

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**
 6A-14.064 College Credit Dual Enrollment
PURPOSE AND EFFECT: The purpose of this rule development is to address revisions made to Section 1007.271, F.S. The effect is aligning to and eliminating duplication with statute. The term “District Interinstitutional Articulation Agreement” is changed to Dual Enrollment Articulation Agreement” and the term “postsecondary readiness assessment” is changed to “common placement test” to align with statutory terminology. Provisions relating to joint dual enrollment and Advanced Placement are eliminated, consistent with the repeal of Section 1007.272, F.S.; eliminating a provision relating to the inclusion of dual enrollment course plans in the Electronic Personal Education Planner using FACTS.org, consistent with the repeal of Section 1003.413, F.S.; and revising accountability and assessment standards for college credit dual enrollment.
SUBJECT AREA TO BE ADDRESSED: College credit dual enrollment.
RULEMAKING AUTHORITY: 1001.02, 1007.271 FS.
LAW IMPLEMENTED: 1007.271 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: Dr. Julie Alexander, Division of Florida Colleges, Florida Department of Education, 325 West Gaines Street, Tallahassee, FL, 32399, (850)245-9523. To request a rule development, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: 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>.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: **RULE TITLE:**
 64B15-14.007 Standard of Care for Office Surgery
PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify language and requirements with regard to office surgery, relating to anesthesia providers, training in basic life support and advanced cardiac life support and clarification of equipment and supplies.
SUBJECT AREA TO BE ADDRESSED: Clarifications and updates for the standard of care for office surgery.
RULEMAKING AUTHORITY: 459.005, 459.015(1)(z), 459.026 FS.
LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026 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: Christy Robinson, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
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 EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**
 6A-6.0573 Industry Certification Process.
PURPOSE AND EFFECT: The purpose of this amendment is to adopt updated funding weights for industry certifications on the 2014-2015 CAPE Industry Certification Funding List. The effect is to ensure that appropriate weights, in accordance with the provisions of Section 1011.62(1)(o), F.S., are included on the CAPE Industry Certification Funding List.
SUMMARY: The amendment includes revisions to the rule and to a document incorporated by reference, the updated 2014-15 CAPE Industry Certification Funding List. The State Board of Education is adopting new articulation agreements in

Rule 6A-10.0401, F.A.C. The addition of these agreements impacts the funding weight that should be assigned to the industry certification, as specified in Section 1011.62(1)(o), F.S. This statute specifies that a value of 0.2 full-time equivalent membership shall be calculated for each student who is issued an industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. The 2014-15 CAPE Industry Certification Funding List is updated to change the funding weight from 0.1 to 0.2 for 11 certifications for which the State Board of Education is adopting articulation agreements for college credit.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency has determined that the proposed rule is not expected to have any impact on the factors found in Section 120.541(2)(a), F.S. This is because the amendment authorizes additional industry certifications which school districts are provided incentives to offer. These certifications have been evaluated to be rigorous and tied to the statewide occupational demand in Florida.

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: 1003.492(2), 1008.44 FS.

LAW IMPLEMENTED: 1003.492, 1003.493, 1008.44, 1011.62(1)(o) FS.

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

DATE AND TIME: April 15, 2015, 9:00 a.m.

PLACE: Department of Education, Turlington building, 325 West Gaines St., Suite 1703, Tallahassee, Fl. 32399.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, Suite 744, Tallahassee, Florida 32399-0400, phone: (850)245-9001, Tara.Goodman@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0573 Industry Certification Process.

(1) through (4) No change.

(5) Adoption of an annual “CAPE Industry Certification Funding List.” The “CAPE Industry Certification Funding List” is comprised of industry certifications, certificates, and courses as specified in Sections 1008.44 and 1011.62(1), F.S.

(a) The list includes the following certifications and certificates:

1. “CAPE Industry Certifications;”
2. “CAPE Acceleration Industry Certifications;” and
3. “CAPE Digital Tool Certificates.”

(b) This list will be known as the “2014-2015 CAPE Industry Certification Funding List, Updated” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04679>) published by the Department of Education and is incorporated by reference in this rule. The list may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(6) through (14) No change.

Rulemaking Authority 1003.4203(9), 1003.492(3), 1008.44, 1011.62(1)(o) FS. Law Implemented 1003.4203, 1003.492, 1003.493, 1003.4935, 1008.44, 1011.62(1)(o) FS. History—New 10-20-08, Amended 8-18-09, 6-22-10, 6-21-11, 10-25-11, 8-23-12, 3-25-13, 11-3-13, 6-25-14, 11-4-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rod Duckworth, Chancellor, Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2015

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0903 **RULE TITLE:** Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the references to the statewide assessments and establish a standard for determining English language proficiency using the Florida Standards Assessment in English Language Arts (ELA) for the 2014-15 school year.

SUMMARY: The references to the Comprehensive English Language Learning Assessment (CELLA) are changed to statewide English Language Proficiency Assessment. The references to Florida Comprehensive Achievement Assessment (FCAT) in Reading are changed to the Florida Standards Assessment in English Language Arts (FSA in ELA). For 2014-15, a score at or above the 50th percentile on the grade level FSA in ELA would meet the exit criteria.

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: No requirement for SERC was triggered under Section 120.541(1), Florida Statutes. Updated references to current student achievement standards and statewide assessments will have no economic impact. The temporary criteria for 2014-15 are not anticipated to result in a substantial change in the number of students exited from the English for Speakers of Other Languages (ESOL) program.

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: 1001.02, 1003.56 FS.

LAW IMPLEMENTED: 1003.56, 1011.62 FS.

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

DATE AND TIME: April 15, 2015, 9:00 a.m.

PLACE: Department of Education, Turlington building, 325 West Gaines St., Suite 1703, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chane Eplin, Chief, Bureau of Student Achievement through Language Acquisition, Department of Education, (850)245-0417 or e-mail: chane.eplin@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0903 Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program.

(1) Each student identified as an English Language Learner (ELL) shall continue to receive appropriate instruction until such time as the student is reclassified as English proficient and exited from the English for Speakers of Other Languages (ESOL) Program. English proficiency shall be determined by assessing the student utilizing the statewide annual Comprehensive English Language Proficiency Learning Assessment (CELLA) and Florida Standards Comprehensive Achievement Assessment (FCAT) in English Language Arts (FSA in ELA) Reading, or by ELL Committee determination, in accordance with this rule.

(2) Standards for Student Exit from the ESOL Program.

(a) An ELL shall be determined English language proficient and exited from the ESOL program upon obtaining:

1. Scores of "Proficient" at the applicable grade level on each statewide English Language Proficiency Assessment CELLA subtest administered annually pursuant to Rule 6A-6.9021, F.A.C.; and

2. Scores on applicable FSA in ELA Florida Comprehensive Achievement Tests (FCAT) in Reading, as follows:

a. For students in grades K-2, the statewide English Language Proficiency Assessment CELLA is the only assessment required and FCAT is not required;

b. For students in grades 3-11 9, earning scores at or above the 50th percentile on the grade level FSA in ELA administered in the 2014-2015 school year an achievement level of 3 or higher on applicable FCAT in Reading; or

c. For students in grades 11 10-12, a score on the 10th grade FCAT in Reading sufficient to meet applicable graduation requirements, or an equivalent concordant score pursuant to Section 1008.22, F.S.

(b) Upon receipt of the statewide English Language Proficiency Assessment CELLA and FSA in ELA FCAT scores, schools shall exit students no later than the last school day of the school year. If the statewide English Language Proficiency Assessment CELLA or FSA in ELA FCAT Reading scores are received after the end of the school year, schools shall exit students within two (2) weeks after the beginning of the next school year and shall use the last day of the school year in which the FSA in ELA FCAT Reading examination was administered as the exit date.

(c) Notwithstanding a student's statewide English Language Proficiency Assessment CELLA scores, upon the request of a student's teacher, counselor, administrator, or parent, a student who has been classified as an ELL and enrolled in an English for Speakers of Other Languages (ESOL) program may be re-evaluated for English language proficiency by convening an ELL Committee at any time, according to the following procedures:

1. Any student being considered for exit by an ELL Committee shall be assessed on at least one (1) Department-approved assessment instrument, which shall be administered no earlier than thirty (30) school days prior to the ELL Committee’s determination regarding exit. The assessment must cover all four (4) domains, including listening, speaking, reading, and writing.

2. The ELL Committee shall review the student’s academic record holistically and shall consider the assessment results from the assessment administered under ~~subparagraph (2)(a)(b)2.~~ of this rule and the following criteria to determine whether the student is English language proficient:

- a. Extent and nature of prior educational or academic experience, social experience, and a student interview;
- b. Written recommendation and observation by current and previous instructional and supportive services staff;
- c. Level of mastery of basic competencies or skills in English and/or heritage language according to state or national criterion-referenced standards, if any;
- d. Grades from the current or previous years; and
- e. Test results from tests other than the assessment according to ~~subparagraph (2)(a)(b)2.~~ of this rule.

3. If a majority of the ELL Committee determines that the student is English language proficient, the student shall be exited from the program. If a majority of the ELL Committee determines that the student is not English language proficient, the student shall remain enrolled in the program. The parents’ preference as to whether a student is determined English language proficient or not English language proficient shall be considered in the final decision.

4. The ELL Committee shall document the records reviewed by the Committee, which must include each of the criteria in subparagraph ~~(2)(c)2.(b)3.~~, of this rule. The Committee’s decision shall be supported by at least two of the criteria established in subparagraph ~~(2)(c)2.(b)3.~~, of this rule, and the supporting criteria shall be documented in the student’s file.

Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56, 1011.62 FS. History—New 10-30-90, Amended 5-19-08, 10-26-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 26, 2015

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-85.013	Definitions
14-85.015	Qualification of Interchanges
14-85.017	Logo Structures
14-85.019	Business Logos and Dual Business Logos
14-85.021	Qualification of Businesses
14-85.022	Permits
14-85.023	Priority of Applications
14-85.024	Permit Renewal

PURPOSE AND EFFECT: Rule Chapter 14-85 is being amended to conform to recent legislative changes to Section 479.261, F.S., authorizing the expansion of the LOGO sign program from interstates to all limited access facilities. Unnecessary language has been eliminated and rule provisions have been clarified.

SUMMARY: Rule allows for the expansion of the LOGO sign program from interstates to all limited access facilities. Unnecessary language has been eliminated and rule provisions have been clarified. A provision for dual business signs is being eliminated to comply with a federal standard that only one business be listed on an individual LOGO panel. Fees for the display of symbols indicating a business is RV friendly or that a gas business is handicap accessible are being eliminated. A fee credit for permits during declared emergencies is being eliminated as redundant and burdensome.

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 LOGO program is a provides a voluntary, cost-effective method of directing motorists to qualified businesses. The rule amendment does not increase annual fees established in 2010.

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), 479.261(7) FS.

LAW IMPLEMENTED: 479.261 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station #58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-85.013 Definitions.

~~For purposes of All terms in this rule chapter shall have the same meanings as defined in Section 479.261, F.S. Additionally,~~ the following terms are defined:

(1) “Attraction” means as defined in Section 479.261(1), F.S.

~~(2)(4) “Business” means a commercial establishment providing gas, food, lodging, or camping services, or attractions, and other services located at a single site qualified interchange, as authorized by the Manual on Uniform Traffic Control Devices, incorporated herein by reference in Rule 14-15.010, F.A.C.~~

(3)(2) “Business Logo” means a sign mounted on the display panel of a logo structure showing the name, symbol, trademark, or combination thereof for a business within a category of motorist services available at an interchange.

~~(4)(3) “Category” means the motorist services of gas, food, lodging, camping, and attractions attraction, and other services, as authorized under the Manual on Uniform Traffic Control Devices.~~

(5)(4) “Combination Logo Structure” means a logo structure designed to display a combination of business logos in two or no more than three categories.

(6)(5) “Crossroad” means a road intersecting the limited access facility interstate highway to which access is provided by means of an interchange.

(7)(6) “Department” means the Florida Department of Transportation.

(8)(7) “Display Panel” means the facing or surface of a logo structure to which business logos are affixed.

~~(8) “Double Exit Interchange” means an interchange configuration where, for a given direction of travel on the mainline, two exit ramps provide access to the crossroad, one for each direction of travel on the crossroad.~~

~~(9) “Dual Business Logo” means a logo displaying two businesses located under the same roof.~~

(9)(10) “Exit Ramp” means the traffic lane or lanes at an interchange on a limited access facility an interstate highway leading from the mainline to the crossroad.

~~(11) “Full Size Logo Structure” means a mainline or ramp logo structure capable of displaying six business logos.~~

~~(12) “Half Size Logo Structure” means a mainline or ramp logo structure capable of displaying three business logo signs.~~

(10)(13) “Logo Structure” means the support columns and display panel upon which separate business logos may be displayed. A full size logo structure is capable of displaying six business logos. A half size logo structure is capable of displaying three business logos.

(11) “Limited Access Facility” means as defined in Section 334.03, F.S., and includes interstate highways.

~~(12)(14) “Logo Trailblazer Signs” means signage in addition to mainline and ramp logo structures necessary to provide additional direction to otherwise qualifying businesses that are not located on, or visible from, the crossroad. Logo trailblazer signs shall consist of a business logo identical to a ramp business logo, a directional arrow, and supports.~~

~~(13)(15) “Mainline” means the traffic lanes on the limited access facility Interstate Highway System intended for through travel.~~

(14)(16) “Mainline Business Logo Structure” means those logo structures located along the mainline.

(15)(17) “Permit” means written authorization for the display of a business logo.

~~(16)(18) “Permittee” means legal company/owner name to which a permit is issued.~~

~~(17)(19) “Prepared Food” means hot or deli style food prepared on site.~~

(18)(20) “Program Administrator” means the contractor hired by the Department to provide services relating to the logo sign program.

~~(19)(21) “Project Manager” means the Department employee with oversight responsibility for the program.~~

~~(22) “Qualified Interchange” means an interchange that meets the requirements of Rule 14-85.015, F.A.C.~~

~~(20)(23) “Ramp Logo Structure” means those logo structures located along an exit ramp.~~

~~(24) “Rural Area” means all areas outside an urban area.~~

~~(25) “Sign Configuration” means the arrangement of the logo categories on a display panel.~~

~~(26) “Single Exit Interchange” means an interchange configuration where, for a given direction of travel on the mainline, one exit ramp provides access to the crossroad for both directions of travel on the crossroad.~~

(21)(27) “Traffic Control Device” means all signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide motorists, as defined by the Manual on Uniform Traffic Control Devices incorporated by Rule 14-15.010, F.A.C.

(22)(28) “Urban Area” means as defined in Section 334.03(32), F.S.

~~(23)(29)~~ “Wait List” means a compilation of businesses, by individual category, which have applied to participate in the logo program at a particular interchange at which there is currently no space available. Wait lists are maintained by interchange, category and application date.

Rulemaking Authority 334.044(2), 479.261(7) FS. Law Implemented 334.044(2), 479.261 FS. History—New 12-15-09, Amended.

14-85.015 Qualification of Interchanges.

(1) Interchanges on limited access facilities ~~the Interstate Highway System~~ are qualified for the logo sign program when spacing requirements allow at least one logo structure on the mainline and one corresponding ramp logo structure, in addition to all necessary traffic control devices for each direction of travel on the mainline.

(2) An interchange on a limited access facility ~~the Interstate Highway System~~ is qualified only when the interchange configuration allows a motorist to exit and reenter the limited access facility ~~Interstate Highway System~~ and continue in the same direction of travel.

(3) Interchanges are no longer qualified when either the spacing requirement or the configuration requirement cannot be met as a result of Department action. Either the Department or the Program Administrator shall relocate or remove logo structures.

Rulemaking Authority 334.044(2), 479.261(7) FS. Law Implemented 479.261(2), 479.261(7) FS. History—New 12-15-09, Amended.

14-85.017 Logo Structures.

(1) through (7) No change.

~~(8) A maximum of two dual business logos shall be displayed on any one logo structure.~~

~~(8)(9)~~ The display panel of mainline logo structures shall be:

(a) 15 feet wide by 10 feet high for a full size mainline logo structure;

(b) 15 feet wide by 6 feet high for a half size mainline logo structure;

(c) 15 feet wide by either 8 or 12 feet high for a combination mainline logo structure.

~~(9)(10)~~ The display panel of ramp logo structures shall be:

(a) 8 feet wide by 7 feet high for a full size ramp logo structure;

(b) 8 feet wide by 4 feet high for a half size ramp logo structure;

(c) 8 feet wide by 8 feet high for a combination ramp logo structure.

Rulemaking Authority 334.044(2), 479.261(7) FS. Law Implemented 479.261(2), ~~479.261(7)~~ FS. History—New 12-15-09, Amended.

14-85.019 Business Logos ~~and Dual Business Logos~~.

(1) Mainline business logos ~~and mainline dual business logos~~ shall be constructed of metal and shall be 48 inches wide and 36 inches high. Letters shall be at least 10 inches high, whether capital or lowercase. However, when only a symbol or trademark is used on the business logo, any legend on the symbol or trademark shall be proportional to the size customarily used on the symbol or trademark.

(2) Ramp business logos ~~and ramp dual business logos~~ shall be constructed of metal and shall be 24 inches wide and 18 inches high. Letters shall be at least 6 inches high, whether capital or lowercase. However, when only the symbol or trademark is used, any legend on it shall be proportional to the size customarily used on the symbol or trademark.

~~(3) Dual business logos may only be displayed where space is not available for the display of separate business logos.~~

~~(3)(4)~~ All supplemental messages shall be displayed within the business logo. Supplemental messages may include DIESEL, 24 HOURS, CLOSED AND THE DAY OF THE WEEK, ALTERNATE FUELS, RV, and the handicapped symbol.

Rulemaking Authority 334.044(2), 479.261(7) FS. Law Implemented 479.261(1), 479.261(7) FS. History—New 12-15-09, Amended.

14-85.021 Qualification of Businesses.

(1) To qualify for participation in any category, a business must be open and operating and meet all of the following conditions:

(a) through (c) No change.

(d) Be within a category set forth in subsection 14-85.013(4), F.A.C., and meet the requirements applicable to that category, including distance from the qualifying interchange. The distance will be measured along the crossroad from the point where the crossroad intersects with the centerline of the limited access facility ~~interstate highway~~ median to the nearest entrance to the premises of the business.

(e) No change.

(2) through (3) No change.

(4) RV (Recreational Vehicle) Friendly.

(a) No change.

(b) RV friendly symbol design and placement.

1. The design of the RV friendly symbol is a 12-inch diameter retroreflective yellow circle with a 1/2-inch approved non-reflective black border as prescribed in Table 2A and Figure 2J-4 of the Manual for Traffic Control Devices incorporated by Rule 14-15.010, F.A.C. ~~The yellow background sheeting will be AASHTO Type III Sign Sheeting (High Intensity).~~ The black upper case letters “RV” are inside

the circle and are 8 inches in height and will be approved non-reflective black.

2. The RV friendly symbol shall be located in the lower right-hand corner of the business logo.

3. The RV friendly symbol shall only be displayed on mainline logo structures.

(c) RV friendly participation.

1.through 4. No change.

