

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

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE NO.:       RULE TITLE:  
6A-1.094222   Standards for Mid-Year Promotion of  
                  Retained Third Graders

PURPOSE AND EFFECT: The purpose of this rule development is to further define the criteria for identification of third-grade students eligible for mid-year promotion. The rule also further defines the means by which these students may be promoted (alternative assessments, district selected assessments or third-grade student portfolio).

SUBJECT AREA TO BE ADDRESSED: Reading.

RULEMAKING AUTHORITY: 1008.25(9) FS.

LAW IMPLEMENTED: 1008.25(7)(b)3 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: Laurie Lee, Deputy Director, Just Read, Florida!, 325 West Gaines Street, Suite 1432, Tallahassee, Florida, LAURIE.LEE@FLDOE.ORG. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or email: cathy.schroeder@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Health Facility and Agency Licensing

RULE NO.:       RULE TITLE:  
59A-36.001   Standards and Criteria for Determining  
                  Resident Rights

PURPOSE AND EFFECT: The Agency is proposing to create a new rule chapter regarding resident rights in Assisted Living Facilities licensed by the Agency. Legislation / new law created in 429.28, F.S. authorized the Agency to adopt rules for uniform standards and criteria that will be used to determine compliance with facility standards and compliance with resident rights.

SUBJECT AREA TO BE ADDRESSED: Standards and criteria for determining resident rights in assisted living facilities licensed by the Agency for Health Care Administration.

RULEMAKING AUTHORITY: 429.28 (3) (a) FS.

LAW IMPLEMENTED: 429.28 FS.

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

DATE AND TIME: November 6, 2015, 2:00 p.m. – 3:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 hours before the workshop/meeting by contacting: Catherine Anne Avery, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4505. 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: Catherine Anne Avery, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4505

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

### 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

PURPOSE AND EFFECT: The Agency is proposing to amend Rules 59C-1.040, F.A.C. and 59C-1.041, F.A.C. to remove, update and condense language regarding new hospital inpatient psychiatric and substance abuse services.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to this rule include: updates to definitions, updates to language on excluded hospitals, updating statutory language, improving/condensing the language for the needs assessment methodology, removing references to State and Local Health Council District health plans, removing language citing Rule 59C-1.038, F.A.C. (repealed), removing language requiring accreditation pursuant to Section 408.043(4), F.S. removing obsolete language and items from the utilization reporting requirement, removing language regarding amended

licenses and removing language regarding the applicability of the amended rule.

RULEMAKING AUTHORITY: 408.034 (3), (6) and 408.15 (8) FS.

LAW IMPLEMENTED: 408.034 (3), 408.035, 408.036 (1) (b), (c) and 408.039 (4) (a) 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: Marisol Fitch, Marisol.Fitch@ahca.myflorida.com or at (850)412-4346 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### DEPARTMENT OF TRANSPORTATION

RULE NO.:           RULE TITLE:

14-46.001           Utilities Installation or Adjustment

PURPOSE AND EFFECT: Rule Chapter 14-46.001, F.A.C. is being amended to update material incorporated by reference.

SUMMARY: The proposed rule incorporates the most recent version of the Utility Accommodations Manual and material referenced within the manual.

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 proposed changes do not increase regulatory costs to small businesses.

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: 334.044(2), 337.401, 337.405 FS.

LAW IMPLEMENTED: 337.401, 337.402, 337.403, 337.405 FS.

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

DATE AND TIME: Friday, November 13, 2015, 9:00 a.m.

PLACE: Florida’s Turnpike Enterprise Headquarters Auditorium B, Turnpike Mile Post 263, Ocoee, FL 34761

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-46.001 Utilities Installation or Adjustment

(1) No change.

(2) Permits.

(a) FDOT will issue permits for the construction, alteration, operation, relocation, removal, and maintenance of utilities upon the right of way in conformity with the FDOT *Utility Accommodation Manual (UAM)*, 2015 edition August 2010 edition, FDOT Document No. 710-020-001-g, which is hereby incorporated by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06026> and made part of this rule. The UAM also incorporates by reference additional documents contained in the UAM Section 6.1, Incorporated References. Copies of the UAM are available from the FDOT Maps and Publications Office at 605 Suwannee Street, MS 12, Tallahassee, Florida 32399-0450, or the FDOT Utility Web Site: [www.state.fl.us/programmanagement/utilities/](http://www.dot.state.fl.us/rddesign/utilities/) <http://www.dot.state.fl.us/rddesign/utilities/>. The following documents are hereby incorporated by reference and made a part of this rule:

(a)(b) The Utility Permit, FDOT Form 710-010-85, Rev. 10/15 08/10, is incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06027> and available from [www.state.fl.us/programmanagement/utilities](http://www.state.fl.us/programmanagement/utilities) the FDOT Utility Web Site listed above.

(b) Utility Work Schedule, FDOT Form 710-010-05, Rev. 10/15, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06028> and available from [www.state.fl.us/programmanagement/utilities](http://www.state.fl.us/programmanagement/utilities)

(c) Utility Work Estimate, 10/15, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06029> and available from [www.state.fl.us/programmanagement/utilities](http://www.state.fl.us/programmanagement/utilities)

(d) American Petroleum (API) Standard 1104 – Welding of Pipelines and Related Facilities, 20<sup>th</sup> Edition, October 2005, available at [www.techstreet.com/api/products/1237425](http://www.techstreet.com/api/products/1237425). Posting of this manual for public inspection would violate federal copyright law. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Program Management Office, 605 Suwannee Street, Tallahassee, Florida.

(e) Grades and Standards for Nursery Plants, Florida Department of Agriculture and Consumer Services, Division of Plant Industry, 2015 incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06046> and available from [www.state.fl.us/programmanagement/utilities](http://www.state.fl.us/programmanagement/utilities).

(f) FDOT 2016 Design Standards, Indexes 546, 600, 601, 602, 603, 604, 605, 611, 612, 613, 615, 616, and 660, incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06045> and available from [www.state.fl.us/programmanagement/utilities](http://www.state.fl.us/programmanagement/utilities).

(g) FDOT South Florida Rail Policy, Topic No. 000-725-003-j, effective 9/20/2007, incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06031> and available from [www.state.fl.us/programmanagement/utilities](http://www.state.fl.us/programmanagement/utilities).

(h) American Society for Testing and Materials (ASTM) D1586-11 Standard Test Method for Standard Penetration Test (SPT) and Split-Barrel Sampling of Soils (2011) available at [astm.org/standards/D1586.htm](http://astm.org/standards/D1586.htm). Posting of this manual for public inspection would violate federal copyright law. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Program Management Office, 605 Suwannee Street, Tallahassee, Florida.

(i) American National Standards for Tree Care Operations – Tree, Shrub, and Other Woody Plant Management- Standard Practices (Pruning), ANSI A300 (Part 1) – 2008 Pruning, available at [www.tcia.org](http://www.tcia.org). Posting of this manual for public inspection would violate federal copyright law. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Program

Management Office, 605 Suwannee Street, Tallahassee, Florida.

(j) Florida Exotic Pest Plants Council's 2015 List of Invasive Plant Species, incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06030> and available from [www.fleppc.org](http://www.fleppc.org).

Rulemaking Authority 334.044(2), 337.401, 337.405, FS. Law Implemented 337.401, 337.402, 337.403, 337.405, FS. History–New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 10-15-96, 8-30-99, 11-10-05, 1-24-08, 1-30-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Thomas Bane, State Utilities Engineer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim Boxold, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 23, 2014

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

##### **Certificate of Need**

RULE NOS.:      RULE TITLES:

59C-1.004      Projects Subject to Review

59C-1.005      Certificate of Need Exemption Procedure

59C-1.036      Nursing Facility Beds

PURPOSE AND EFFECT: The Agency is proposing to amend Rules 59C-1.004, 1.005 and 1.036, F.A.C., due to statutory changes.

SUMMARY: The proposed amendments to Rules 59C-1.004, 1.005 and 1.036, F.A.C., include statutory changes to amend the occupancy rate from 94 to 92 percent, adding projects subject to expedited review, as well as amending projects subject to exemption.

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.

Based on the fact that the updates to the proposed rule are solely updating materials incorporated and removal of language, the Agency has determined that no SERC is required.

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: Based on the fact that the updates to the proposed rule

are solely updating materials incorporated and removal of language, the Agency has determined that no legislative ratification pursuant to subsection 120.541 (3), F.S. is 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: 408.034(3), (5) and (8), 408.15(8) FS.

LAW IMPLEMENTED: 400.071, 408.034(4), (6) and (7), 408.035, 408.036(1)(a)-(d), (3) and (4), 408.0361(2) and 408.043(2) 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: November 13, 2015, 8:30 a.m. – 10:30 a.m.

PLACE: Agency for Health Care Administration, Building Three, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Marisol Fitch, Marisol.Fitch@ahca.myflorida.com or at (850)412-4346. 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: Marisol Fitch, Marisol.Fitch@ahca.myflorida.com or at (850)412-4346

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.004 Projects Subject to Review.

(1) through (2)(b) No change.

(c) Replacement of a nursing home ~~within the same district, if the proposed project site is located within a geographic area that contains at least 65% percent of the facility's current residents and~~ is within a 30-mile radius of the replaced nursing home. If the proposed project site is outside the subdistrict where the replaced nursing home is located, the prior six-month occupancy rate for licensed community nursing homes in the proposed subdistrict must be at least 85 percent in accordance with the Agency's most recently published inventory.

~~1. In the case of a nursing home with an inactive license, the facility shall address the 65% percent requirement through an identification of where its former residents resided.~~

~~2-~~ The nursing home license holder is the only entity that may submit the application to replace the nursing home, pursuant to paragraph 59C-1.008(1)(h), F.A.C.

(d) Replacement of a nursing home within the same district, if the proposed project site is outside a 30-mile radius of the replaced nursing home but within the same subdistrict or a geographically contiguous subdistrict within the district.

