conduct any inspection in which the entity or an employed inspector of the entity has a conflict of interest.

(d) The entity must have a customized inspection report. The inspection report must enumerate all minimum standards of each of the chapters of the United States Pharmacopeia that are listed in subparagraph (2)(b) of this rule. Each enumerated minimum standard must have a place for the inspector to mark compliant or yes; non-compliant, deficient or no; and not applicable. Each enumerated minimum standard must also have room for the inspector to document observations or comments. An Approval Request must be submitted with a copy of the customized inspection report.

(e) The entity must submit any completed inspection report with digital photography capturing each enumerated minimum standard if the enumerated minimum standard is subject to being captured by photography.

(f) With the Approval Request, the entity must submit an inspection history report. The inspection history report must reflect that the applicant has experience performing inspections for compliance with the required minimum standards. To be approved, an entity must have a minimum of 2 years experience performing inspections and must have performed a minimum of 20 inspections. The required inspection experience may be demonstrated through the experience of the employed inspectors, if the entity has not been in existence for 2 years prior to submitting an Approval Request.

(g) The entity must agree in writing that the entity will not make a recommendation for the granting, denial, or discipline of a permit.

(h) The entity shall have a written policies and procedures manual. The policies and procedures shall at a minimum address the timely completion and proper performance of

inspections and must establish protocols and procedures to ensure compliance with this rule. The policy and procedures manual must be submitted with the Approval Request. The policies and procedures shall require the inspections to be unannounced and that the costs of any inspection shall not be based on or differ in the amount based on the results of the inspection.

(i) The entity must agree in writing that it will testify to the contents of the inspection report in any civil, criminal, or administrative proceeding and that the entity agrees that it and any employed inspectors will not request an expert witness fee (s.92.231) for the testimony of the inspector who performed the inspection.

(j) The entity shall maintain all inspection reports and related records for a period of no less than 4 years from the date inspection was concluded.

(k) The entity shall, within 60 days prior to closing, notify the department or the board when it will close or cease performing inspection services and make arrangements with the department for preserving inspections records that are still within the 4 year retention requirement.

(5) Employed Inspectors: The entities' employed inspectors must meet the following criteria:

(a) Any employed inspector must hold an active license to practice pharmacy in any state, territory or district of the United States. Proof of the license shall be submitted with the Approval Request. The employed inspectors may not have any disciplinary history related to the practice of a health profession within five years prior to the Approval Request and may have never been disciplined for an offense related to compounding. This provision shall not prohibit the entity from retaining or employing any person that does not hold a pharmacy license for the purposes of assisting the inspectors. For example, it is acceptable to hire a microbiologist or chemist to assist the inspectors in completing the inspection and inspection report.

(b) Any employed inspector must have a minimum of 4 years experience in the practice of sterile compounding. At least 2 of the 4 years of experience must be obtained through the active practice of compounding sterile products in all risk categories (low, medium, and high risk sterile compounding). The other 2 years may be obtained by one or more of the following: 1) Being employed by a state or federal agency to perform inspections of pharmacies or pharmaceutical manufactures to determine compliance with minimum sterile compounding standards or current good manufacturing practices standards; 2) Being employed as a full-time instructor at an accredited university for the purpose of instructing students in didactic and clinical instruction on sterile compounding; 3) Being employed to conduct research related to sterile compounding; or 4) Being published in a peer

review journal when the article is related to sterile compounding. Three months of credit will be awarded for each published article related to sterile compounding.

(c) At least one of the employed inspectors must have a minimum of 1 year, of the 4 years required, supervisory experience related to the practice of sterile compounding. Supervisory experience is being employed as a supervisor of other pharmacists, not just technicians, in a pharmacy setting that engaged in sterile compounding.

(d) Those employed inspectors which do not have at least 6 months of experience in performing inspections related to sterile compounding must first attend 2 inspections, as a subordinate inspector in training, before being allowed to perform an inspection independently.