~~5. Upon application, the business will be charged a one-time fee of \$100.00 for each RV friendly symbol displayed.~~

(5) Gas. To qualify for a business logo in the gas category, an existing business must meet all of the following conditions:

(a). Operate year round at least 16 hours per day, 360 days a year. However, a business that meets all other qualifications but maintains operating hours ~~less other~~ than 16 hours per day will be permitted to display a business logo in the gas category if it meets all of the following conditions:

1. through 3. No change.

(b) through (d) No change.

(6) Accessibility. Any full or self service gas business ~~interested in~~ providing gas pumping service to motorists with disabilities during the hours the business is open, may display the International Symbol of Accessibility for the Handicapped (Symbol D9-6 of the ~~D9-5~~ Manual on Uniform Traffic Control Devices incorporated by Rule 14-15.010, F.A.C.) on its business logo. The symbol shall be a minimum of 6 inches wide by 6 inches high and a maximum of 8 inches wide by 8 inches high for the mainline business logo. These dimensions shall be reduced by one half for corresponding ramp business logos. The symbol shall be located in the upper left hand corner of the business logo in a manner in which it touches both the business logo and the display panel and is positioned in such a way as to cause minimal interference with the artwork. Permitted gas category businesses may apply to use this symbol on their business logos at any time. A new participant may elect to participate when the first permit fee payment is submitted.

(a) Gas category businesses ~~interested in~~ providing gas pumping services to motorists with disabilities should contact the Program Administrator. In order to participate, a gas business shall meet all of the following conditions:

AADT Grouping		
>	<=	Group
0	30,000	0
30,000	75,000	1
75,000	175,000	2
175,000		3

1. through 2. No Change.

(b) No Change.

(7) Food. To qualify for a business logo in the food category, an existing business must meet all of the following conditions:

(a) Be licensed in accordance with Sections 500.12 or 509.241 Chapter 500 or 509, F.S., and serve prepared food.

(b) through (e) No Change.

(8) Lodging. To qualify to display a business logo in the lodging category, an existing business must meet both of the following conditions:

(a) Be licensed in accordance with Section 509.241 Chapter 509, F.S.

(b) Be located within six miles of the interchange.

(9) Camping. To qualify for a business logo in the camping category, an existing business shall hold a permit under the provisions of Section 513.07 Chapter 513, F.S., and must be located within fifteen miles of the interchange.

(10) Attraction. To qualify for a business logo in the attraction category, an existing business must meet all of the following conditions:

(a) through (b) No change.

(c) Be publicly recognized as a bona fide tourist destination. A bona fide tourist destination shall have, and keep current, all legally required permits and licenses, ~~and comply with all laws concerning the provision of public accommodations pursuant to subsection 14-85.021(1), F.A.C.~~

(d) through (g) No change.

~~(11) Other permissible Services, as authorized by the Federal Highway Administration and in compliance with the Manual on Uniform Traffic Control Devices, shall be permitted.~~

Rulemaking Authority 334.044(2), 479.261(7) FS. Law Implemented 479.261(1), 479.261(1)(a), 479.261(1)(b), 479.261(7) FS. History—New 12-15-09, Amended _____.

14-85.022 Permits.

(1) No change.

(2) Permit Fees.

~~(a) The following charts show the groupings for both AADT and population.~~ Annual fees for participation in the Logo Sign Program are computed based upon the Annual Average Daily Traffic (AADT) at each interchange, the population of the area surrounding the interchange, market conditions, and the costs of the program. The following charts show the groupings for both AADT and population:

The following chart shows the weighted values assigned to each factor:

Population Grouping		
>=	<	Group
0	5,000	1
5,000		2

Fee Formula Factors	
AADT	230
Population	400
Cost	1000

The fee for each interchange is computed as follows:
 (AADT Group x AADT Factor) + (Population Group x Population Factor) + Cost Factor

Under no circumstances shall calculated fee exceed \$3500.00 for an interchange in an urban area, or \$2500.00 for an interchange outside an urban area.

EXAMPLE: For an interchange with an AADT of 60,000 and a population of 75,000, the fee is computed as follows:

AADT Group = 1
 Population Group = 2
 (1 x 230) + (2 x 400) + 1000 = \$2,030

The fees calculated above are for a mainline logo sign and ramp logo signs in both directions of the limited access facility interstate. At interchanges where the configuration only allows access to the business in a single direction, one mainline logo sign and one ramp logo sign will be provided and the fee will be one-half (1/2) that computed for both directions.

(b) An annual permit fee of \$1,300.00 is established for all interchanges located within the boundaries of rural communities designated as within a rural area of opportunity Critical Economic Concern (RACEC) as defined by Section 288.0656(2)(d) and (e), F.S. The list of rural communities and areas designated as rural area of opportunity RACEC is published by the Governor’s Office of Tourism, Trade and Economic Development. The rural area of opportunity RACEC status will be that which is in effect at the time the invoice for either the initial or renewal billing for participation in the Logo Sign Program is generated. If a rural area of opportunity RACEC designation is secured subsequent to the generation of the invoice, no refund, credit, or pro rata distribution of funds received by the Department for that year will be made to the permittee.

(c) No change.

~~(d) For calendar year 2010, the annual permit fees shall be reduced to conform to the formula shown above. Each business that has paid a 2010 annual permit fee in excess of the reduced annual fee amount shall be issued a credit for the excess amount. Such credits shall apply to the permitted location only and shall be applied against future permit renewals. No refunds shall be provided. Businesses which cancelled or did not renew participation for 2010, and for which space is available on the display panel, shall be provided a notice allowing thirty (30) days to reinstate participation in the program. Reinstatement shall be granted upon receipt of payment of an amount equal to 75% of the annual permit fee amount as computed from the above formula.~~

~~(e) For any business located within a threatened area as identified in a Proclamation or Executive Order declaring a State of Emergency pursuant to Section 252.36(2), F.S., the annual permit fee shall be reduced to \$83.33 per month (\$1,000 per year) during existence of the state of emergency. For businesses which are signed in a single direction, the fee shall be reduced to \$41.67 per month (\$500 per year). If the Proclamation or Executive Order is issued after fees have been paid for the year, the business will be issued a credit for any excess amount paid. Such credits shall apply to the permitted location only and shall be applied against future permit renewals. No refunds shall be provided. If the State of Emergency is terminated after payment is received for the annual permit fees, the business shall be billed for any difference between the fee paid and the prorated annual permit fee and shall have thirty (30) days to pay such additional amount.~~

~~(d)(f) The permit fee will be prorated with 1/12 of the permit fee charged for each month or portion thereof remaining in the calendar year after the date of approval of an application. The fee for an application approved after September 30 will also include the fees for the next calendar year.~~

~~(3) A full service or self service gas business providing gas pumping service to motorists with disabilities and wishing to display the International Symbol of Accessibility for the Handicapped (Symbol D9-5 Manual on Uniform Traffic Control Devices) on its business logo, the business will be charged a one time additional fee of \$100 per display panel, payable in advance.~~

~~(3)(4) When a participating business wishes to change a business logo, there will be a \$100 change-out fee for each business logo, payable in advance.~~

(4)(5) Initial Permit Application. A business applying to display a business logo must submit a completed Logo Sign Permit Application on Form 575-070-35, Rev. 3/12, 575-070-34, Rev. 12/09, incorporated by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05110>, to the Program Administrator. ~~A Logo Sign Permit Application may be obtained at <http://www.dot.state.fl.us/rightofway/Documents.shtm>.~~

(5)(6) Completed applications will be acted upon within 30 days of receipt. Written notice of the decision will be furnished to the applicant.

(6)(7) Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

(7)(8) After notification of approval, the applicant shall be responsible for providing the Program Administrator with all required business logo signage.

(8)(9) The business logo will ~~generally~~ be affixed to the display panel within 30 days of receipt of the business logo or the permit fee, whichever is later.

(9)(10) When space is not available on a logo structure for a qualified business, the business will be placed on a waiting list in each individual category in the order in which the application was received. When space becomes available, notice will be provided to the business with the highest priority, providing the business 30 days within which to submit an updated application for processing an application in accordance with this section.

Rulemaking Authority 334.044(2), 479.261(7) FS. Law Implemented 479.261(3), 479.261(4), 479.261(5) FS. History–New 12-15-09, Amended 11-8-10, _____.

14-85.023 Priority of Applications.

(1) For gas, food, and lodging categories only, applications received for businesses within three miles of an interchange shall have priority over businesses that are within three to six miles of that interchange.

(2) Active permits ~~permit holders~~ retain priority over other applications, except when retaining priority would conflict with subsection 14-85.021(1), F.A.C.

(3) Initial permit applications will be assigned priority based upon the date and time of receipt by the Program Administrator. The application received earliest will be given the highest priority subject to subsections 14-85.021(1) and (2), F.A.C. Processing will be in order of assigned priority. A business that fails to submit an updated application within 30 days of notice that space has become available shall be deemed to have withdrawn its application. The business shall resubmit the application in order to be assigned priority. Priority shall be based upon the date and time of receipt of the resubmitted application.

(4) Acceptance of an application and assignment of processing priority does not constitute approval of the application. Approval or denial of applications will be granted after processing is complete.

Rulemaking Authority 334.044(2), 479.261(7) FS. Law Implemented 479.261(3), 479.261(7) FS. History–New 12-15-09, Amended _____.

14-85.024 Permit Renewal.

(1) Each year a dated renewal billing shall be sent to current permittees specifying the permit fee amount, due date, limited access facility ~~interstate~~ and interchange location, number of panels, and name on the business logo.

(2) through (4) No change.