1. In the case that a proposed project site is in a geographically contiguous subdistrict within the district, the prior six-month occupancy rate for licensed community nursing homes for that subdistrict must be at least 85 percent in accordance with the Agency's most recently published inventory.

~~(e)(d)~~ Relocation of a portion of the nursing home's licensed beds to a licensed facility or to establish a new facility within the same district, or a geographically contiguous district if the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the ~~state district~~ does not increase as a result of this project.

1. Applications submitted under this paragraph must be submitted by the licensed nursing home proposing to add the beds or by the applicant proposing to establish a new facility. Notarized letter from the facility from which the beds are being relocated must be submitted certifying that beds will be delicensed should the CON be awarded to the applicant.

2. The relocation of beds under this paragraph shall be limited to a portion of beds such that the occupancy rate of the remaining licensed beds of the facility from which beds are being relocated does not exceed ~~92%~~ 94% percent.

(f) New construction of a community nursing home in a retirement community pursuant to the provisions in 408.036 (2) (e), F.S.

Rulemaking Authority 408.034(6), 408.15(8) FS. Law Implemented 408.033, 408.035, 408.036(1), (2), 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, Formerly 10-5.04, Amended 11-24-86, 11-17-87, 1-31-91, 1-1-92, Formerly 10-5.004, Amended 9-10-92, 1-9-95, 11-4-97, 12-12-00, 11-12-01, 8-1-05,\_\_\_\_\_.

59C-1.005 Certificate of Need Exemption Procedure.

(1) through (6)(e) No change.

(6)(f) Addition of nursing home beds licensed under chapter 400 for a replacement nursing home not to exceed 30 total beds or 25 percent of the number of licensed and approved beds in the facility being replaced according to the provisions in 408.036 (2) (b), (2) (c) or (3) (p), whichever is less. A request for exemption of a proposed expansion of authorized nursing home beds must specify:

1. The licensed bed capacity of the nursing home proposed to be expanded.

2. The exact number of beds proposed to be added.

3. The subdistrict location of the facility as defined in Rule 59C-2.200, F.A.C.

~~Provision of adult inpatient diagnostic cardiac catheterization services.~~

~~1. A request for exemption of a proposed adult inpatient diagnostic cardiac catheterization program shall include certification by the applicant that:~~

~~a. The applicant will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption;~~

~~b. The applicant will meet and continuously maintain the minimum licensure requirements specified in subsection 59A-3.2085(13), F.A.C.; and,~~

~~c. At least 2% percent of the applicant's annual Adult Diagnostic Cardiac Catheterization Admissions will be charity and Medicaid patients.~~

~~2. An exemption granted for provision of Adult Inpatient Diagnostic Catheterization Services remains in effect while the requirements specified in Section 408.036(3)(i), F.S. and subsection 59A-3.2085(13), F.A.C., are met.~~

~~3. Annual reports of compliance with standards for minimum program volume and minimum services to charity and Medicaid patients, as specified in paragraphs 59A-3.2085(13)(d) and (i), F.A.C., shall be forwarded to the Agency's Certificate of Need Office. The total volume reported shall include both Inpatient and Outpatient Admissions to the Adult Diagnostic Cardiac Catheterization Program. A single admission is equal to one patient visit to the cardiac catheterization program. The first annual report for the exempted program shall be forwarded within 30 days of the end of the first 12 month period completed subsequent to the 18th month of operation. Annual reports thereafter shall be forwarded within 30 days after the anniversary of the first annual report. The reports should be submitted to the address shown in subsection (1) of this rule.~~

~~4. The Agency shall provide written notification to the exempted hospital of a determination of non-compliance with the annual compliance requirements of subparagraph (h)3. of this rule. Action upon a finding of non-compliance shall be consistent with the provisions of Section 408.036(3)(i)3.b., F.S.~~

(6)(g) Establishment of a Level II neonatal intensive care unit (NICU) within a licensed acute care facility if the facility can document that it has had a minimum of 1,500 births during the 12 months preceding the month the Certificate of Need exemption request was submitted and agrees to establish at least 10 Level II NICU beds. The request for exemption should specify:

1. The total licensed bed capacity of the hospital.

2. The total licensed bed capacity if the Certificate of Need exemption request is granted.

3. Applicants for exemption under this paragraph must certify that the NICU unit will provide a level of charity care or Medicaid patient days equal to or greater than the district average. The district average will be determined by averaging all Medicaid, Medicaid HMO, and charity care reported to the Florida State Center for Health Information and Policy Analysis Statistics for the most recent 12-month period in which data has been certified ~~cleared~~ by the Florida State Center for Health Information and Policy Analysis Statistics.

a. Applicants seeking exemption under this paragraph will verify the district average with the Florida State Center for Health Information and Policy Analysis Statistics and certify to provide a certain percentage of patient days to either Medicaid, including Medicaid HMO, or charity care patients or a combination of Medicaid, including Medicaid HMO, and charity care patients.

b. Applicants granted exemption under this paragraph shall report annually, pursuant to Section 408.040, F.S. and Rule 59C-1.013, F.A.C.

4. Applicants for exemption under this paragraph shall demonstrate that it meets the requirements for quality of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting found in Rule 59C-1.042, F.A.C.

a. Documentation of staffing patterns shall be submitted in a clearly organized format and certified to be correct by the applicant or its authorized representative.

b. Physical plant requirements shall be presented in a clearly organized format and certified to be correct by the applicant or its authorized representative and must indicate the establishment of at least a 10-bed unit.

c. A listing of equipment and equipment specifications should be presented and the applicant or its authorized representative must certify that listed equipment will be purchased.

d. Documentation from authorized emergency transportation providers must be presented attesting to the availability of such transportation to the applicant and certifying that it will provide emergency transportation to the applicant's NICU patients.

(h) Establishment of a Level III Neonatal Intensive Care Unit (NICU) with at least 15 beds within a licensed acute care facility if the facility has at least a 10-bed Level II NICU and can document that it has had a minimum of 3,500 births during the 12 months preceding the month the Certificate of Need exemption request was submitted and the establishment of agrees to establish at least 5 ~~15~~-Level III NICU beds: in an applicant hospital that is a verified trauma center pursuant to s. 395.4001(14), and has a Level II neonatal intensive care unit. A request for exemption should specify.

1. The total licensed bed capacity of the hospital.
2. The total licensed bed capacity if the Certificate of Need exemption request is granted.

3. Applicants for exemption under this paragraph must certify that the NICU unit will provide a level of charity care or Medicaid patient days equal to or greater than the district average. The district average will be determined by averaging all Medicaid, Medicaid HMO, and charity care reported to the Florida State Center for Health Information and Policy Analysis Statistics for the most recent 12-month period in which data has been certified ~~cleared~~ by the Florida State Center for Health Information and Policy Analysis Statistics.

a. Applicants seeking exemption under this paragraph will verify the district average with the S Florida State Center for Health Information and Policy Analysis Statistics and certify to provide a certain percentage of patient days to either Medicaid, including Medicaid HMO, or charity care patients or a combination of Medicaid, including Medicaid HMO, and charity care patients.

b. Applicants granted exemption under this paragraph shall report annually, pursuant to Section 408.040, F.S. and Rule 59C-1.013, F.A.C.

4. Applicants for exemption under this paragraph shall demonstrate that it meets the requirements for quality of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting found in Rule 59C-1.042, F.A.C.

a. Documentation of staffing patterns shall be submitted in a clearly organized format and certified to be correct by the applicant or its authorized representative.

b. Physical plant requirements shall be presented in a clearly organized format and certified to be correct by the applicant or its authorized representative and must indicate the establishment of the at least a 15 bed unit.

c. A listing of equipment and equipment specifications should be presented and the applicant or its authorized representative must certify that listed equipment will be purchased.

d. Documentation from authorized emergency transportation providers must be presented attesting to the availability of such transportation to the applicant and certifying that it will provide emergency transportation to the applicant's NICU patients.

(6)(i) No change.

(6)(j) The consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning subdistrict, by providers that operate multiple nursing homes within that same planning subdistrict, if there is no increase in the planning subdistrict total number of nursing home beds as a result of this project and the site of the relocation is not more than 30 miles from

the original location. A request for exemption under this paragraph shall specify:

1. For transfer requests:

a. The name and licensed bed capacity of nursing home from which beds will be transferred.

b. The name and licensed beds capacity of the nursing home to which beds will be transferred.

c. The exact number of beds proposed to be added.

d. The total number of licensed beds at each facility should this exemption be granted.

e. The subdistrict location of each facility as defined in Rule 59C-2.200, F.A.C.

f. The physical location of each facility.

2. For consolidation or combination requests:

a. The name and licensed bed capacity of each nursing home to be consolidated.

b. The name of the resulting consolidated nursing home.

c. The total number of licensed beds at the consolidated facility should this exemption be granted.

3. Verification that the providers have shared controlled interest in operate operate the nursing homes from which beds will either be transferred, consolidated, or combined. Certificate of Need exemption requests under this provision shall require verification that providers operate the nursing facilities in question under a common ownership or control. Verification may include copies of nursing home licenses showing common ownership or appropriate documentation that establishes the subject nursing homes are affiliates through a shared common ownership or controlling interest as defined in Section 408.803(7), F.S. If Agency records indicate information inconsistent with that presented by the requesting parties, then Agency records create a rebuttable presumption as to the correctness of those records and the request for exemption will be denied.

(k) The reestablishment of a health care facility or service. A request for exemption under this paragraph shall specify:

1. Documentation that the exemption applicant was previously licensed within the past 21 days as a health care facility or provider pursuant to Section 408.036 (1), F.S.

2. The request shall certify that the exemption applicant failed to submit a renewal application.

3. The request shall certify that the exemption applicant does not have a license denial or revocation action pending with the Agency.