(e) The entity must submit a copy of each inspector’s employment history and a copy of the each inspector’s curriculum vitae (CV) with the Approval Request. The CV must demonstrate that the inspectors are compliant with the experience requirements of this rule.

(f) During the period of employment as an inspector for the entity, the inspectors must have documented training related to sterile compounding and performing sterile compounding inspections. At a minimum, the training must consist of at least 10 clock hours of training annually. The training documentation shall be made available to the Board upon written request.

(6) Once an entity is approved by the Board, the applicant will be required to maintain compliance with the provisions of this rule or the approval is subject to revocation in compliance with the provision of Chapter 120, F.S. The department will randomly require documentation of each approved entity to ensure continued compliance with the provision of this rule.

(7) All approved entities shall be listed on the Department’s website.

Rulemaking Authority 465.0158 FS. Law Implemented 465.0158 FS. History--New,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allison Dudley, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**Section IV  
Emergency Rules**

NONE

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

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-6.049 Measuring Customer Service

The Florida Public Service Commission hereby gives notice that Wiscan, LLC’s petition for variance or waiver from subsection 25-6.049(5), F.A.C., filed May 11, 2015, in Docket No.150142-EU was denied by the Commission by Order No. PSC-15-0363-PAA-EU, issued September 8, 2015, and consummated by Order No. PSC-15-0413-CO-EU, issued September 30, 2015. The rule requires individual electric metering for new occupancy units, and exempts occupancy units for which a construction permit was issued before, and which have received master-metered service continuously since January 1, 1981, and certain other types of occupancy units, from the individual metering requirement. The petition was denied on the basis that the purpose of the underlying statute would not be achieved by other means and application of the rule would not create a substantial hardship or violate principles of fairness. Notice of the petition was published in the FAR on May 14, 2015, Vol. 41, No. 94.

A copy of the Order or additional information may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

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

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation District 5 announces a hearing and meetings to which all persons are invited.

DATE AND TIME: Thursday, October 15, 2015, 6:00 p.m.

PLACE: Florida Department of Transportation, District Five Office Building, 719 South Woodland Boulevard, Cypress A & B Conference Rooms, DeLand, Florida 32720

The Public Hearing will be webcast to: the John H. Jackson Community Center, 1002 West Carter Street, Orlando, FL 32805

GENERAL SUBJECT MATTER TO BE CONSIDERED:

There will also be public information meetings held at each Metropolitan Planning Organization/ Transportation Planning Organization listed below:

Ocala/Marion County Transportation Planning Organization- Public Information Meeting

DATE AND TIME: Tuesday, October 27, 2015, 4:00 p.m.  
PLACE: McPherson Complex Auditorium, 601 SE 25th Avenue, Ocala, Florida 34471

Lake-Sumter Metropolitan Planning Organization- Public Information Meeting

DATE AND TIME: Wednesday, October 28, 2015, 2:00 p.m.  
PLACE: 1616 South 14th Street, Leesburg, Florida 34748

Flagler County Board of County Commissioners- Public Information Meeting

DATE AND TIME: Monday, November 2, 2015, 9:00 a.m.  
PLACE: 1769 East Moody Boulevard Building 2, Board Chambers, Bunnell, Florida 32110

MetroPlan Orlando Board Meeting-Public Information Meeting

DATE AND TIME: Wednesday, November 4, 2015, 9:00 a.m.  
PLACE: 315 East Robinson Street, Suite 355, Orlando, Florida 32801

Space Coast Transportation Planning Organization- Public Information Meeting

DATE AND TIME: Thursday, November 12, 2015, 9:00 a.m.  
PLACE: Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 3rd Floor Florida Room, Melbourne, Florida 32940

River to Sea Transportation Planning Organization- Public Information Meeting

DATE AND TIME: Wednesday, November 25, 2015, 9:00 a.m.  
PLACE: 2570 West International Speedway Boulevard, Suite 100, Daytona Beach, FL 32114

A copy of the agenda may be obtained by contacting: Kellie Smith, Florida Department of Transportation, FDOT/MPO Liaison, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5427, [kellie.smith@dot.state.fl.us](mailto:kellie.smith@dot.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jennifer Smith, Florida Department of Transportation, Title VI Coordinator, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5367, [jennifer.smith2@dot.state.fl.us](mailto:jennifer.smith2@dot.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kellie Smith, Florida Department of Transportation MPO Liaison, Florida Department of Transportation, (386)943-5427, [Kellie.Smith@dot.state.fl.us](mailto:Kellie.Smith@dot.state.fl.us).