Rulemaking Authority 334.044(2), 479.261(7) FS. Law Implemented 479.261(3), 479.261(4) FS. History–New 12-15-09, Amended 4-29-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Jessee, Manager, Outdoor Advertising and LOGO
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim Boxold, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 29, 2014

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-3.0035
 RULE TITLE: Demonstrating Knowledge of Laws and Rules for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements regarding laws and rules courses required for licensure.

SUMMARY: The requirements regarding laws and rules courses required for licensure will be updated.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and

experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.0035 Demonstrating Knowledge of Laws and Rules for Licensure.

An applicant for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling shall demonstrate knowledge of the laws and rules for licensure in the following manner:

- (1) No change.
- (2) The laws and rules course must provide integration of the above subject areas into the competencies required for clinical practice and must include at least two (2) hours of live interactive discussion of clinical case examples applying the laws and rules that govern the appropriate clinical practice. The two (2) hour interactive discussion may be divided into separate one (1) hour sessions.
- (3) An approved laws and rules course must include a testing mechanism on which a passing score of 80 percent must be obtained by the attendee prior to issuing credit. Upon successful completion of the course, the applicant shall receive a certificate of completion and submit a copy of the certificate of completion to the Board.
- (4) through (5) No change.

(6) Laws and rules courses may be offered and conducted on-line but must comply with all aspects of this rule in their entirety. Such courses must include real time (contemporaneous) live, interactive discussions as required by

subsection (2) of this rule. On-line course providers must be able to verify that each attendee continued to participate throughout the duration of the course and shall provide the board with verification documentation upon request. The provider shall maintain the participation verification for each attendee for three (3) years following the end of each licensure biennium during which the course was offered.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.005(1)(e) FS. History—New 12-28-99, Amended 8-9-00, 10-16-03, 10-7-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 25, 2015

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.7141 RULE TITLE: SSI-Related Medicaid Post Eligibility Treatment of Income

PURPOSE AND EFFECT: The Department is aligning policy with the Medicaid State Plan by amending the uncovered medical expense deduction policy and adding an additional personal needs allowance. The Department is also adding the Program of All-Inclusive Care for the Elderly, the Cystic Fibrosis, iBudget Florida and Statewide Medicaid Managed Care Long-Term Care waivers and their deduction policies. These policies are used to determine the amount the Medicaid Agency must reduce its payments to nursing facilities and waiver providers, for services provided to an individual towards their cost of care in the post eligibility determination process. Included in this proposed rule amendment are wording changes to improve the overall content of the rule and technical changes of a non-substantive nature.

SUMMARY: The proposed rule amends SSI-Related Medicaid post eligibility determination language.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 120.541(3), F.S.

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: 409.919, 409.961, FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.919, 409.961, 409.963, 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: April 7, 2015, 10:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Vonsenita Tranquille Economic Self-Sufficiency Program, (850)717-4238, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, Vonsenita.Tranquille@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vonsenita Tranquille Economic Self-Sufficiency Program, (850)717-4238, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, Vonsenita.Tranquille@myflfamilies.com

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.7141 SSI-Related Medicaid Post Eligibility Treatment of Income.

After an individual is determined eligible satisfies all non-financial and financial eligibility criteria for Hospice, Institutional Care Program (ICP), Program of All-Inclusive Care for the Elderly (PACE), services or Assisted Living waiver (ALW/HCBS), Cystic Fibrosis waiver, Individual Budgeting (iBudget), or Statewide Medicaid Managed Care Long-Term Care (SMMC-LTC) Program, the Department

determines the ~~amount of the~~ individual's patient responsibility. "Patient responsibility" is the amount the Agency for Health Care Administration (AHCA) must reduce its payments to a medical institution and intermediate care facility or payments for home and community based services provided to an individual towards their cost of care. Patient responsibility is based on the amount of income remaining after the following deductions are applied pursuant to 42 CFR § 435.725 and 42 CFR § 435.726. This process is called "post eligibility treatment of income".

(1) For institutional care services and Hospice and institutional care services, the following deductions are applied to the individual's income to determine patient responsibility in the following order:

(a) A Personal Needs Allowance (PNA) of \$105. Individuals residing in medical institutions and intermediate care facilities shall have \$105 ~~35~~ of their monthly income protected for their personal needs allowance.

(b) A PNA for individuals residing in the community. Individuals electing hospice services shall have an amount of equal to the federal poverty level (FPL) protected as their personal need allowance.

~~(c)(b)~~ An additional PNA for therapeutic wages. If the institutionalized individual earns therapeutic wages, an additional deduction from amount of income equal to one-half of the monthly therapeutic wages, up to a maximum of \$111, shall be applied and treated as an additional PNA protected for personal need. ~~This protection is in addition to the \$35 personal need allowance.~~

~~(c)~~ Individuals who elect Hospice services have an amount of their monthly income equal to the federal poverty level protected as their personal need allowance unless they are a resident of a medical institution, in which case \$35 of their income is protected for their personal need allowance.

(d) An additional PNA for court ordered child support. If the institutionalized individual is court ordered to pay child support an additional PNA is deducted in an amount equal to the court ordered support paid by the individual to meet their court ordered obligation. The additional PNA is applied only if a court ordered deduction was not made under another provision under the post eligibility process.

~~(e)(d)~~ The community spouse income allowance. The ~~Department~~ applies the formula and policies ~~in 42 U.S.C. under § 1924 of the Social Security Act, section 1396r-5 and Rule 65A-1.716, F.A.C.~~ to compute the community spouse income allowance after ~~the~~ institutionalized spouse is determined eligible for institutional care benefits. ~~The standards used are found in subsection 65A-1.716(5), F.A.C. The current Food Assistance Program standard utility allowance is used to determine the community spouse's excess utility expenses.~~

(f) The community spouse's excess shelter and utility expenses. The amount by which the sum of the spouse's expenses for rent or mortgage payment (including principal and interest), taxes and insurance and, in the case of a condominium or cooperative, required maintenance charge, for the community spouse's principal residence and utility expense exceeds thirty percent of the amount of the Minimum Monthly Maintenance Needs Allowance (MMMNA) is allowed. The utility expense is based on the current Food Assistance Program's standard utility allowance as referenced in subsection 65A-1.603(2).

(g) ~~For community hospice, cases, a spousal allowance. This allowance is equal to the Supplemental Security Income (SSI) Federal Benefit Rate (FBR), minus the spouse's own monthly income shall be deducted from the individual's income. If the individual has a spouse and a dependent child(ren) they are entitled to a portion of the individual's income equal to the Temporary Cash Assistance consolidated need standard (CNS) minus the spouse and dependent's income. For CNS criteria, refer to subsection 65A-1.716(1), F.A.C. A portion of the individual's income equal to 100% of the Federal Poverty Level (FPL), minus the spouse and dependent's income, if the individual has a spouse and dependent child in the community. (For FPL criteria, refer to subsection 65A-1.716(1), F.A.C.).~~

(h)(~~f~~) ~~For ICP or Institutional institutionalized Hospice, income is protected for the month of admission and discharge, if the individual's income for that month is obligated to directly pay for their cost of food or shelter outside of the facility.~~

(i)(~~g~~) Uncovered medical expense deduction. The following policy will be applied in considering medical deductions for institutionalized individuals and individuals receiving HCBS services to calculate the amount allowed for the uncovered medical expense deduction: Effective January 1, 2004, the department allows a deduction for the actual amount of health insurance premiums, deductibles, coinsurance charges and medical expenses, not subject to payment by a third party, incurred by a Medicaid recipient for programs involving post eligibility calculation of a patient responsibility, as authorized by the Medicaid State Plan and in accordance with 42 CFR 435.725.

1. For institutionalized persons or residents of medical institutions and intermediate care facilities, the deduction includes The medical/remedial care service or item must meet all the following criteria:

a. Any premium, deductible, or coinsurance charges or payments for health insurance coverage. Be recognized under state law;

b. For other incurred medical expenses, the expense must be for a medical or remedial care service and be medically necessary and recognized under state law as specified in Rule 59G-1.010 (166) F.A.C.. For medically necessary care, services and items not paid for under the Medicaid State Plan, the actual billed amount will be the amount of the deduction, not to exceed the maximum payment or fee recognized by Medicare, commercial payors, or any other third party payor, for the same or similar item, care, or service. ~~Be medically necessary;~~

2e. The expense must have been incurred no earlier than the three month period preceding the month of application providing eligibility. ~~Not be a Medicaid compensable expense; and~~

3d. The expense must not have been paid for under the Medicaid State Plan. ~~Not be covered by the facility or provider per diem.~~

2. ~~For services or items not covered by the Medicaid State Plan, the amount of the deduction will be the actual amount for services or items incurred not to exceed the highest of a payment or fee recognized by Medicare, commercial payors or any other contractually liable third party payer for the same or similar service or item.~~

43. Other health insurance policies, including long term care insurance, are considered to be the first payor for medical items, care, or services covered by such policies and the remaining items can be used as an uncovered medical expense deduction. Therefore, to be deducted from the individual's income, the individual must demonstrate that other insurance does not cover such medical items, care, or services. Expenses for services or items received prior to the first month of Medicaid eligibility can only be used in the initial projection of medical expenses if the service or item was provided during the three month period prior to the month of application and it is anticipated that the expense for the service or item will recur in the initial projection period.

5.4. The medical and remedial care expenses that were incurred as the result of imposition of a transfer of asset penalty is limited to zero. For the initial projection period, the department will allow a deduction for the anticipated amount of uncovered medical expenses incurred during the three month period prior to the date of application, and that are recurring (reasonably anticipated to occur) expenses in the initial projection period.