4. The service type, district, service area and site for the reestablished health care facility or service.

5. If applicable, the number and type of beds for the reestablished health care facility.

6. If applicable, identify the conditions that were previously imposed on the certificate of need or exemption

related to the exemption applicant's previously licensed health care facility or service.

7. The request shall certify that the exemption applicant agrees to the conditions that were previously imposed on the certificate of need or exemption related to the exemption applicant's previously licensed health care facility or service.

8. An exemption granted under this paragraph will expire on the 22<sup>nd</sup> day following the Agency's approval if the exemption applicant does not apply for an initial license as required under Section 408.806, F.S.

Rulemaking Authority 408.034(8), 408.15(8) FS. Law Implemented 400.071, 408.036(3), (4), 408.0361(2) FS. History—New 1-1-77, Amended 6-5-79, 2-1-81, Formerly 10-5.05, Amended 11-17-87, 3-23-88, 1-31-91, Formerly 10-5.005, Amended 7-13-98, 4-2-01, 11-12-01, 8-18-05, \_\_\_\_\_.

59C-1.036 Nursing Facility Beds.

(1) through (3)(d) No change.

(3)(e) Geographically Contiguous Subdistricts within a District. If nursing home need is determined by the bed need formula contained in this rule in contiguous subdistricts within a District, the applicant may aggregate the subdistricts's need for a new community nursing home pursuant to Section 408.034 (6), F.S.

1. If need is aggregated from two subdistricts, the proposed nursing home site must be located in the subdistrict with the greatest published need as determined by the bed need formula contained in this rule.

2. If need is aggregated from more than two subdistricts, the location of the proposed nursing home site must provide reasonable geographic access for residents in the aggregated subdistricts given the relative bed need in each subdistrict.

(f)(e) Geographically Underserved Areas. In a competitive Certificate of Need review within the nursing facility subdistrict as defined in Rule 59C-2.200, F.A.C., the Agency shall award a Certificate of Need if the applicant meets all applicable criteria for a geographically underserved area as specified in Section 408.032(15), F.S., and if the applicant meets applicable statutory Certificate of Need review criteria specified in Section 408.035, F.S., including bed need according to the relevant bed need formula contained in this rule. If an applicant is awarded a Certificate of Need based on the provisions of this paragraph, the applicant shall agree that the nursing facility will be located in a county without a nursing facility, or in the center of an area within the subdistrict with a radius of at least 20 miles which meets the definition of a geographically underserved area. The center of the geographically underserved area shall be the proposed nursing facility location in the application.

(4) through (4)(a) no changes.

(4)(b) Summary of Need Formula. The need formula for nursing facility beds seeking licensure under Chapter 400,

F.S., links the projected subdistrict need to a projected increase in the district need for beds licensed under Chapter 400, F.S. The District increase is based on the expected increase in the district population age 65 to 74 and age 75 and over, with the age group 75 and over given 6 times more weight in projecting the population increase. The projected district bed need total is then allocated to its subdistricts consistent with the current subdistrict distribution of the total. The result for a given subdistrict is adjusted to reflect the current subdistrict occupancy of beds licensed under Chapter 400, F.S., and a desired standard of 92 94 percent occupancy. This subdistrict total of allocated beds is then reduced by the current number of Chapter 400, F.S., beds in the subDistrict that are licensed or approved, resulting in the net need for additional nursing facility beds to be licensed under Chapter 400, F.S. The rule also provides that if current occupancy of beds licensed under Chapter 400, F.S., is less than 85 percent, the net need in the subdistrict is zero regardless of whether the formula otherwise would show a net need.

(c) Need Formula. The formula for determining the net need in a subdistrict for nursing facility beds licensed under Chapter 400, F.S., is as follows:

$$1. A = (POPA \times BA) + (POPB \times BB)$$

where:

A is the projected age-adjusted total number of nursing facility beds to be licensed under Chapter 400, F.S., at the planning horizon for the district in which the subdistrict is located.

POPA is the projected population age 65-74 years in the district.

POPB is the projected population age 75 years and older in the district.

BA is the estimated current bed rate for facilities licensed under Chapter 400, F.S., for the population age 65-74 years in the district.

BB is the estimated current bed rate for facilities licensed under Chapter 400, F.S., for the population age 75 years and over in the district.

$$2. BA = LB / (POPC + (6 \times POPD))$$

where:

LB is the number of nursing facility beds licensed under Chapter 400, F.S., in the district as of January 1, for fixed bed need pools published between January 1 and June 30, or as of July 1 for fixed bed need pools published between July 1 and December 31.

POPC is the current population age 65-74 years in the district.

POPD is the current population age 75 years and over in the district.

$$3. BB = 6 \times BA$$

$$4. SA = A \times (LBD/LB) \times (OR/.92.94)$$

where:

SA is the subdistrict allocation of community nursing facility beds to be licensed under Chapter 400, F.S., at the planning horizon.

LBD is the number of nursing facility beds licensed under Chapter 400, F.S., in the subdistrict as of January 1, for fixed bed need pools published between January 1 and June 30, or as of July 1 for fixed bed need pools published between July 1 and December 31.

OR is the average 6 month occupancy rate for nursing facility beds licensed in the subdistrict under Chapter 400, F.S. For fixed bed need pools published between January 1 and June 30, occupancy rates shall be based upon patient days in nursing facilities licensed under Chapter 400, F.S., for the 6 month period from July 1 through December 31 of the previous year; for fixed bed need pools published between July 1 and December 31, occupancy rates shall be based upon patient days in nursing facilities licensed under Chapter 400, F.S., for the 6 month period from January 1 through June 30 of the year the fixed bed need pool is published.

.92 ~~94~~ equals the desired average 6 month occupancy rate for nursing facility beds licensed under Chapter 400, F.S., in the subdistrict.

5. The net bed need allocation for a subdistrict at the planning horizon is determined by subtracting the total number of licensed and approved beds for facilities licensed under Chapter 400, F.S., in the subdistrict from the bed allocation determined under subparagraphs (c)1. through (c)4. unless, as defined in subparagraph (c)4. is less than 85% percent, in which case the net bed need allocation is zero. The number of licensed beds that is subtracted from the bed need allocation shall be the number licensed under Chapter 400, F.S., as of the most recent published deadline for Agency initial decisions prior to publication of the Fixed Bed Need Pool. The number of approved beds that is subtracted shall be the number for which the Agency has issued a Certificate of Need, a letter stating the Agency’s intent to issue a Certificate of Need, a signed stipulated agreement, or a final order granting a Certificate of Need, as of the most recent published deadline for Agency initial decisions prior to publication of the Fixed Bed Need Pool.

(4)(d) through (4)(f) No change.

(g) Other Factors to be Considered in the Review of Certificate of Need Applications for nursing facility beds. An applicant who agrees to voluntarily relinquish licensed community nursing home beds in one or more subdistricts where there is no calculated need, may be recognized as a positive application factor when applying for nursing facility beds in a subdistrict with published need. The applicant must demonstrate that it operates or has a controlled interest as defined in Rule 59C-1.005(6)(j) 3., F.A.C., or has an agreement with another licensed community nursing home to

ensure that beds are voluntarily relinquished if the application is approved. The nursing home from which the beds are being relinquished must submit a notarized letter certifying that the identified number of beds at its facility will be delicensed no later than initial licensure of the proposed facility should the CON be awarded to the applicant. The relocation of beds under this paragraph must be limited to a portion of beds such that the occupancy rate of the remaining licensed beds of the facility from which the beds are being relinquished does not exceed 92 percent.

(5) No changes.

Rulemaking Authority 408.034(3), ~~(5)~~ and (8), 408.15(8) FS. Law Implemented 408.034~~(4)(3)~~, ~~(6)(5)~~,~~(7)~~, 408.036(1)(a), (b), (c) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(k), Amended 8-9-92, Formerly 10-5.036, Amended 10-6-92, 8-24-93, 6-11-98, 4-7-02, 8-1-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Marisol Fitch

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 17, 2014

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

NONE

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### Section IV Emergency Rules

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER15-59      RULE TITLE: Instant Game Number 1289, \$10,000 HOLIDAY GIFTS

SUMMARY: This emergency rule describes Instant Game Number 1289, “\$10,000 HOLIDAY GIFTS,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.



THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER15-59 Instant Game Number 1289, \$10,000 HOLIDAY GIFTS.

(1) Name of Game. Instant Game Number 1289, “\$10,000 HOLIDAY GIFTS.”

(2) Price. \$10,000 HOLIDAY GIFTS lottery tickets sell for \$1.00 per ticket.

(3) \$10,000 HOLIDAY GIFTS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$10,000 HOLIDAY GIFTS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER15-31, Florida Administrative Code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN	TRIPLE

(5) The “WINNING NUMBER” play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN

(6) The prize symbols and prize symbol captions are as follows:


<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$20.00</b>	<b>\$30.00</b>	<b>\$40.00</b>	<b>\$100</b>	<b>\$300</b>	<b>\$10,000</b>
ONE	TWO	FOUR	FIVE	TEN	TWENTY	THIRTY	FORTY	ONE HUN	THR HUN	TEN THOU

(7) The legends are as follows:

YOUR NUMBERS	WINNING NUMBER
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(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches the play symbol and corresponding play symbol caption in the “WINNING NUMBER” play area shall entitle the claimant to the corresponding prize shown. A ticket having

a “ TRIPLE ” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to three times the corresponding prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100, \$300 and \$10,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1289 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 94 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	10.71	2,105,600
\$1 x 2	\$2	25.00	902,400
\$2	\$2	33.33	676,800
\$1 x 4	\$4	300.00	75,200
(\$1 x 2) + \$2	\$4	150.00	150,400
\$1 (BELL) + \$1	\$4	300.00	75,200
\$2 x 2	\$4	300.00	75,200
\$4	\$4	300.00	75,200
\$1 x 5	\$5	750.00	30,080
\$1 (BELL) + \$2	\$5	750.00	30,080
\$1 + (\$2 x 2)	\$5	750.00	30,080
\$1 + \$4	\$5	750.00	30,080
\$5	\$5	750.00	30,080
\$2 x 5	\$10	500.00	45,120
\$2 (BELL) + \$4	\$10	500.00	45,120
\$1 + (\$2 x 2) + \$5	\$10	500.00	45,120
\$5 x 2	\$10	500.00	45,120
\$10	\$10	500.00	45,120
\$4 x 5	\$20	1,500.00	15,040
\$5 x 4	\$20	1,500.00	15,040
\$1 + (\$2 x 2) + \$5 (BELL)	\$20	1,500.00	15,040
\$5 (BELL) + \$5	\$20	1,500.00	15,040
\$20	\$20	1,500.00	15,040
(\$5 x 4) + \$10	\$30	7,500.00	3,008
(\$5 x 2) + (\$10 x 2)	\$30	7,500.00	3,008
\$5 + \$5 (BELL) + \$10	\$30	7,500.00	3,008
\$10 (BELL)	\$30	7,500.00	3,008
\$30	\$30	7,500.00	3,008
(\$5 x 2) + \$10 (BELL)	\$40	6,000.00	3,760
\$5 + \$5 (BELL) + \$20	\$40	6,000.00	3,760
\$10 x 4	\$40	6,000.00	3,760
\$20 x 2	\$40	6,000.00	3,760
\$40	\$40	6,000.00	3,760
\$20 x 5	\$100	20,000.00	1,128
\$10 + \$20 + \$30 + \$40	\$100	20,000.00	1,128
\$10 + \$30 (BELL)	\$100	20,000.00	1,128
\$20 (BELL) + \$40	\$100	20,000.00	1,128
\$100	\$100	20,000.00	1,128
\$20 + (\$40 x 2) + (\$100 x 2)	\$300	120,000.00	188
\$100 x 3	\$300	120,000.00	188
(\$30 (BELL) x 2) + \$40 (BELL)	\$300	120,000.00	188
\$100 (BELL)	\$300	120,000.00	188
\$300	\$300	240,000.00	94
\$10,000	\$10,000	451,200.00	50

(10) The estimated overall odds of winning some prize in Instant Game Number 1289 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1289, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for \$10,000 HOLIDAY GIFTS lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-21-15.

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

EFFECTIVE DATE: October 21, 2015

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER15-60  
 RULE TITLE: Instant Game Number 1290, \$50,000 HOLIDAY GIFTS

SUMMARY: This emergency rule describes Instant Game Number 1290, "\$50,000 HOLIDAY GIFTS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER15-60 Instant Game Number 1290, \$50,000 HOLIDAY GIFTS.

(1) Name of Game. Instant Game Number 1290, "\$50,000 HOLIDAY GIFTS."

(2) Price. \$50,000 HOLIDAY GIFTS lottery tickets sell for \$2.00 per ticket.

(3) \$50,000 HOLIDAY GIFTS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$50,000 HOLIDAY GIFTS lottery ticket, the ticket must meet the

applicable requirements of Rule 53ER15-31, Florida Administrative Code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTH	16 SIXTH	17 SVNTH	18 EGHTN	19 NINTN	20 TENNY
								☆ WIN	🔁 DOUBLE

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTH	16 SIXTH	17 SVNTH	18 EGHTN	19 NINTN	20 TENNY

(6) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$15.00 FIFTEEN	\$20.00 TWENTY	\$30.00 THIRTY
\$40.00 FORTY	\$100 ONE HUN	\$200 TWO HUN	\$400 FOUR HUN	\$1,000 ONE THOU	\$10,000 TEN THOU	\$50,000 FTY THOU	

(7) The legends are as follows:

YOUR NUMBERS                      WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches either play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown. A ticket having a "☆ WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that

symbol. A ticket having a "🔁 DOUBLE" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to double the corresponding prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$100, \$200, \$400, \$1,000, \$10,000 and \$50,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1290 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN	
		ESTIMATED	146 POOLS OF
		ODDS OF	180,000 TICKETS
		PER POOL	
\$1 (BELL)	\$2	1 IN 37.50	700.800
\$1 x 2	\$2	1 IN 37.50	700.800
\$2	\$2	1 IN 21.43	1,226.400
\$1 x 4	\$4	1 IN 75.00	350.400
(\$1 x 2) + \$2	\$4	1 IN 75.00	350.400
\$2 (BELL)	\$4	1 IN 37.50	700.800
\$2 x 2	\$4	1 IN 75.00	350.400
\$4	\$4	1 IN 75.00	350.400

\$1 x 5	\$5	375.00	70.080
(\$1 x 3) + \$2	\$5	375.00	70.080
\$2 (BELL) + \$1	\$5	375.00	70.080
\$1 + \$4	\$5	375.00	70.080
\$5	\$5	375.00	70.080
\$1 x 10	\$10	375.00	70.080
\$2 x 5	\$10	375.00	70.080
\$5 (BELL)	\$10	375.00	70.080
\$5 x 2	\$10	375.00	70.080
\$10	\$10	375.00	70.080
\$5 + (\$2 x 5)	\$15	750.00	35.040
\$5 + \$5 (BELL)	\$15	750.00	35.040
\$2 + (\$4 x 2) + \$5	\$15	750.00	35.040
\$5 + \$10	\$15	750.00	35.040
\$15	\$15	750.00	35.040
\$2 x 10	\$20	750.00	35.040
\$4 x 5	\$20	750.00	35.040
\$10 (BELL)	\$20	750.00	35.040
\$10 x 2	\$20	750.00	35.040
\$20	\$20	750.00	35.040
(\$2 x 5) + (\$4 x 5)	\$30	947.37	27.740
\$5 x 6	\$30	1,000.00	26.280
\$10 x 3	\$30	978.26	26.864
\$15 (BELL)	\$30	900.00	29.200
\$30	\$30	1,200.00	21.900
\$10 x 10	\$100	4,500.00	5.840
(\$10 x 4) + (\$30 x 2)	\$100	4,500.00	5.840
\$20 x 5	\$100	4,500.00	5.840
\$20 + \$20 (BELL) + \$40	\$100	4,500.00	5.840
\$20 + (\$40 x 2)	\$100	6,000.00	4.380
\$100	\$100	6,000.00	4.380
\$20 x 10	\$200	18,000.00	1.460
\$20 + (\$30 x 6)	\$200	18,000.00	1.460
\$40 x 5	\$200	18,000.00	1.460
\$100 (BELL)	\$200	18,000.00	1.460
\$200	\$200	18,000.00	1.460
\$40 x 10	\$400	45,000.00	584
\$100 x 4	\$400	45,000.00	584
\$200 x 2	\$400	45,000.00	584
\$200 (BELL)	\$400	45,000.00	584
\$400	\$400	45,000.00	584
\$100 x 10	\$1,000	180,000.00	146
\$200 x 5	\$1,000	180,000.00	146
\$200 + \$200 (BELL) + \$400	\$1,000	90,000.00	292
\$200 + (\$400 x 2)	\$1,000	180,000.00	146
\$1,000	\$1,000	180,000.00	146
\$10,000	\$10,000	876,000.00	30
\$50,000	\$50,000	2,628,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 1290 are 1 in 4.41. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1290, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for \$50,000 HOLIDAY GIFTS lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-21-15.

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

EFFECTIVE DATE: October 21, 2015

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER15-61  
 RULE TITLE: Instant Game Number 1291, \$500,000 HOLIDAY GIFTS

SUMMARY: This emergency rule describes Instant Game Number 1291, "\$500,000 HOLIDAY GIFTS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399 4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER15-61 Instant Game Number 1291, \$500,000 HOLIDAY GIFTS.

(1) Name of Game. Instant Game Number 1291, "\$500,000 HOLIDAY GIFTS."

(2) Price. \$500,000 HOLIDAY GIFTS lottery tickets sell for \$5.00 per ticket.

(3) \$500,000 HOLIDAY GIFTS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$500,000 HOLIDAY GIFTS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER15-31, Florida Administrative Code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVEN	<b>12</b> TWELVE	<b>13</b> THIRTEEN	<b>14</b> FOURTEEN	<b>15</b> FIFTEEN	<b>16</b> SIXTEEN	<b>17</b> SEVENTEEN	<b>18</b> EIGHTEEN	<b>19</b> NINETEEN	<b>20</b> TWENTY
<b>21</b> TWENTYONE	<b>22</b> TWENTYTWO	<b>23</b> TWENTYTHREE	<b>24</b> TWENTYFOUR	 WIN	 DOUBLE	 WIN ALL			

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVEN	<b>12</b> TWELVE	<b>13</b> THIRTEEN	<b>14</b> FOURTEEN	<b>15</b> FIFTEEN	<b>16</b> SIXTEEN	<b>17</b> SEVENTEEN	<b>18</b> EIGHTEEN	<b>19</b> NINETEEN	<b>20</b> TWENTY
<b>21</b> TWENTYONE	<b>22</b> TWENTYTWO	<b>23</b> TWENTYTHREE	<b>24</b> TWENTYFOUR						

(6) The prize symbols and prize symbol captions are as follows:

<b>\$2.00</b> TWO	<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN	<b>\$15.00</b> FIFTEEN	<b>\$20.00</b> TWENTY	<b>\$30.00</b> THIRTY	<b>\$40.00</b> FORTY	<b>\$50.00</b> FIFTY
<b>\$100</b> ONE HUNDRED	<b>\$200</b> TWO HUNDRED	<b>\$500</b> FIVE HUNDRED	<b>\$1,000</b> ONE THOUSAND	<b>\$2,500</b> TWO THOUSAND FIVE HUNDRED	<b>\$10,000</b> TEN THOUSAND	<b>\$500,000</b> FIVE HUNDRED THOUSAND	

(7) The legends are as follows:

WINNING NUMBERS      YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown. A ticket having a "



"WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that



symbol. A ticket having a "DOUBLE" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to double the corresponding prize shown for that symbol. A ticket having a