Written comments from all interested parties will be accepted by the Department at the Public Hearing and for a period of ten (10) days after the Public Hearing. Comments should be addressed to: Noranne Downs, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. The presentation of the Department's Tentative Five Year Work Program will be available through various local TV stations.

DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2015, 1:00 p.m. until conclusion of business

PLACE: The Birchwood Hotel, 340 Beach Drive Northeast Street, St. Petersburg, Florida 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of the Sunshine Skyway Bridge.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4105.

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: Lisa O. Stone at (850)414-4105. 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: Florida Transportation Commission, 605 Suwannee Street, MS 9, Room 176, Tallahassee, Florida 32399, (850)414-4105.

DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 29, 2015, 8:30 a.m. until conclusion of business

PLACE: The Birchwood Hotel, 340 Beach Drive Northeast Street, St. Petersburg, Florida 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: General FTC Business.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4105.

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: Lisa O. Stone at (850)414-4105. 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: Florida Transportation Commission, 605 Suwannee Street, MS 9, Room 176, Tallahassee, Florida 32399, (850)414-4105.

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid**

The AHCA Pharmaceutical and Therapeutics Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, November 9, 2015, 1:00 p.m. – 5:00 p.m.; this is a rescheduled meeting notice

**PLACE:** Tampa Marriott Westshore, 1001 N. Westshore Blvd., Tampa, FL 33607

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Recommendations for drugs to be included on the Preferred Drug List are made at this meeting. Because of unforeseen events that may cause changes, interested parties are encouraged to monitor the website: [http://www.ahca.myflorida.com/Medicaid/Prescribed\\_Drug\\_meetings.shtml](http://www.ahca.myflorida.com/Medicaid/Prescribed_Drug_meetings.shtml).

A copy of the agenda may be obtained by contacting: Vern.Hamilton@ahca.myflorida.com.

**DEPARTMENT OF MANAGEMENT SERVICES**

Division of Purchasing

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

**DATE AND TIME:** October 8, 2015, 10:00 a.m., ET - CANCELLED

**PLACE:** 4055 Esplanade Way, Crosby's Café Conference Room, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Public Meeting previously scheduled for October 8, 2015 @ 10:00 AM ET has been cancelled for DMS-14/15-011 Human Resources Outsourcing - People First.

For more information, you may contact: Any changes to the schedule for this meeting will be posted on the Department's Vendor Bid System (VBS). It is the responsibility of anyone interested in the meeting to check the VBS for updates.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

**DATE AND TIME:** Monday, October 19, 2015, 2:30 p.m.

**PLACE:** Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate at (407)481-5662. Only public portions of the agenda are available upon request.

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: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Florida Real Estate Commission

The Florida Real Estate Commission announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Tuesday, October 20, 2015, 8:30 a.m., ET; meeting will reconvene on Wednesday, October 21, 2015, 8:30 a.m., ET

**PLACE:** Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of Commission –topics will include, but not be limited to, proposed legislation affecting Chapter 475, Part I, F.S., Chapter 61J2 rule discussion, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at [lori.crawford@myfloridalicense.com](mailto:lori.crawford@myfloridalicense.com) or Mike Davis at [michael.davis@myfloridalicense.com](mailto:michael.davis@myfloridalicense.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

DATE AND TIME: October 28, 2015, 2:00 p.m. – 4:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting will be held to discuss the issues and recommendations for management of the FY 2016 DWSRF priority list of projects to be funded with loans under Chapter 62-552, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Venkata Panchakarla, SRF Program, 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida 32399-3000, phone: (850)245-2981 or email: Venkata.Panchakarla@dep.state.fl.us.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NOS.:RULE TITLES:**

62-777.100 Referenced Guidelines

62-777.150 Applicability

62-777.170 Derivation of Cleanup Target Levels

The Division of Waste Management’s Contaminated Media Forum announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2015, 9:00 a.m. – 4:00 p.m.