5. ~~Actual incurred and recognized expenses will be deducted in each of the three months prior to the Medicaid application month when an applicant requests three months prior Medicaid coverage and is eligible in the prior month(s).~~

6. The initial projection period is the first day of the first month of Medicaid eligibility beginning no earlier than the application month through the last day of the sixth month following the month of approval. A semi annual review is scheduled for the fifth month after the month approved to evaluate the recipient's actual incurred medical expenses for the prior six months.

7. For the semi annual review, the department will request documentation of the recipient's actual incurred medical expenses for the prior six months.

a. If the recipient documents their actual expenses, staff must compare the total projected expenses budgeted with the total actual recurring expenses to determine if the projection was accurate. If the projection was overstated or understated by more than \$120, the department must use the amount overstated or understated by more than \$120 combined with the total expenses anticipated to recur and any non recurring expenses incurred during the period to compute an average amount to deduct from patient responsibility for the next projection period, if possible. If an adjustment is not possible, the department must adjust the patient responsibility for each past month in which an expense was overstated.

b. If a recipient fails to document their actual expenses for the last projection period at the time of their semi annual review, the department must assume the recipient did not incur the expense(s) which was projected. The department will remove the deduction for the next projection period and calculate the total amount of deductions incorrectly credited in the prior projection period to adjust the recipient's future patient responsibility. If an adjustment is not possible, the department must adjust the patient responsibility for each past month in which an expense was overstated.

8. The steps in subparagraph (g)7. above must be repeated for each semi annual review.

9. Recipients must report their uncovered medical expenses timely.

a. New, recurring uncovered medical expenses must be reported no later than the tenth day of the month in which the next semi annual review is due. If the due date falls on a weekend or holiday, the recipient must report by the end of the next regularly scheduled business day. Recurring expenses reported timely will be included in the calculation of patient responsibility beginning with the month the expense was incurred. Recurring expenses not reported timely will be included in the calculation of patient responsibility beginning the month reported and will be prorated for the remaining months of the projection period, but no adjustments in patient responsibility will be made for past months in which expenses went unreported.

b. Non recurring uncovered medical expenses must be reported no later than the tenth day of the month in which the next semi annual review is due. If the due date is a weekend or holiday, the recipient must report by the end of the next regularly scheduled business day. Non recurring expenses reported timely will be held until the semi annual review month and prorated over the next six month period. Non recurring expenses not reported timely will not be included as a deduction in the patient responsibility calculation.

(2) For ALW/HCBS, the following deductions shall apply in computing patient responsibility:

(a) An allowance for personal needs in the amount equal to the Optional State Supplementation (OSS) (as defined in Chapter 65A-2, F.A.C.), cost of care plus the OSS personal need allowance.

(b) An amount equal to the cash assistance consolidated need standard minus the dependent's income for the client's dependent unmarried child under age 21, or their disabled adult child living at home, when there is no community spouse.

(c) Deductions in paragraphs (1)(b), (d), (f) and (g), as applicable.

(2) For the Program of All-Inclusive Care for the Elderly (PACE), the following deductions are applied to the individual's income to determine patient responsibility:

(a) A deduction is made for the PNA based on the individual's living arrangement as follows:

1. For an individual residing in the community, not in an assisted living facility (ALF), the PNA is equal to 300% of the FBR.

2. For an individual who is residing in an ALF, the PNA is computed using the ALF basic monthly rate (for three meals per day and a semi-private room), plus 20% of the FPL.

3. For an individual residing in a nursing home, the PNA is \$105.

(b) A deduction is allowed when there is a spouse residing in the community for HCBS and ICP services.

1. For HCBS a spousal deduction equal to the SSI FBR minus the spouse's monthly income.

2. The Department will apply the formula and policies in 42 U.S.C. § 1924 of the Social Security Act, section 1396r-5 and Rule 65A-1.716, F.A.C. to compute the community spouse income allowance after the institutionalized spouse is determined eligible for institutional care benefits.

(c) A deduction for incurred medical or remedial care expenses not subject to payment by a third party, and subject to the following reasonable limits:

1. The service or item claimed as a deduction from the individual's income must be a medical or remedial care service, be medically necessary, recognized under state law as specified in Rule 65A-1.716, F.A.C., and have been incurred no earlier than the three months preceding the month of application providing eligibility and have not been paid for under the Medicaid State Plan.

2. For medically necessary care, services and items not paid for under the Medicaid State Plan, the actual billed amount will be used as the deduction not to exceed the maximum payment or fee recognized by Medicare, commercial payers or any other third party payer for the same or similar item, care, or service.

3. Other resident health insurance policies will be treated as first payor and the beneficiary will have to demonstrate that the other insurance has not or will not cover the expense.

4. The medical or remedial care expenses that were incurred as the result of imposition of a transfer of assets penalty is limited to zero.

(d) If the institutionalized individual is court ordered to pay child support an additional PNA is deducted in an amount equal to the court ordered support paid by the individual to meet their court ordered obligation. Funds are protected only to the extent that the income was not already deducted under another provision in the post eligibility process.

(3) For the Cystic Fibrosis waiver, the following deductions are applied to the individual's income to determine patient responsibility in accordance with 42 CFR 435.726:

(a) A deduction is made for PNA in an amount that is equal to 300% of the FBR.

(b) A spousal deduction equal to the SSI standard FBR minus the spouse's monthly income when residing in the community.

(c) A deduction for the family at the Temporary Cash Assistance CNS.

(d) A deduction for incurred medical or remedial care expenses not subject to payment by a third party, and subject to the following reasonable limits:

1. The service or item claimed as a deduction from the individuals income must be a medical or remedial care service, be medically necessary, have been incurred no earlier than the three months preceding the month of application providing eligibility and have not been paid for under the Medicaid State Plan.

2. For medically necessary care, services and items not paid for under the Medicaid State Plan, the actual billed amount will be used as the deduction not to exceed the maximum payment or fee recognized by Medicare, commercial payers or any other third party payer for the same or similar item, care, or service.

3. Other resident health insurance policies will be treated as first payor and the beneficiary will have to demonstrate that the other insurance has not or will not cover the expense.

4. The medical or remedial care expenses that were incurred as the result of imposition of a transfer of assets penalty is limited to zero.

(4) For the iBudget Florida waiver, the following deductions are applied to the individual's income to determine patient responsibility in accordance with 42 CFR 435.726:

(a) A deduction is made for PNA in an amount that is equal to 300% of the FBR.

(b) A spousal deduction equal to the SSI standard FBR minus the spouse's monthly income when residing in the community.

(c) A deduction for the family at the Temporary Cash Assistance CNS.

(d) A deduction for incurred medical or remedial care expenses not subject to payment by a third party, and subject to the following reasonable limits:

1. The service or item claimed as a deduction from the individuals income must ~~not~~ be a medical or remedial care service, be medically necessary, have been incurred no earlier than the three months preceding the month of application providing eligibility and have not been paid for under the Medicaid State Plan.

2. For medically necessary care, services and items not paid for under the Medicaid State Plan, the actual billed amount will be used as the deduction not to exceed the maximum payment or fee recognized by Medicare, commercial payers or any other third party payer for the same or similar item, care, or service.

3. Other resident health insurance policies will be treated as first payor and the beneficiary will have to demonstrate that the other insurance has not or will not cover the expense.

4. The medical or remedial care expenses that were incurred as the result of imposition of a transfer of assets penalty is limited to zero.

(5) For the Statewide Medicaid Managed Care Long-Term Care Program, the following deductions are applied to the individual's income to determine patient responsibility in accordance with 42 CFR 435.726:

(a) A deduction is made for the PNA based on the individual's living arrangement as follows:

1. For an individual residing in the community, not in an ALF, the PNA is equal to 300% of the FBR.

2. For an individual who is residing in an ALF, the PNA is computed using the ALF basic monthly rate (for three meals per day and a semi-private room), plus 20% of the FPL.

(b) A deduction is allowed when there is a spouse residing in the community for HCBS and ICP services.

1. For HCBS a spousal deduction equal to the SSI FBR minus the spouse's monthly income.

2. The Department will apply the formula and policies in 42 U.S.C. under § 1924 of the Social Security Act, section 1396r-5 and Rule 65A-1.716, F.A.C. to compute the community spouse income allowance after the institutionalized spouse is determined eligible for institutional care benefits.

(c) A deduction for incurred medical or remedial care expenses not subject to payment by a third party, and subject to the following reasonable limits:

1. The service or item claimed as a deduction from the individuals income must be a medical or remedial care service, be medically necessary, have been incurred no earlier than the three months preceding the month of application providing eligibility and have not been paid for under the Medicaid State Plan.

2. For medically necessary care, services and items not paid for under the Medicaid State Plan, the actual billed amount will be used as the deduction not to exceed the maximum payment or fee recognized by Medicare, commercial payers or any other third party payer for the same or similar item, care, or service.

3. Other resident health insurance policies will be treated as first payor and the beneficiary will have to demonstrate that the other insurance has not or will not cover the expense.

4. The medical or remedial care expenses that were incurred as the result of imposition of a transfer of assets penalty is limited to zero.

Rulemaking Authority, 409.919, 409.961, FS. Law Implemented 409.902, 409.903 409.904, 409.906, 409.919, 409.961, 409.963, FS. History--New 5-29-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dianna Laffey
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 1, 2013

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NOS.:	RULE TITLES:
73B-11.0251	Definitions Relating to Emergency Unemployment Compensation
73B-11.0252	Eligibility for Emergency Unemployment Compensation
73B-11.0253	Emergency Unemployment Compensation Individual Accounts
73B-11.0254	How to Apply for Emergency Unemployment Compensation
73B-11.0261	Definitions Relating to Extended Benefits
73B-11.0262	How to Apply for Extended Benefits
73B-11.0263	Diligent Work Search Requirements

PURPOSE AND EFFECT: These Rules will be repealed because the federal program that is implemented by the Rules has expired.