"WIN ALL" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to all twelve prizes shown.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$2,500, \$10,000 and \$500,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1291 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 100 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	1,200,000
\$5 (BELL)	\$10	15.00	800,000
\$5 x 2	\$10	60.00	200,000
\$10	\$10	60.00	200,000
(\$2 x 5) + \$5	\$15	300.00	40,000
\$5 + \$5 (BELL)	\$15	300.00	40,000
\$5 x 3	\$15	300.00	40,000
\$5 + \$10	\$15	300.00	40,000
\$15	\$15	300.00	40,000
\$2 x 10	\$20	300.00	40,000
\$5 (BELL) + (\$5 x 2)	\$20	300.00	40,000
\$5 x 4	\$20	300.00	40,000
\$10 (BELL)	\$20	300.00	40,000
\$20	\$20	300.00	40,000
(\$2 x 10) + \$5 (BELL)	\$30	600.00	20,000
\$5 x 6	\$30	600.00	20,000
\$5 (BELL) + \$10 (BELL)	\$30	600.00	20,000
\$15 x 2	\$30	800.00	15,000
\$30	\$30	800.00	15,000
(\$2 x 10) + (\$10 x 2) (TREE)	\$40	2,000.00	6,000
\$5 x 8	\$40	2,000.00	6,000
\$10 (BELL) + \$20	\$40	2,000.00	6,000
\$10 x 4	\$40	2,000.00	6,000
\$40	\$40	2,000.00	6,000
(\$2 x 5) + (\$5 x 6) + \$10 (TREE)	\$50	2,000.00	6,000
(\$10 x 2) + (\$15 x 2)	\$50	2,000.00	6,000
\$5 (BELL) + \$20 (BELL)	\$50	2,000.00	6,000
\$10 (BELL) + \$30	\$50	2,000.00	6,000
\$50	\$50	2,000.00	6,000
(\$5 x 8) + (\$10 x 2) + (\$20 x 2) (TREE)	\$100	1,500.00	8,000
\$10 (BELL) + \$20 (BELL) + \$40	\$100	1,500.00	8,000
(\$10 x 3) + \$30 + \$40	\$100	2,000.00	6,000
\$20 (BELL) + \$30 (BELL)	\$100	1,500.00	8,000
\$50 (BELL)	\$100	2,000.00	6,000
\$100	\$100	2,000.00	6,000
(\$10 x 10) + (\$50 x 2) (TREE)	\$200	12,000.00	1,000
\$30 (BELL) + \$40 + \$50 (BELL)	\$200	12,000.00	1,000
(\$20 x 6) + (\$15 x 2) + \$50	\$200	12,000.00	1,000
\$100 (BELL)	\$200	12,000.00	1,000
\$200	\$200	12,000.00	1,000
(\$40 x 10) + (\$50 x 2) (TREE)	\$500	15,000.00	800
\$50 (BELL) + \$200 (BELL)	\$500	15,000.00	800
\$100 x 5	\$500	15,000.00	800
(\$50 x 2) + (\$100 x 4)	\$500	15,000.00	800
\$500	\$500	15,000.00	800
(\$50 x 8) + (\$100 x 2) + (\$200 x 2) (TREE)	\$1,000	40,000.00	300
\$100 x 10	\$1,000	40,000.00	300
\$200 x 5	\$1,000	60,000.00	200
\$500 (BELL)	\$1,000	60,000.00	200

\$1,000	\$1,000	60,000.00	200
\$500 + \$1,000 (BELL)	\$2,500	120,000.00	100
\$2,500	\$2,500	120,000.00	100
\$10,000	\$10,000	120,000.00	100
\$500,000	\$500,000	3,000,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 1291 are 1 in 4.00. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1291, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for \$500,000 HOLIDAY GIFTS lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-21-15.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: October 21, 2015

**DEPARTMENT OF THE LOTTERY**

RULE NO.: RULE TITLE:  
53ER15-62 Instant Game Number 1292, \$2,000,000 HOLIDAY GIFTS

SUMMARY: This emergency rule describes Instant Game Number 1292, "\$2,000,000 HOLIDAY GIFTS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:





53ER15-62 Instant Game Number 1292, \$2,000,000 HOLIDAY GIFTS.

(1) Name of Game. Instant Game Number 1292, "\$2,000,000 HOLIDAY GIFTS."

(2) Price. \$2,000,000 HOLIDAY GIFTS lottery tickets sell for \$10.00 per ticket.

(3) \$2,000,000 HOLIDAY GIFTS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$2,000,000 HOLIDAY GIFTS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER15-31, Florida Administrative Code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVN	<b>12</b> THELV	<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN	<b>19</b> NINTN	<b>20</b> THENTY
<b>21</b> THYONE	<b>22</b> THYTWO	<b>23</b> THYTHR	<b>24</b> THYFOR	<b>25</b> THYFIV	<b>26</b> THYSIX	<b>27</b> THYSVN	<b>28</b> THYEGT	<b>29</b> THYNIN	<b>30</b> THIRTY
 WIN	 HIN\$100	 DOUBLE	 WINALL						

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVN	<b>12</b> THELV	<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN	<b>19</b> NINTN	<b>20</b> THENTY
<b>21</b> THYONE	<b>22</b> THYTWO	<b>23</b> THYTHR	<b>24</b> THYFOR	<b>25</b> THYFIV	<b>26</b> THYSIX	<b>27</b> THYSVN	<b>28</b> THYEGT	<b>29</b> THYNIN	<b>30</b> THIRTY

(6) The prize symbols and prize symbol captions are as follows:


<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN	<b>\$15.00</b> FIFTEEN	<b>\$20.00</b> TWENTY	<b>\$30.00</b> THIRTY	<b>\$40.00</b> FORTY	<b>\$50.00</b> FIFTY
<b>\$100</b> ONE HUN	<b>\$200</b> TWO HUN	<b>\$500</b> FIVE HUN	<b>\$1,000</b> ONE THOU	<b>\$5,000</b> FIVE THOU	<b>\$10,000</b> TEN THOU	<b>\$2,000,000</b> \$2M/25YRS


(7) The legends are as follows:


WINNING NUMBERS      YOUR NUMBERS


(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown. A ticket having a “

 ” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that

symbol. A ticket having a “  ” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of

\$100. A ticket having a “  ” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to double the corresponding prize shown for that symbol. A ticket having a a

“  ” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to all fifteen prizes shown.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000

**\$2,000,000**  
and **\$80K/YR/25YRS**

(9) \$2,000,000 Prize Payment Options.

(a) A winner of a \$2,000,000 prize may choose one of two payment options for receiving his or her prize. Payment options are “Cash Option” or “Annual Payment.” At the time the \$2,000,000 prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. Once the winner files a claim and exercises the winner’s chosen option, the election of that option shall be final. If a winner does not choose the Cash Option within the sixty (60) day timeframe, the Annual Payment option will be applied.

(b) Cash Option prizes will be paid in a single cash payment. A winner of a \$2,000,000 prize shall receive a cash payment of the amount of cash required to purchase U.S. Government Securities that would fund \$2,000,000 paid over a twenty-five year period, less applicable federal withholding taxes. This figure will be determined during the week following the date on which the \$2,000,000 prize is claimed using published financial data (Bloomberg Quote).

(c) Annual Payment prizes will be paid in twenty-five equal annual installments of \$80,000 per year, less applicable federal withholding taxes.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 1292 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 52 POOLS OF 120,000 TICKETS	
		ESTIMATED ODDS OF 1 IN	PER POOL
\$5 x 2	\$10	30.00	208.000
\$5 (BOW)	\$10	30.00	208.000
\$10	\$10	30.00	208.000
\$5 x 3	\$15	60.00	104.000
\$5 + \$10	\$15	60.00	104.000
\$5 + \$5 (BOW)	\$15	60.00	104.000
\$15	\$15	60.00	104.000
\$5 x 4	\$20	60.00	104.000
(\$5 x 2) + \$10	\$20	60.00	104.000
\$10 x 2	\$20	60.00	104.000
\$10 (BOW)	\$20	60.00	104.000
\$20	\$20	60.00	104.000
\$5 x 6	\$30	400.00	15.600
(\$5 x 2) + (\$10 x 2)	\$30	400.00	15.600
\$10 x 3	\$30	400.00	15.600
\$15 (BOW)	\$30	400.00	15.600
\$30	\$30	400.00	15.600
\$5 x 8	\$40	500.00	12.480
\$10 x 4	\$40	500.00	12.480
\$10 + (\$15 x 2)	\$40	500.00	12.480
\$20 (BOW)	\$40	500.00	12.480
\$40	\$40	500.00	12.480
\$5 x 10	\$50	1,000.00	6.240
(\$10 x 3) + \$20	\$50	1,000.00	6.240
(\$10 x 2) + \$30	\$50	1,000.00	6.240
\$10 + \$20 (BOW)	\$50	800.00	7.800
\$50	\$50	1,090.91	5.720
(\$5 x 10) + (\$10 x 5) (TREE)	\$100	400.00	15.600
(\$5 x 10) + (\$10 x 5)	\$100	400.00	15.600
\$20 x 5	\$100	600.00	10.400
(\$10 x 2) + (\$40 x 2)	\$100	600.00	10.400
\$50 (BOW)	\$100	400.00	15.600
\$100 (BELL)	\$100	352.94	17.680
(\$10 x 10) + (\$20 x 5) (TREE)	\$200	4,000.00	1.560
(\$10 x 6) + (\$15 x 8) + \$20	\$200	4,000.00	1.560
(\$50 x 2) + \$100 (BELL)	\$200	4,000.00	1.560
\$100 (BOW)	\$200	4,000.00	1.560
\$200	\$200	6,000.00	1.040
(\$20 x 5) + (\$40 x 10) (TREE)	\$500	12,000.00	520
(\$10 x 5) + (\$20 x 5) + (\$50 x 3) + (\$100 x 2)	\$500	12,000.00	520
\$100 (BELL) + (\$200 x 2)	\$500	13,333.33	468
\$100 + \$200 (BOW)	\$500	15,000.00	416
\$500	\$500	15,000.00	416
(\$50 x 10) + (\$100 x 5) (TREE)	\$1,000	15,000.00	416
(\$40 x 5) + (\$50 x 6) + (\$100 x 3) + \$200	\$1,000	15,000.00	416
\$100 (BELL) + \$200 (BOW) + \$500	\$1,000	15,000.00	416
\$500 (BOW)	\$1,000	20,000.00	312
\$1,000	\$1,000	20,000.00	312