PLACE: SOUTHWEST DISTRICT OFFICE of the Florida Department of Environmental Protection, 13052 North Telecom Parkway, Temple Terrace

The workshop will also be available by teleconference: 1(888)670-3525, participant code: 164-302-8932 and webinar (no audio) at <https://meet.lync.com/floridadep/brian.dougherty/7LMS3KJ4>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Contaminated Media Forum primarily to discuss technical issues of toxicology and risk assessment relating to the development of cleanup target levels for Chapter 62-777, F.A.C. This is planned as an open discussion

and not a formal rule workshop, however it is expected the discussion will inform and influence decisions to be made during the rule-making process. Subject matter relating to Chapter 62-780 may also be discussed, specifically including alternatives for evaluating leachability from soil to groundwater.

A copy of the agenda may be obtained by contacting: Brian Dougherty at (850)245-7503 or [brian.dougherty@dep.state.fl.us](mailto:brian.dougherty@dep.state.fl.us) one week prior to the meeting. Agenda will also be posted to <http://www.dep.state.fl.us/waste/categories/csf/> no later than one week prior.

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: Brian Dougherty at (850)245-7503 or [brian.dougherty@dep.state.fl.us](mailto:brian.dougherty@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brian Dougherty at (850)245-7503 or [brian.dougherty@dep.state.fl.us](mailto:brian.dougherty@dep.state.fl.us).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Acquisition and Restoration Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2015, 2:00 p.m. – 4:00 p.m.

PLACE: Lykes Brothers, Inc. Ranch Division, 106 SW County Road 721, Okeechobee, Florida 34974

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fisheating Creek Settlement Agreement Advisory Board.

A copy of the agenda may be obtained by contacting: Office of Environmental Services (OES) at (850)245-2555.

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: Office of Environmental Services (OES) at (850)245-2555. 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: Office of Environmental Services at (850)245-2555 or Department of Environmental Services, 3800 Commonwealth Blvd., MS 140, Tallahassee, Florida 32399.

## DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.015 Certification of Community Substance Abuse Prevention Coalitions

The Department of Children and Families announces a workshop to which all persons are invited.

DATE AND TIME: October 21, 2015, 10:00 a.m. – 12:00 Noon

PLACE: 1317 Winewood Boulevard, Building 6, Conference Room A, Tallahassee, FL 32399; via teleconference: 1(888)670-3525, participant code: 800-7400-450

## GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Department's proposed certification requirements for community substance abuse prevention coalitions published as a Notice of Development of Rulemaking in the Florida Administrative Register, Vol. 41, No. 157, August 13, 2015. To help the Substance Abuse Services Office staff prepare for the workshop, please submit written questions prior to the workshop. To the extent possible and practical, we ask that workshop participants give us written questions during or following the workshop as well.

A copy of the agenda may be obtained by contacting: Wanda Carter, Policy Analyst, wanda.carter1@myflfamilies.com or hqw.samh.central@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Wanda Carter, Policy Analyst, wanda.carter1@myflfamilies.com or hqw.samh.central@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wanda Carter, Policy Analyst, wanda.carter1@myflfamilies.com or hqw.samh.central@myflfamilies.com.