SUMMARY: Repeal of all Rules.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The agency has performed a review of the statutory requirements and has determined that its proposed Rules 73B-11.0251, 11.0252, 11.0253, 11.0254, 11.0261, 11.0262, and 11.0263, F.A.C. have no adverse impact or regulatory costs which exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The rules are therefore expected be able to take effect without the need of being ratified by the Legislature.

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: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.036, 443.091, 443.101, 443.111, 443.151, 443.191, 443.221, 443.1115, 443.1117 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Golen, Office of General Counsel, Department of Economic Opportunity, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

73B-11.0251 Definitions Relating to Emergency Unemployment Compensation.

~~(1) Emergency Unemployment Compensation: A federally funded program created by Public Laws 110 252, 110 449, 111 5, 111 92, 111 118, 111 144, 111 157, and 111 205, and implemented in Florida through an agreement between the Department of Economic Opportunity and the United States Department of Labor which provides additional weeks of unemployment benefits to qualified individuals who have exhausted their rights to regular unemployment compensation on claims that were effective on or after May 2, 2006.~~

~~(2) Extended unemployment compensation: Benefits, including benefits payable to federal civilian employees and to ex-servicemembers under 5 U.S.C. ss. 8501 8525, that are payable to an individual under Sections 443.1115 or 443.1117, F.S.~~

~~(3) Qualifying benefit year: The benefit year established on a Florida claim for regular unemployment compensation which was effective on or after May 2, 2006, and is the basis of the individual's eligibility for emergency unemployment compensation.~~

~~(4) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, F.S., including benefits payable to federal civilian employees and to ex-servicemembers under 5 U.S.C. ss. 8501 8525, other than extended unemployment compensation under Section 443.1115, F.S.~~

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.221(3) FS. History—New 8-11-10, Amended 12-19-10, Formerly 60BB-3.0251, Repealed.

73B-11.0252 Eligibility for Emergency Unemployment Compensation.

~~(1) Eligibility Conditions. Emergency Unemployment Compensation is available to individuals who:~~

~~(a) Have exhausted all rights to regular unemployment compensation on a Florida claim with a benefit year that ended on or after May 1, 2007;~~

~~(b) Have no rights to unemployment compensation under any other state or federal law;~~

~~(c) Are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and~~

~~(d) Are legally authorized to work in the United States.~~

~~(2) Exhaustion of Benefits. For purposes of this rule, an individual has exhausted all rights to regular unemployment compensation when that individual:~~

~~(a) Has received all regular unemployment compensation available on the qualifying benefit year; or~~

~~(b) Had rights to regular unemployment compensation on the qualifying benefit year, but has insufficient wage credits to establish a new benefit year for regular unemployment compensation.~~

~~(3) Exception to Exhaustion Requirement.~~

~~(a) Notwithstanding paragraph (1)(a) of this rule, and except as provided in paragraphs (3)(e) (f) of this rule, the expiration of a qualifying benefit year during which the individual has earned sufficient wage credits to establish monetary eligibility for a new benefit year will not render the individual ineligible for emergency unemployment compensation if:~~

~~1. The individual has established entitlement to emergency unemployment compensation with respect to that qualifying benefit year;~~

~~2. The individual's qualifying benefit year expired on or after July 23, 2010;~~

~~3. The individual has remaining entitlement to emergency unemployment compensation benefits with respect to that benefit year; and~~

~~4. The weekly benefit amount established under the new benefit year is at least either 25% or \$100 less than the weekly benefit amount for the qualifying benefit year.~~

~~(b) If the criteria set forth in paragraph (3)(a) of this rule are satisfied, the Department shall establish a new benefit year for the individual, but shall defer payment of regular unemployment compensation for the new benefit year until all emergency unemployment compensation payable to the individual has been exhausted.~~

~~(c) If the Department receives information indicating that an individual who qualifies for an exception to the exhaustion requirement under paragraph (3)(a) of this rule has earned income in another state or in other states which would render the individual monetarily eligible for a claim for regular unemployment compensation in that state, the Department will mail the individual a Form AWI UCB11 S EUC/CWC (09/10), Notice of Eligibility for Regular Benefits, which will instruct the claimant to notify the appropriate agency in the other state regarding a claim for benefits in that state. The Form AWI UCB11 I EUC/CWC is hereby incorporated by reference into this rule.~~

~~(d) The Department will lift the suspension if the individual files a claim for benefits with the other state as directed on the Form AWI-UCB11-EUC/CWC, and~~

~~1. The other state communicates to the Department that it has determined that the weekly benefit amount for a claim for regular unemployment compensation in that state is at least either 25% or \$100 less than the weekly benefit amount under the individual's EUC claim in Florida; or~~

~~2. After twenty-eight days have elapsed since the mailing date on the Form AWI-UCB11-EUC/CWC, the other state has not communicated to the Department its determination regarding the individual's entitlement to regular unemployment compensation in that state.~~

~~(e) If the Department lifts the suspension of the Florida EUC benefits, it will resume paying such benefits to the individual and will also pay the individual benefits for any weeks to which the individual is otherwise entitled that occur during the period of suspension.~~

~~(f) If the other state determines that the weekly benefit amount for a claim for regular unemployment compensation in that state is greater than either 25% or \$100 less than the weekly benefit amount under the individual's EUC claim in Florida, the Department will cease paying on the EUC claim. If, at the time the regular unemployment compensation claim in the other state is exhausted, the individual is still entitled to EUC benefits, the Department will resume payment of EUC benefits.~~

~~(4) Amount Payable.~~

~~(a) The amount of emergency unemployment compensation payable to an individual for any week of total unemployment will be equal to the amount of regular unemployment compensation payable during the individual's qualifying benefit year for a week of total unemployment.~~

~~(b) The maximum amount of emergency unemployment compensation payable to any individual will not exceed the amount established for such individual in the emergency unemployment compensation account described in Rule 73B-11.0253, F.A.C.~~

~~(5) Applicable Law. The terms and conditions of the law under which the individual claimed and received regular unemployment compensation will apply to claims for and payment of emergency unemployment compensation.~~

~~(6) Overpayments. An individual who receives emergency unemployment compensation to which he is not entitled will repay any such overpayment to the Department of Economic Opportunity. The requirement to repay the overpayment will not be waived.~~

~~(a) The Department may recoup any such overpayments by deducting 50 percent of the weekly benefit amount from any future payments until the overpayment is repaid in full.~~

~~(b) Recoupment of overpayments from future benefits may occur at any time during the 3-year period after the date the individual received the payment of the emergency unemployment compensation to which he was not entitled.~~

~~(c) No waiver of such recoupment may occur except as permitted by Section 443.151(6)(c), F.S.~~

~~Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.111, 443.151(6), 443.221(3) FS. History—New 8-11-10, Amended 12-19-10, Formerly 60BB-3.0252, Repealed _____.~~

~~73B-11.0253 Emergency Unemployment Compensation Individual Accounts.~~

~~(1) Establishment of Account. Persons deemed eligible under Rule 73B-11.0252, F.A.C., will be paid from emergency unemployment compensation accounts established for each individual with respect to that individual's benefit year.~~

~~(2) Eligibility Established Prior to November 23, 2008. The emergency unemployment compensation accounts of individuals whose period of eligibility began between July 6, 2008 and November 22, 2008, will be augmented as provided in this subsection.~~

~~(a) The amount established in an account under this subsection will equal the lesser of:~~

~~1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or~~

~~2. 13 times the individual's average weekly benefit amount for the benefit year.~~

~~(b) Benefits under this subsection may be paid only for weeks of unemployment beginning on or after July 6, 2008.~~

~~(c) If the individual exhausts these benefits before November 23, 2008, no further benefits may be paid to the individual except as provided in subsections (3), (4), (5), and (6) of this rule.~~

~~(3) Tier One.~~

~~(a) Tier One benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.~~

~~(b) The emergency unemployment compensation account of each individual whose period of eligibility began after November 22, 2008, will be augmented with an amount equal to the lesser of:~~

~~1. 80 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or~~

~~2. 20 times the individual's average weekly benefit amount for the benefit year.~~

~~(c) The emergency unemployment compensation account of an individual whose period of eligibility began before November 23, 2008 will, if the individual remains otherwise eligible, receive an additional augmentation equal to the amount previously paid under paragraph (b) of this subsection minus the amount actually received under subsection (2).~~

~~(d) Tier One benefits may be paid only in cases in which an individual's regular unemployment compensation benefits are exhausted by the week ending November 20, 2010.~~

~~(4) Tier Two.~~

~~(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (3) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:~~

~~1. The individual exhausts all Tier One benefits by the week ending November 27, 2010;~~

~~2. The individual remains otherwise eligible.~~

~~(b) Amount Added to Account. The amount established in an account under this subsection will equal the lesser of:~~

~~1. 54 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or~~

~~2. 14 times the individual's average weekly benefit amount for the benefit year.~~

~~(e) Tier two benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.~~

~~(5) Tier Three.~~

~~(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (4) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:~~

~~1. The individual exhausts all Tier Two benefits by the week ending November 27, 2010;~~

~~2. The individual remains otherwise eligible; and~~

~~3. During or after the week these benefits are exhausted, but no later than the week ending November 27, 2010, one of the following circumstances occur:~~

~~a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 4 percent; or~~

~~b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 6 percent.~~

~~(b) The amount established in an account under this subsection will equal the lesser of:~~

~~1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or~~

~~2. 13 times the individual's average weekly benefit amount for the benefit year.~~

~~(c) Tier Three benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.~~

~~(6) Tier Four.~~

~~(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (5) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:~~

~~1. The individual exhausts all Tier Three benefits by the week ending November 27, 2010;~~

~~2. The individual remains otherwise eligible; and~~

~~3. During or after the week these benefits are exhausted, but no later than the week ending November 27, 2010, one of the following circumstances occur:~~

~~a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 6 percent; or~~

~~b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 8.5 percent.~~

~~(b) The amount established in an account under this subsection will equal the lesser of:~~

~~1. 24 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or~~

~~2. 6 times the individual's average weekly benefit amount for the benefit year.~~

~~(c) Tier Four benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.~~

~~(7) Termination of Emergency Unemployment Compensation. An individual who has a balance remaining in his or her individual account as of November 27, 2010, will continue to receive emergency unemployment compensation from such balance for any week beginning after that date for which he or she meets the eligibility requirements of this rule, except that no compensation will be payable for any week beginning after April 30, 2011.~~

~~Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.111, 443.191, 443.221(3) FS. History—New 8-11-10, Amended 12-19-10, Formerly 60BB-3.0253, Repealed _____.~~

73B-11.0254 How to Apply for Emergency Unemployment Compensation.