\$1,000 x 5	\$5,000	120,000.00	52
\$5,000	\$5,000	120,000.00	52
\$10,000	\$10,000	60,000.00	104
\$2,000,000 (\$80K/yr/25yrs)	Top Prize	3,120,000.00	2

(11) The estimated overall odds of winning some prize in Instant Game Number 1292 are 1 in 3.41. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1292, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for \$2,000,000 HOLIDAY GIFTS lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-21-15.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: October 21, 2015

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

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:  
11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers  
NOTICE IS HEREBY GIVEN that on October 20, 2015, the Criminal Justice Standards and Training Commission received a petition for a temporary 180-day waiver of paragraph 11B-27.002(4)(a), F.A.C., by Adeel Chaudhry. Petitioner wishes to waive that portion of the rule that states within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer. Petitioner states that he completed cross-over law enforcement training on December 3, 2010 and successfully passed the SOCE on December 21, 2010.

Petitioner states that he applied for employment with several agencies but because of budget constraints those departments were under a hiring freeze. Petitioner states that he was under the impression that the four-year employment provision began running on the date he passed the SOCE. Petitioner has provided a letter from Major R. Cordero-Stutz of the Miami-Dade Police Department offering Petitioner a conditional offer of employment subject to successful completion of the screening process. Petitioner states that strict application of the rule would result be unreasonable and create a substantial hardship because he would need to retake Basic Recruit Training and pass the State Officer Certification Examination again. Petitioner states that the purpose of Section 943.13, F.S. will be achieved if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone at (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:  
11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers  
NOTICE IS HEREBY GIVEN that on October 21, 2015, the Criminal Justice Standards and Training Commission, received a petition for a temporary 30 day waiver of Rule 11B-27.002(4)(a), F.A.C., by Detective Carlos R. Grave de Peralta of the Miami Police Department on behalf of Gerber G. Vasquez. Petitioner wishes to waive that portion of the rule that states within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer. Petitioner states that Mr. Vasquez began basic recruit training on June 1, 2011, graduating on October 31, 2011 and passed the SOCE on November 16, 2011. Petitioner states that Mr. Vasquez has been unsuccessful in gaining employment with any Florida law enforcement agencies however, Petitioner states that Mr. Vasquez is in the final stages of the hiring process with the Miami Police Department and would be appointed as an officer within 30 days of the granting of a waiver. Petitioner states that a strict application of the rule would result in an unreasonable and substantial hardship on Mr. Vasquez because he would need to retake Basic Recruit Training and pass the State Officer Certification Examination again. Petitioner states that the purpose of Section 943.13, F.S. will be achieved if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Beaches and Coastal Systems

The Department of Environmental Protection hereby gives notice that it has issued an Order on October 16, 2015 granting George and Cynthia Andrews' Petition for a Variance. The Petition was received on April 15, 2015. Notice of receipt was published in the Florida Administrative Register on May 8, 2015. The Petitioners requested a variance or waiver from subsections 62B-33.002(18) and 62B-33.002(43), and subparagraph 62B-33.051(1)(a)(1), F.A.C., which requires cited rule provisions in order to construct coastal armoring to protect a conforming structure from coastal erosion. No public comments was received. The Order, file number 15-0294, granted the Petitioners a variance to subsections 62B-33.002(18) and 62B-33.002(43), and subparagraph 62B-33.051(1)(a)(1), F.A.C., based on a showing that Petitioners demonstrated an actual substantial economic hardship that will be suffered if the armoring is not allowed to be installed. Literal application of rule would in this instance would be unfair because Petitioners' property is subject to high rates of erosion that did not exist at the time that construction of the dwelling was authorized.

A copy of the Order or additional information may be obtained by contacting: Tony McNeal, Department of Environmental Protection, MS 3522, 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-7665 or email: tony.mcneal@dep.state.fl.us during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays.

DEPARTMENT OF HEALTH  
Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-13.001 Continuing Education for Biennial Renewal  
NOTICE IS HEREBY GIVEN that on October 21, 2015, the Board of Osteopathic Medicine received a petition for waiver or variance filed by Christian J. Baddour, D.O., from Rule 64B15-13.001, F.A.C., with regard to the requirements for biennial renewal continuing medical education (CME). Comments on this petition should be filed with the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3056, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Claudia Kemp, Executive Director, Board of Osteopathic Medicine, at the above address or telephone: (850)245-4161.

DEPARTMENT OF CHILDREN AND FAMILIES  
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-15.017 Personnel

NOTICE IS HEREBY GIVEN that on October 13, 2015, the Department of Children and Families received a petition for waiver of subsection 65C-15.017(3), F.A.C., from Impower and Zachary Reichert. Subsection 65C-15.017(3), F.A.C., requires staff who perform casework services in licensed child-placing agencies to possess to least a bachelors degree in social work or a related field from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES  
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-13.030 Standards for Licensed Out-of-Home Caregivers

NOTICE IS HEREBY GIVEN that on October 5, 2015, the Department of Children and Families received a petition for waiver of subparagraph 65C-13.030(10)(f)(1), F.A.C., from Camelot Community Care & Henry and Mary Phillips. Subparagraph 65C-13.030(1)(f)1, F.A.C., states licensed out-of-home caregivers contracting with a lead agency are authorized by Section 409.1671, F.S., to provide child care as a Licensed Family Day Care Home, as defined in Section 402.302, F.S., and may be dually licensed. A dually licensed family foster home cannot provide care for more than five children, including biological, foster, and adopted children. Therapeutic or Medical Family Foster Homes shall not be dually licensed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.



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

**DEPARTMENT OF LEGAL AFFAIRS**

Statewide Council on Human Trafficking

The Statewide Council on Human Trafficking announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** October 29, 2015, 1:00 p.m. until conclusion

**PLACE:** Telephone conference: 1(888)670-3525, participant passcode: 2057836401

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Annual Report and General Council business.

A copy of the agenda may be obtained by contacting Lynn Guyton at [Lynn.Guyton@myfloridalegal.com](mailto:Lynn.Guyton@myfloridalegal.com) or by accessing the Council's website at <http://myfloridalegal.com/humantraffickingcouncil>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven (7) days before the workshop/meeting by contacting the Office of the Attorney General at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Office of the Attorney General by telephone: (850)414-3300.

**DEPARTMENT OF EDUCATION**

State Board of Education

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

**DATE AND TIME:** October 28, 2015, 9:00 a.m.

**PLACE:** Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Boulevard, Regency Ballroom D/E, Orlando, FL 32827

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The meeting agenda will consist of approval of minutes of the State Board meeting held September 21, 2015. An update will be provided by President Ed Meadows on behalf of the Council of Presidents. Items for consideration include action relating to the following: Amendment to Rule 6A-10.044, Residency for Tuition Purposes; Amendment to Rule 6A-6.0574, CAPE Postsecondary Industry Certification Funding List; Amendment to Rule 6A-1.004, School District Budget Requirements; Repeal of Rule 6A-1.09421, High School Competency Test Requirements; Amendment to Rule 6A-6.024, School Entry Health Examination; Approval of Reappointments to the Education Practices Commission; and

Policy Issue for Consideration on the Florida Standards Assessment Cut Scores and School Accountability.

A copy of the agenda may be obtained by contacting: Cathy Schroeder, (850)245-9661, [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org), or by visiting the Department's website at <http://www.fldoe.org/policy/state-board-of-edu/meetings>.

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

For more information, you may contact: Cathy Schroeder, (850)245-9661, [cathy.schroeder@fldoe.org](mailto:cathy.schroeder@fldoe.org).

**DEPARTMENT OF EDUCATION**

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees (FSCJ DBOT) announces the following events pertaining to the Association of Community Colleges (ACCT) Governance Institute for Student Success Leadership Conference, which are open to the public. All events will be held at the Miami Dade College-Wolfson Campus, Room 1510, 300 N.E. 2nd Avenue, Miami, FL 33132.

**DATES AND TIMES:** Thursday, October 29, 2015, 11:30 a.m. – 7:00 p.m.; Friday, October 30, 2015, 7:30 a.m. – 4:30 p.m.

**PLACE:** Miami Dade College-Wolfson Campus, Room 1510, 300 N.E. 2nd Avenue, Miami, FL 33132

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** ACCT Leadership Training for Student Success.

Should registration be requested, or if special accommodations are required pertaining to ACCT events, please advise ACCT seventy-two (72) hours in advance of the meetings by contacting ACCT Board Services Associate Ms. Mia Settle, (202)470-4191, [msettle@acct.org](mailto:msettle@acct.org).

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

Florida State College At Jacksonville, Dr. Cynthia A. Bioteau, College President

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces that a series of Bond Team meetings will be held in the following docket:

DOCKET NO. 150171-EI - Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy

DATES AND TIMES: October 28, 2015, 2:00 p.m., and each Wednesday thereafter, beginning at 2:00 p.m., unless otherwise provided by notice

PLACE: Florida Public Service Commission, Gerald L. Gunter Building, Room 154, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The purpose of these meetings is to allow members of the Bond Team, as established through the stipulation approved in this docket, to work cooperatively to establish the structuring, marketing, and pricing of nuclear asset-recovery bonds. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

Unless otherwise provided by notice, subsequent meetings in this series will be conducted on a regular, weekly basis each Wednesday afternoon at 2:00 p.m. at the location set forth above. It is not known at this time when this series of meetings will terminate; this series of meetings will be conducted until such time as nuclear asset-recovery bonds have been issued or until the Bond Team determines that such meetings are no longer necessary. Notice will be provided when it is known that this series of meetings will be terminated. Due to time constraints inherent in the process of structuring, marketing, and pricing these bonds, supplemental meetings might be needed and scheduled on an expedited basis. Notice of such supplemental meetings, if any are scheduled, will be provided by reasonable means.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

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

DATE AND TIME: Thursday, October 29, 2015, 10:00 a.m.