## FLORIDA HOUSING FINANCE CORPORATION

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

DATE AND TIME: October 22, 2015, 9:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Valencia Grove, a 144-unit multifamily residential rental development located on Huffstetler Drive at Huffstetler Drive and Kurt Street, Eustis, Lake County, FL. The owner and operator of the development is HTG Valencia, LLC, 3225 Aviation Avenue, Suite 602, Coconut Grove, FL 33133 or such successor in interest in which HTG Valencia, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is HTG Management, LLC, 3225 Aviation Avenue, Suite 602, Coconut Grove, FL 33133. The tax-exempt bond amount is not to exceed \$12,120,000.00.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), October 20, 2015, and should be addressed to the attention of Brantley Henderson, Assistant Director of Multifamily Programs. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Brantley Henderson, Assistant Director of Multifamily Programs, Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

A copy of the agenda may be obtained by contacting: Brantley Henderson, Assistant Director of Multifamily Programs.

**FLORIDA HOUSING FINANCE CORPORATION**

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

**DATE AND TIME:** Wednesday, December 2, 2015, 2:00 p.m.

**PLACE:** Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Review Committee meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors regarding the responses submitted for Florida Housing Finance Corporation's Request For Applications (RFA) 2015-115 for Multifamily Energy Retrofit Program (MERP).

A copy of the agenda may be obtained by contacting: Jean Salmonsens, (850)488-4197.

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: Jean Salmonsens (850)488-4197. 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.

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**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

**DATE AND TIME:** October 14, 2015, 9:00 a.m.

**PLACE:** Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. 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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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**FLORIDA INDEPENDENT LIVING COUNCIL**

The Florida Independent Living Council, Inc. announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Tuesday, October 13, 2015, 9:00 a.m. – 11:00 a.m.

**MEETING:** State Plan for Independent Living (SPIL) Training

**PLACE:** 1416 N. Adams Street, Tallahassee, Florida 32303; call-in number: 1(888)670-3525, participant code: 5073148497

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Committee and Task Force meetings: please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or toll-free: 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

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**FLORIDA INDEPENDENT LIVING COUNCIL**

The Florida Independent Living Council, Inc. announces a public meeting to which all persons are invited.

**DATES AND TIME:** Wednesday-Friday, November 4-6, 2015, 9:00 a.m.

**MEETING:** Full Council

**PLACE:** Hilton Orlando/Altamonte Springs, 250 S. Northlake Blvd., Altamonte Springs, Florida 32701



GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and Task Force Meetings: please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or toll-free: 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

**SOUTHWEST FLORIDA CRIMINAL JUSTICE ACADEMY**

The Region 10 Criminal Justice Training School announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2015, 9:30 a.m.

PLACE: SWF Public Service Academy, 4312 Michigan Avenue, Room 7-002, Fort Myers, FL 33905

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Pledge of Allegiance
2. Approval of minutes of May 12, 2015
3. Introduction of guests
4. F.D.L.E. report – Dawn Radick
5. Academy report from Suncoast Technical College
6. Academy report from Southwest Florida Public Service Academy
7. Old business
8. New business
9. Schedule of next Meeting
10. Adjournment

A copy of the agenda may be obtained by contacting: Rosa Henshaw, (239)334-3897, ext. 229, rosalh@leeschools.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 7 days before the workshop/meeting by contacting: Rosa Henshaw, (239)334-3897, ext. 229. 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).

**REGION XII TRAINING COUNCIL**

The Region XII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2015, 8:45 a.m.

PLACE: West Palm Beach Police Department, 600 Banyan Blvd., West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to F.D.L.E./C.J.S.T.C. updates: Palm Beach State College/Criminal Justice Institute Assessment Center Updates, Region XII budget approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola at (561)868-3403.

**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 filled with the Division of Administrative Hearings on the following rules:

NONE

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

NONE

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

NONE

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

NONE

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF EDUCATION

University of Florida

Gantry Expansion for UF Health Proton Therapy Institute  
NOTICE TO PROFESSIONAL CONSULTANTS:

The University Of Florida Board Of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-604, UF Health Proton Therapy Institute Gantry Expansion (Jacksonville)

The project consists of expansion of the existing facility footprint to incorporate a new proton accelerator and gantry for additional patient treatments. It is anticipated to expand the building by approximately 10,000 sq. ft. over two floors with utilities being tied back into the existing building infrastructure. The existing patient corridor will be maintained and extended into the new expansion whereby maintaining patient circulation as it is in its current operations. The parking to the east side of the existing building will be eliminated for this project to occur.