~~(1) Method of Application. Individuals whose regular unemployment compensation benefits are exhausted, whose benefit year expires between July 6, 2008 and May 29, 2010, or who are entitled to an augmentation of their emergency unemployment compensation accounts pursuant to Rule 73B-11.0253, F.A.C., will receive notice regarding their eligibility or ineligibility for emergency unemployment compensation. Individuals who qualify for augmentation under any of the~~

provisions set forth in subsections 73B-11.0253(4)-(6), F.A.C., will be deemed eligible to receive these benefits without filing an application as long as they comply with the continued claims reporting requirements set forth in Rule 73B-11.015, F.A.C. All other individuals who wish to receive emergency unemployment compensation must submit an application for benefits to the Department of Economic Opportunity. An application may be submitted:

(a) Online by clicking on the "Internet Unemployment Compensation Claim Application (Initial Claim)" link to the Online Internet Unemployment Compensation Claim Application (11/07), or by clicking on the "Solicitud de Reclamo de Compensacion por Desempleo en el Internet (Reclamo Inicial)" link to the Online Internet Unemployment Compensation Claim Application (Spanish version) (11/07), which are incorporated by reference in paragraphs 73B-11.029(1)(xx) and (yy), F.A.C., and which are available at <https://www2.myflorida.com/fluid/>; or

(b) In the manner set forth in paragraphs 73B-11.013(1)(d) and (e), F.A.C., when a declared disaster or emergency makes internet filing impractical, or when the claimant needs special assistance or accommodation as defined in paragraph 73B-11.013(1)(c), F.A.C., using one of the forms listed below, which are hereby incorporated by reference into this rule.

1. Form AWI UC310EUC (Rev. 08/10), Application for Emergency Unemployment Compensation, which may be found _____ at http://www.floridajobs.org/unemployment/EUC_09/EUC_app.pdf;

2. Form AWI UC310EUC (S) (Rev. 08/10), Solicitud de compensacion de emergencia por desempleo, which may be found _____ at [http://www.floridajobs.org/unemployment/EUC_09/EUC\(s\)_a_pp.pdf](http://www.floridajobs.org/unemployment/EUC_09/EUC(s)_a_pp.pdf); or

3. Form AWI UC310EUC (C) (Rev. 08/10), Aplikasyon pou Alokasyon Chomaj sou Ka Dijans, which may be found at [http://www.floridajobs.org/unemployment/EUC_09/EUC\(c\)_a_pp.pdf](http://www.floridajobs.org/unemployment/EUC_09/EUC(c)_a_pp.pdf).

(2) Notice of Determination.

(a) Notice of ineligibility for cases in which a claimant does not exhaust his or her regular benefits by the week ending November 20, 2010, will be mailed to the claimant on a Form AWI UCB11 EXH (08/10), Notice of EUC Ineligibility, Form AWI UCB11 EXH (S) (08/10), Aviso de no Eligibilidad para EUC, or a Form AWI UCB11 EXH (C) (08/10), Avi Si Ou Pa Kalifye Pou EUC, which are hereby incorporated by reference into this rule.

(b) Notice of ineligibility for cases in which the claimant does not meet the eligibility requirements of Rule 73B-11.0252, F.A.C., will be mailed to the claimant on a Form AWI UCB11 I EUC (10/09), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(c) Notice of the Department's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under subsection (2) or (3) of Rule 73B-11.0253, F.A.C., will be mailed to the claimant on a Form AWI UCB11 EUC (09/10), Emergency Unemployment Compensation Monetary Determination Tier I, which is hereby incorporated by reference into this rule.

(d) Notice of the Department's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under paragraph (4)(b) of Rule 73B-11.0253, F.A.C., will be mailed to the claimant:

1. On a Form AWI UCB11 EUC 2 (Rev. 7/10) Emergency Unemployment Compensation Monetary Determination Tier II, which is hereby incorporated by reference into this rule, when the claimant exhausts his Tier One benefits; or

2. On a Form AWI UCB11 EUC 2R (12/09), Emergency Unemployment Compensation Tier II Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant:

a. Claimed weeks on a Florida claim for extended benefits in a state in which extended benefits are not payable;

b. Received extended benefit payments for any week ending on or after November 14, 2009; or

c. Was determined to be entitled to an additional week of Tier Two benefits under the augmentation authorized by Public Law 111-92 for any week ending on or after November 14, 2009.

(e) Notice of the Department's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under subsection (5) of Rule 73B-11.0253, F.A.C., will be mailed to the claimant on a Form AWI UCB11 EUC3 (Rev. 7/10) Emergency Unemployment Compensation Monetary Determination Tier III, which is hereby incorporated by reference into this rule.

(f) Notice of the Agency's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under subsection (6) of Rule 73B-11.0253, F.A.C., will be mailed to the claimant on a Form AWI UCB11 EUC4 (Rev. 7/10), Emergency Unemployment Compensation Monetary Determination Tier IV, which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.111, 443.151, 443.221(3) FS. History—New 8-11-10, Amended 12-19-10, 11-27-11, Formerly 60BB-3.0254, Repealed _____.

73B-11.0261 Definitions Relating to Extended Benefits.

For the purposes of extended benefits payable under Section 443.1117, F.S., and Rules 73B-11.0261-.0263, F.A.C., the following definitions apply:

(1) ~~Good job prospects: An individual has good job prospects if he or she has a definite return to work date within 4 weeks of the eligibility notices referred to in subsection 73B-11.0263(2), F.A.C.~~

(2) ~~Regular unemployment compensation: Benefits payable to an individual under Chapter 443, F.S., including benefits payable to federal civilian employees and to ex-service members under 5 U.S.C. 8501-8525, other than emergency unemployment compensation, trade readjustment allowance, disaster unemployment assistance, and extended unemployment compensation under Sections 443.1115 and 443.1117, F.S.~~

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.1115, 443.1117 FS. History—New 11-28-10, Formerly 60BB-3.0261, Repealed _____.

73B-11.0262 How to Apply for Extended Benefits.

(1) Initiating a Claim for Extended Benefits.

(a) ~~The Department will mail a Form UCB 60, to all individuals who exhaust their available emergency unemployment compensation. This form will advise the recipient that the application for extended benefits may be filed online at <http://www.floridajobs.org>, using the online application (Form AWI UCB 310EB ONL (Rev. 09/2010) Extended Benefits Online Application), which is hereby incorporated by reference into this rule.~~

(b) ~~When a declared disaster or emergency makes internet filing impractical, or when the claimant needs special assistance or accommodation as defined in paragraph 73B-11.013(1)(c), F.A.C., the claimant may file a Form AWI-UC310EB (09/10), Application for Extended Benefits (EB), which is hereby incorporated by reference into this rule, in the manner set forth in paragraphs 73B-11.013(1)(d) and (e), F.A.C.~~

(2) Notice of Determination.

(a) ~~Notice of the Department's determination of an individual's eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI UCB11 EB (Rev. 08/11), Monetary Determination/Redetermination for Extended Benefits (EB), <http://www.flrules.org/Gateway/reference.asp?No=Ref 00724>, which is hereby incorporated by reference into this rule, when the Department:~~

~~1. Determines that the individual is eligible for extended benefits; or~~

~~2. Determines that the individual is ineligible for extended benefits because:~~

~~a. The individual has available credits remaining on a claim for regular benefits or emergency unemployment compensation; or~~

~~b. The individual's claim for extended benefits was previously made in relation to the wrong regular unemployment claim.~~

~~(b) Notice of the Department's determination of an individual's eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI UCB11 IEB (Rev. 12/10), Extended Benefits Determination of Eligibility, <http://www.flrules.org/Gateway/reference.asp?No=Ref 00726>, which is hereby incorporated by reference into this rule, when the individual:~~

~~1. Has not exhausted his or her regular benefits or emergency unemployment compensation;~~

~~2. Did not exhaust his or her regular benefits or emergency unemployment compensation during his or her eligibility period;~~

~~3. Has rights to regular or extended benefits available or is potentially eligible for such benefits under the law of any state (which shall include Puerto Rico, the U.S. Virgin Islands, or the District of Columbia); or~~

~~4. Is receiving compensation under the unemployment compensation law of Canada.~~

~~(c) Any notice mailed pursuant to this rule will be accompanied by an EB BRI (08/11), Extended Benefits Benefit Rights Information, <http://www.flrules.org/Gateway/reference.asp?No=Ref 00728>, which is hereby incorporated by reference into this rule.~~

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History—New 11-28-10, Amended 11-27-11, Formerly 60BB-3.0262, Repealed _____.

73B-11.0263 Diligent Work Search Requirements.