PLACE: District Headquarters, B1 Building, 3301 Gun Club Road, West Palm Beach, FL 33406

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Public meeting about land acquisitions, surpluses or exchanges. District staff shall provide information, and will hear public comments on the District land acquisitions listed below:

- Acquisition of fee title land interests of Tract No. W9307-022, comprised of 5.0 acres, more or less, in the amount of \$40,000 located within the District's Pennsuco Wetlands Project, in Miami-Dade County.

- Acquisition of fee title land interests containing 3.3 acres, more or less, in the amount of \$31,077.59, and acquisition of an access easement and temporary construction easement, each containing 2.8 acres, more or less, for no additional consideration, all for the STA-1W Expansion Project in Palm Beach County.

A copy of the agenda may be obtained by contacting: not applicable.

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: Brenda Low, (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Andrea Schluter, [aschlut@sfwmd.gov](mailto:aschlut@sfwmd.gov).

**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 22, 2015, 11:00 a.m., ET, CANCELLED

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Public Meeting previously scheduled for October 22, 2015, 11:00 a.m., ET has been cancelled for DMS-14/15-011 Human Resources Outsourcing - People First.

A copy of the agenda may be obtained by contacting: No agenda required.

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**

Regulatory Council of Community Association Managers

The Regulatory Council of community Association Managers announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2015, 9:00 a.m.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, FL and conference call number: (407)995-7070

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

General council business.

A copy of the agenda may be obtained by contacting the Council's webpage: [MyFloridaLicense.com](http://MyFloridaLicense.com) > Our Businesses & Professions - Community Association Managers.

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: the Council office. 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 hearing to which all persons are invited.  
**DATE AND TIME:** November 4, 2015, 1:30 p.m., ET  
**PLACE:** Southwest Florida Water Management District Tampa Service Office, 7601 US Hwy 301, Tampa, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Southwest Florida Water Management District has applied to the Florida Department of Environmental Protection for a consumptive use permit for the use of Morris Bridge Sink for environmental augmentation of the lower Hillsborough River. This project is a component of the District's recovery strategy for meeting the minimum flow requirements established for the lower segment of the river, pursuant to Rule 40D-80.073(8)8., F.A.C. The purpose of the hearing is to receive public comment on the application.  
 A copy of the agenda may be obtained by contacting: Janet Llewellyn at (850)245-3139 or Janet.Llewellyn@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 48 hours before the workshop/meeting by contacting: Janet Llewellyn at (850)245-3139. 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 HEALTH**  
 The Department of Health announces a telephone conference call to which all persons are invited.  
**DATE AND TIME:** November 6, 2015, 2:00 p.m. – 4:00 p.m.  
**PLACE:** Conference call: 1(888)670-3525, participant conference code: 2922384719, followed by the #key  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Alzheimer's Disease Research Grant Advisory Board conference call.

A copy of the agenda may be obtained by contacting: Derek Schwabe-Warf, Derek.schwabe-warf@flhealth.gov, (850)245-4034.  
 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: Derek Schwabe-Warf. 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: Derek Schwabe-Warf, Derek.schwabe-warf@flhealth.gov, (850)245-4034.

**DEPARTMENT OF FINANCIAL SERVICES**  
 Division of Funeral, Cemetery, and Consumer Services  
 The Board of Funeral, Cemetery and Consumer Services, Probable Cause Panel A announces a public meeting to which all persons are invited.  
**DATE AND TIME:** Tuesday, November 10, 2015, 10:00 a.m.  
**PLACE:** 111 West Madison Street, Claude Denson Pepper Building, Room 336J, Tallahassee, Florida 32399  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a public meeting to reconsider the following disciplinary case with prior findings of probable cause: Sarah Lynn Fredericks., Case No. 167771-15-FC.  
 A copy of the agenda may be obtained by contacting: LaTonya Bryant at LaTonya.Bryant@myfloridacfo.com or (850)413-3039.

**KITTELSON & ASSOCIATES, INC**  
 The Florida Department of Transportation announces a public meeting to which all persons are invited.  
**DATE AND TIME:** Wednesday, November 4, 2015, 5:30 p.m. – 8:00 p.m.; Open House: 5:30 p.m. – 6:00 p.m.; Presentation: 6:00 p.m. – 6:30 p.m.; Interactive Sessions: 6:30 p.m. – 8:00 p.m.  
**PLACE:** First Unitarian Church , Gore Hall, 1901 East Robinson Street, Orlando, FL 32803  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Financial Management No. 436394-1.  
**Project Description:** State Road (SR) 526 (Robinson Street) Corridor Planning Study from N. Hughey Avenue to Maguire Boulevard in City of Orlando.  
 The Corridor Planning Study is being conducted in coordination with the City of Orlando to objectively evaluate possible improvements to the SR 526 (Robinson Street) corridor. As Downtown Orlando continues to mature, Robinson Street is being asked to play many different roles. FDOT, along with the City of Orlando, is exploring strategies that can make it safer and more comfortable to travel along and across Robinson Street. Both potential short-term and long-term strategies will be considered as part of the Study.

The Study Team has just completed the first round of stakeholder input, collecting land use and transportation data, and analyzing the existing issues and opportunities along the Corridor. This meeting is being conducted to share a summary of the existing conditions of the Corridor, and to collect additional input from the community.

Persons desiring to submit written statements in place of, or in addition to oral statements, may do so at the meeting or by sending them to Heather Garcia, FDOT Project Manager, 719 South Woodland Boulevard, DeLand, FL 32720 or [heather.garcia@dot.state.fl.us](mailto:heather.garcia@dot.state.fl.us).

The meeting is developed in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. For more information about the project or the public meeting, you may contact Ms. Garcia at the phone number or e-mail address listed above.

A copy of the agenda may be obtained by contacting: Jane Lim-Yap at (407)373-1113 or [jlim-yap@kittelton.com](mailto:jlim-yap@kittelton.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 7 days before the workshop/meeting by contacting: Jane Lim-Yap at (407)373-1113 or [jlim-yap@kittelton.com](mailto:jlim-yap@kittelton.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: Heather Garcia, FDOT Project Manager, 719 South Woodland Boulevard, DeLand, FL 32720 or [heather.garcia@dot.state.fl.us](mailto:heather.garcia@dot.state.fl.us).

#### TRANSYSTEMS

The Florida Department of Transportation announces a workshop to which all persons are invited.

DATE AND TIME: November 10, 2015, 8:00 a.m.

PLACE: Florida Department of Transportation Design Conference Room, 1074 Highway 90, Chipley, Florida 32428

#### GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Department of Transportation (FDOT) will host a public grant workshop Tuesday, November 10, 2015 from 8:30 a.m. to 3:00 p.m. CST, at the Florida Department of Transportation Complex, Design Conference Room, 1074 Highway 90, Chipley, Florida.

FDOT is soliciting applications for Federal Transit Administration's Sections 5310, 5311 and 5339 operating and capital grant programs. This workshop is being held to discuss the following for interested applicants:

- Updates on new federal laws affecting surface transportation programs
- Application eligibility requirements

- Preparation of the application and tips on grant writing
- Review of the process once a grant is awarded
- The Department's vehicle procurement process
- Review of required plans and certification

Companies or groups that provide mobility transit which includes private, for-profit, non-profit, local governments and taxi companies are eligible to apply. Agency grant writers, administrators, and transportation managers are encouraged to attend the workshop.

Public participation is solicited without regard to race, color, national origin, age sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) should contact FDOT Project Manager Kathy Rudd, toll-free: 1(888)638-0250, extension 1549 at least seven days prior to the meeting. Should you have questions or need further information, contact Kathy Rudd at the information listed above or email: [kathy.rudd@dot.state.fl.us](mailto:kathy.rudd@dot.state.fl.us). You may also contact Ian Satter, District Public Information Director, at 1(888)638-0250, extension 1205 or email: [ian.satter@dot.state.fl.us](mailto:ian.satter@dot.state.fl.us).

An RSVP is requested for attendance to the workshop before Monday, November 2, 2015 to Matt McIntosh at [mjmcintosh@transystems.com](mailto:mjmcintosh@transystems.com) or (407)875-8916.

A copy of the agenda may be obtained by contacting: Matt McIntosh, [mjmcintosh@transystems.com](mailto:mjmcintosh@transystems.com), (407)335-3192.

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: Kathy Rudd, [kathy.rudd@dot.state.fl.us](mailto:kathy.rudd@dot.state.fl.us) toll-free: 1(888)638-0250, extension 1549. 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: Kathy Rudd at the information listed above. You may also contact Ian Satter, District Public Information Director, at (888)638-0250, extension 1205 or email: [ian.satter@dot.state.fl.us](mailto:ian.satter@dot.state.fl.us).

#### SAM SCHWARTZ ENGINEERING

The Florida Department of Transportation announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, October 29, 2015, 5:00 p.m. – 7:00 p.m.

PLACE: Polk State College, Lakeland Technology Building (LTB), 3425 Winter Lake Road, Lakeland, Florida

#### GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Department of Transportation (FDOT) District One is conducting a Project Development and Environment (PD&E) study, and will host a public meeting about the proposed extension to the Fort Fraser Trail from SR 540

(Winter Lake Road) to SR 659 (Combee Road) in Polk County, Florida. The meeting will be an open house format from 5:00 p.m. to 7:00 p.m. FDOT encourages interested parties to attend this meeting at any time to review the proposed trail improvement alternatives. FDOT representatives will be available during the meeting to informally discuss the project and answer questions. This meeting is to allow interested persons an opportunity to express their views concerning the alternatives of the proposed extension to the Fort Fraser Trail. The proposed extension north of SR 540 will improve the safety conditions for bicyclists and pedestrians utilizing the US 98 (Bartow Highway) corridor north of SR 540, provide residents and visitors a new opportunity for active recreation, and give commuters a new non-motorized travel option along the US 98 corridor.