The estimated construction budget is approximately \$7,600,000, including site improvements, underground utilities, etc. The project will be delivered using the Construction Manager at Risk delivery method and construction shall be "fast-tracked" to begin by summer of 2016. Minimum Gold level LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection, structural, and civil engineering consultants for this project and will be provided as a part of Basic Services. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, and Workers' Compensation.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the Facilities Program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant firm and all engineering and landscape architecture consultants (firms) from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

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

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Planning Design & Construction website listed below

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 PM local time, on Tuesday, November 10, 2015. Facsimile (FAX) submittals are not acceptable and will not be considered.

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

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## DEPARTMENT OF EDUCATION

University of Florida

UF-615 SS2 Cable & Switchgear Replacement

### NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of engineering will be required for the project listed below:

Project: UF-615, Electrical Substation 2 Cable and Switchgear Replacement (SS2 North to HSC and Shands)

This project consists of replacing Medium Voltage Cabling and Switchgear equipment in our campus. An Engineering Feasibility Study has already been developed with regards to the upgrades that might be achieved. This Feasibility Study will be provided to the shortlisted firms only. UF is seeking for a Professional Engineer Consultant, focusing on the completing an Electrical Engineering Design to replace Medium Voltage Cabling and Switchgear. Of particular note due to the sensitivity of the load served (Health Science Center and Shands Hospital), the engineering plans must include sufficient detail to include Phasing and Sequencing planning of the work in order to facilitate and assure success of the project. This project is complicated, due to the nature of the loads. Failure is not an option with these critical loads, as power must be maintained except for brief transitions of sources. We are seeking an Engineer comfortable working in this high pressure Health Care/Research type environment, working with various User Groups and Scheduling Outages, in order to replace select components of an aging electrical infrastructure system.

In addition, some extended testing of the construction of these new systems will be required to assure the Completeness and Quality of Construction (Cable and Splice Testing, Switchgear Controller Settings, etc.) as referred in the Project Fact Sheet. The project will occur in phases with an anticipated overall construction schedule of approximately 3.5 years to implement, including material ordering and delivery. The University reserves the right at its sole discretion to terminate the project at the close of any major phase for any reason.

The estimated construction budget is approximately \$4,350,000 including site restoration, underground utilities,

fees, surveys & tests, equipment, and contingencies. The project will be delivered using the Construction Manager At-Risk method.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the electrical consultants for this project and will be provided as a part of Basic Services. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, and Workers' Compensation.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant firm and all engineering consultants (firms) from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of

\$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

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

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Planning Design & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 p.m. local time, on Wednesday, November 11, 2015. Facsimile (FAX) submittals are not acceptable and will not be considered.

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

The event, Called “Roots, Shoots and Shovels: A Community Celebration of Tampa Bay’s Seagrass Success” will feature remarks from elected officials and community leaders, followed by the unveiling of a commemorative poster and a ceremonial seagrass planting at Picnic Island Park.

For more information contact: nanette@tbep.org.

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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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## Section XII

### Miscellaneous

#### DEPARTMENT OF HEALTH

##### Board of Nursing

##### Notice of Emergency Action

On October 6, 2015, State Surgeon General issued an Order of Emergency Suspension of Certification with regard to the certificate of Arvisene M. Petit-Homme, C.N.A., Certificate #: CNA 234602. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### TAMPA BAY ESTUARY PROGRAM

The Tampa Bay Estuary Program is planning a celebration of the recovery of seagrasses in Tampa Bay on October 16, 2015 from 10:00 a.m. – 12:00 Noon at Picnic Island Park in Tampa.