A copy of the agenda may be obtained by contacting: David C. Turley, P.E., Project Manager, Florida Department of Transportation at (863)519-2255 or david.turley@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: Jamie Schley, District One Title VI Coordinator, at (863)519-2573 or jamie.schley@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: David C. Turley, P.E., Project Manager, Florida Department of Transportation at (863)519-2255 or david.turley@dot.state.fl.us.

## Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on October 7, 2015, the Construction Industry Licensing Board received a Petition for Declaratory Statement from Michael Jones. The petitioner seeks a declaratory statement as to what the licensing requirements are to perform athletic field construction in Florida. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. Copies of the Petition may be obtained from Dan Biggins, Executive Director, Construction Industry Licensing

Board, at the above address, by telephone, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on September 21, 2015 and October 9, 2015, the Construction Industry Licensing Board received Petitions for Declaratory Statement from Mark Hickinbotham, President of Sawcross Incorporated Contractors and Engineers. The petitioner seeks a declaratory statement regarding how the following questions apply to Sections 489.105 and 489.113(2), and (3), Florida Statutes, and subsection 61G4-12.011(14), Florida Administrative Code:

1. Is a biotrickling filter odor control unit a pressure vessel?
2. Can installation of pressure vessels on the jobsite as described in the petition be performed with a class A or B HVAC contractor's license?
4. Can installation of pressure vessels on the jobsite be performed with a mechanical contractor's license?
5. Must a General Contractor subcontract the assembling and installation of pressure vessels to a properly licensed Florida contractor? Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. Copies of the Petition may be obtained from Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on September 21, 2015, the Construction Industry Licensing Board received a Petition for Declaratory Statement from Mark Hickinbotham, President of Sawcross Incorporated Contractors and Engineers. The petitioner seeks a declaratory statement regarding the following question.

If an owner hires and contracts with a licensed Division I contractor, is the owner or the contractor ultimately responsible to ensure that all contractors and subcontractors are properly licensed, or is the permitting agency issuing the permits responsible? Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. Copies of the Petition may be obtained from Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on September 21, 2015 and October 9, 2015, the Construction Industry Licensing Board received Petitions for Declaratory Statement from Mark Hickinbotham, President of Sawcross Incorporated Contractors and Engineers. The petitioner seeks a declaratory statement regarding how the following questions apply to Sections 489.105 and 489.113(2), and (3), Florida Statutes, and subsection 61G4-12.011(14), Florida Administrative Code:

1. Is the work to install the duct, tube or conduit for conveying air as described herein considered ductwork?
2. Does installing ductwork that is not part of an interior HVAC system as described in subsection 61G4-12.011(14), F.A.C., require a licensed Florida contractor?
2. Can the work to furnish and install ductwork on the jobsite as described in the petition be performed with a class A or B HVAC contractor's license?
3. Can the work to furnish and install ductwork on the jobsite be performed with a mechanical contractor's license?
4. Must a General Contractor subcontract the ductwork? Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. Copies of the Petition may be obtained from Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on September 21, 2015 and October 12, 2015, the Construction Industry Licensing Board received Petitions for Declaratory Statement from Mark Hickinbotham, President of Sawcross Incorporated Contractors and Engineers. The petitioner seeks a declaratory statement regarding how the following questions apply to Sections 489.105 and 489.113(2), and (3), Florida Statutes.

1. Does the work to furnish and install an emergency fixture (eyewashes and eyewash showers), floor drain or a floor drain p-trap require a Florida plumbing contractor's license?
2. Does the work to furnish and install potable water piping from fixtures to 5' outside the structure require a Florida plumbing contractor's license?
3. Does the work to install the drain, waste and vent piping from the plumbing fixture to 5' outside the structure as defined herein require a plumbing contractor licensed in Florida?

4. Must a General Contractor subcontract the aforementioned plumbing work to a properly licensed Florida plumbing contractor? Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. Copies of the Petition may be obtained from Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on September 23, 2015 and October 9, 2015, the Construction Industry Licensing Board received Petitions for Declaratory Statement from Mark Hickinbotham, President of Sawcross Incorporated Contractors and Engineers. The petitioner seeks a declaratory statement regarding the following questions:

1. Does the work to furnish and install above or below ground temporary sewage piping onsite as described in the petition have to be performed by a Florida licensed contractor?
2. Can the work to furnish and install temporary sewage piping onsite as described in the petition be performed by a Florida licensed plumbing contractor, an underground utility and excavation contractor, or a general contractor?
3. Is the temporary sewage piping work as described herein considered part of the "Main Sanitary Sewer Collection System" as defined in subsection 61G4-12.011(4), F.A.C.?
4. Are sewer systems as described in the petition exempt from licensing under 489.103(6), F.S.?

Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. Copies of the Petition may be obtained from Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

**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

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

Request for Letters of Interest and Qualifications

The Northeast Florida Regional Council (NEFRC) is seeking qualifications of entities interested in coordinating transportation services for the transportation disadvantaged in each of the following Counties in Florida: Baker, Clay, Putnam and St. Johns. The selected entities will be recommended by the NEFRC to be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2 of the Florida Administrative Code (F.A.C.). Potential respondents are advised to familiarize themselves with the program requirements of Community Transportation Coordinators before responding to this solicitation.

The Community Transportation Coordinator is defined by Chapter 427, F.S. as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S. as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S.”

Respondents are required to provide the following as proof of qualifications, and to provide this information in a separate response for each County: 1) a summary of the respondent’s transportation coordination experience; 2) a list of scheduling and routing software used by the organization; 3) a list of vehicles to be used or a method to be used to provide vehicles; 4) a current financial statement of the responding entity; and 5) an organizational chart for the responding entity. In addition, respondents are required to provide a detailed letter that discusses their expertise, overall capabilities, recent experience with similar programs, and proposed method of providing cost-effective and sustainable services.

Respondents will be deemed to be qualified if they respond fully to all requirements noted above and if their approach is deemed by NEFRC to describe a method of providing cost effective and sustainable services meeting program requirements. Potential providers should submit one response per County. Each response must include three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Council, Attention: Ms. Donna Starling, Chief Financial Officer, 6850 Belfort Oaks Place, Jacksonville, Florida, 32216. Letters must be marked, “LETTER OF INTEREST AND QUALIFICATIONS FOR \_\_\_\_\_ COUNTY COMMUNITY TRANSPORTATION COORDINATOR.” Letters of interest and qualifications must be received by 5:00 p.m., on November 30, 2015.

Questions should be submitted via email addressed to: Ms. Margo Moehring at design@nefrc.org. All questions received by 5:00 p.m. on November 20, 2015 will be answered and posted on the webpage at [http://www.nefrc.org/Transportation\\_Planning.htm](http://www.nefrc.org/Transportation_Planning.htm). No question received after that date and time will be answered. Respondents may not contact Ms. Moehring in any other format or any other NEFRC staff person or Board Member in any format regarding this request from the date of advertisement until after the announcement of award. Violation of this requirement may be grounds for rejecting a response.

Faxed and emailed responses to this request WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, “This letter of interest was received after the delivery time designated for receipt and

opening in the legal notice.” If more than one responsive and qualified provider is identified, a request for proposals may be issued. Only responsive and qualified respondents to this request for letters of interest and qualifications will be eligible to participate in the request for proposals, if issued.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

**VISIT FLORIDA**

VISIT FLORIDA posted an ITN on Economics The Florida Tourism Industry Marketing Corp. dba VISIT FLORIDA is accepting proposals from vendors to create a model for measuring the economic impact model of travel and tourism to the state of Florida.

For additional information including scope of work, proposal requirements and timeline regarding the invitation to negotiate (ITN), please click here.

Deadline for submission: 5:00 p.m., EST, on Friday, November 13, 2015.

**Section XII  
Miscellaneous**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF PROPOSED WATER QUALITY STUDY**

Pursuant to subsection 62-650.500(6), Florida Administrative Code (F.A.C.), the Florida Department of Environmental Protection (Department) gives notice of the intent of Gainesville Regional Utilities (GRU) to conduct a study of water quality in Sweetwater Branch in Alachua County, the stream to which GRU’s John R. Kelly Generating Station (KGS) currently discharges under its wastewater permit (No. FL0026646). The purpose of this study is to establish effluent limits for nutrients (Total Phosphorus and Total Nitrogen) for the KGS discharge to Sweetwater Branch that will attain the narrative nutrient criteria. At the conclusion of the study, the effluent limits and associated total nutrient loading to Sweetwater Branch may be established as numeric interpretations of the narrative nutrient criteria for Sweetwater Branch in the form of Level II Water Quality Based Effluent Limits via order of the Department.

Any interested person may submit written comments on the plan of study to Kaitlyn Summerfield with the Florida Department of Environmental Protection, Division of Environmental Assessment and Restoration, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400 or email: Kaitlyn.Summerfield@dep.state.fl.us. Comments must be received within 14 days of publication of this notice.

In response to comments received pertaining to the plan of study prior to the proposed commencement date, the applicant

may revise the plan of study if necessary. If there are any revisions to the plan of study, they must be approved by the Department.

Although the Department may allow for informal dispute resolution during the study period, the study is free form agency decision making and does not constitute proposed agency action until notice of such is given pursuant to subsection 62-650.500(8), F.A.C.

Upon request, the plan of study is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 2600 Blair Stone Road, Room 238G, Tallahassee, FL 32399, (850)245-8819 or electronically by emailing Kaitlyn.Summerfield@dep.state.fl.us.

**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.