~~Every two weeks, an individual determined to be eligible for extended benefits must report his or her work search activities. The individual may satisfy this requirement by reporting online _____ at~~

~~<http://www.floridajobs.org/unemployment/EB/index.html>, and clicking on the "Claim Your Weeks" icon. When a declared disaster or emergency makes internet filing impractical, or when the claimant needs special assistance or accommodation as defined in paragraph 73B-11.013(1)(c), F.A.C., the individual may also file his or her report on a Form AWI UCB 60EB (Rev. 12/10), Unemployment Compensation Benefit Weekly Claim Certification, <http://www.flrules.org/Gateway/reference.asp?No=Ref 00722>~~

~~in the manner prescribed in paragraphs 73B-11.0262(1)(b), F.A.C. The online work search reports (Form AWI UCB-60EB ONL (Rev 08/10) Weekly Claim Certifications and Form AWI UCB-60EB ONL (S) (Rev 08/10), Certificaciones para Reclamaciones Semanales), and the Form AWI UCB-60EB (Rev. 12/10), are hereby incorporated by reference into this rule and may be found at <http://www.floridajobs.org/Unemployment/ueforms.html>.~~

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History—New 11-28-10, Amended 11-27-11, Formerly 60BB-3.0263, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Golen, Office of General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jesse Panuccio

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 3, 2015

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Dentistry

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 40 No. 243, December 17, 2014 issue of the Florida Administrative Register.

The Notice of Proposed Rule was a substantial rewording of the text. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and by a vote by the Board at the meeting held on February 20, 2015. The changes are as follows:

64B5-17.002 Written Dental Records; Minimum Content, Retention.

A ~~licensed~~ dentist shall maintain patient dental records in a legible manner and with sufficient detail to clearly demonstrate why the course of treatment was undertaken.

(1) Dental Record: The dental record shall contain sufficient information to identify the patient, support the diagnosis, justify the treatment and document the course and results of treatment accurately, by including, at a minimum, patient histories; (X rays if taken), examination results; test

results; records of drugs prescribed, dispensed, or administered; reports of consultation or referrals; and copies of records or reports or other documentation obtained from health care ~~healthcare~~ practitioners at the request of the dentist and relied upon by the dentist in determining the appropriate treatment of the patient.

(2) No change.

(3) Record Transfer or Release: Whenever patient records are released or transferred, the dentist releasing or transferring the records shall maintain either the original records or copies thereof and a notation shall be made in the retained records indicating to whom the records were released or transferred and the authority for such release. Transfer of records in a multidistinct practice ~~multi-practice dental~~ office shall be done and documented in strict accordance with Section 466.018, F.S.

(4) No change.

(5) Appointment Book: Each ~~licensed~~ dentist shall retain a copy of each entry in his or her patient appointment book or such other log, calendar, book, file or computer data, used in lieu of an appointment book, for a period of no less than four (4) years from the date of each entry thereon.

(6) Dentist of Record: All records that are required by this rule and any other patient record shall be properly annotated to identify the dentist of record. The dentist of record is the dentist who:

(a) through (c) No change.

(d) If the dentist of record is not identifiable, then the owner of the dental practice in which the patient was treated is the dentist of record. If there has been more than one provider of treatment and neither paragraph (a) or (b) or (c) can be determined with reasonable certainty, the dentist of record reverts entirely back to the Florida licensed owner dentist of the dental practice in which the dental patient is seen or treated.

(7) Owner of Dental Practice: All dental records required by this rule and any additional records maintained in the course of practicing dentistry shall be the property of the ~~Florida licensed~~ owner dentist of the dental practice in which the dental patient is seen or treated and the owner dentist shall be ultimately responsible for all record keeping requirements set forth by statute or rule.

(a) The ~~Florida licensed~~ owner dentist is responsible for the records of patients seen or treated by any employee, associate, or visiting dentist.

(b) through (c) No change.

(8) through (9) No change.

Rulemaking Authority 466.004(4) FS. Law Implemented 456.057, 456.058, 466.028(1)(m), (n), 466.018 FS. History—New 10-8-85, Formerly 21G-17.02, Amended 10-28-91, Formerly 21G-17.002, Amended 11-22-93, Formerly 61F5-17.002, 59Q-17.002, Amended 11-15-99, 4-22-03, 3-14-13, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER15-19 CASH 3™ 1-OFF® / PLAY 4™ 1-OFF®
Retailer Bonus Sales Commission

SUMMARY: The Florida Lottery will pay double the sales commissions to retailers on each CASH 3™ 1-OFF® sale and each PLAY 4™ 1-OFF® sale.

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:

53ER15-19 CASH 3™ 1-OFF® / PLAY 4™ 1-OFF® Retailer Bonus Sales Commission.

(1) Beginning March 16, 2015, through April 6, 2015, the Florida Lottery will conduct, as a retailer sales incentive, the CASH 3™ 1-OFF®/PLAY 4™ 1-OFF® Retailer Bonus Sales Commission program in which the Florida Lottery will double the 1-OFF sales commissions to retailers.

(2) The Florida Lottery will pay retailers a 5% bonus sales commission on each CASH 3 1-OFF sale and each PLAY 4 1-OFF sale in addition to the regular commission set forth in Rule 53ER13-46, Florida Administrative Code, for a total of \$.10 for each \$1.00 CASH 3 1-OFF sale and \$.10 for each \$1.00 PLAY 4 1-OFF sale.

(3) The bonus commission will be reflected on the retailer’s weekly Settlement Report at the conclusion of the incentive.

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to payment of the bonus commissions shall be paid the commissions earned provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or terms of the retailer contract.

(5) Bonus sales commissions will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer’s outstanding debt to the Florida Lottery.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History – New 3-12-15.

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: March 12, 2015

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

NOTICE IS HEREBY GIVEN that on March 5, 2015, the South Florida Water Management District (SFWMD), received a petition for Variance (Application 150305-18) from the Florida Department of Transportation, 3400 W Commercial Boulevard, Ft Lauderdale, FL 33309, for the I-95 at I-595 Interchange Wet Pond Armoring project, located in Broward County, Section 21, Township 50 South, Range 42 East. The petition seeks relief from Section 5.4.2(d) of the South Florida Water Management District Environmental Resource Permit Applicant’s Handbook Volume II, effective August 10, 2014, which is incorporated by reference in paragraph 40E-4.091(1)(a) and Chapter 62-330, F.A.C., pertaining to side slopes for wet retention/detention and attenuation areas. Any interested person or other agency may submit written comments on the petition within 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Regulation Division, during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, by telephone: 682-6911, by e-mail: permits@sfwmd.gov or by accessing the District’s website:www.sfwmd.gov using the Application/Permit Search on the ePermitting page.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-4.010 Sanitation and Safety Requirements

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

On January 26, 2015, the Division of Hotels and Restaurants received a Petition for a Routine Variance for Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), F.A.C., from Associate Dining located in Orlando.

The above referenced F.A.C. addresses the requirement that each establishment have facilities for manually washing, rinsing and sanitizing equipment and utensils. They are requesting to share the warewashing sink area with another licensed food service establishment under the same ownership and on the same premise.

The Petition for this variance was published in Vol. 41, No. 25, F.A.R., on February 6, 2015. The Order for this Petition was signed and approved on February 24, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring a three-compartment sink is provided with hot and cold running water under pressure. The Petitioner shall also ensure that the three-compartment sink area within Tropiks (SEA2100186) is maintained in a clean and sanitary manner and is available during all hours of operation. If the ownership of Tropiks (Marriott Hotel Service Inc.) changes, a signed agreement for use of the shared facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

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

On January 27, 2015, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(a), F.A.C., and Section 5-203.13, 2009 FDA Food Code from Half Way House at Timuquana Country Club located in Jacksonville. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share the mop sink located within Timuquana Country Club main kitchen.

The Petition for this variance was published in Vol. 41, No. 25, F.A.R., on February 6, 2015. The Order for this Petition was signed and approved on February 24, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that the mop sink within Timuquana Country Club main kitchen (SEA2600260) is maintained in a clean and sanitary manner and is provided with hot and cold running water under pressure. If the ownership of Half Way House at Timuquana Country Club (Timuquana Country Club) changes, a signed agreements for use of the mop sink is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On March 12, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from St. Johns River Power Park #2 Boiler, filed March 2, 2015, and advertised on March 4, 2015, in Vol. 41, No. 43, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.27.3.2.1 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., from providing phase I emergency recall operation by fire alarm initiating devices because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-054).

A copy of the Order or additional information may be obtained by contacting: Doug Melvin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 11, 2015, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ocean Residences at Boca Beach Club Condominium Association, Inc. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.7.4, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators headroom in machinery spaces, machine rooms, control spaces, and control rooms which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Doug Melvin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-059).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Doug Melvin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: RULE TITLE:

61G7-5.0033 Consolidated and Combined Financial Statements

NOTICE IS HEREBY GIVEN that on March 9, 2015, the Board of Employee Leasing Companies received a petition for variance or waiver filed by Bruce Leon and Tandem Professional Employer Services, Inc., seeking a variance or partial waiver of subsection 61G7-5.0033(4), F.A.C., which provides that a Florida-licensed employee leasing company, employee leasing company group, employee leasing company groups, or any combination thereof, may submit combined audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S. as applicable, so long as there are Board-approved cross-guarantees between all employee leasing companies and all entities covered in the combined financial statement are Florida-licensed employee leasing companies; non-licensed entities may not be included in combined financial statements. Petitioner is also seeking a variance or partial waiver of Rule 61G7-10.0015, F.A.C., which provides that an employee leasing company (referenced in this rule “an authorizing employee leasing company”) may satisfy the requirements of its quarterly and annual filing obligations as set forth in Rules 61G7-10.001 and 61G7-10.0011, F.A.C., by being accredited in good standing by the Employer Services Assurance Corporation (ESAC), and by

authorizing ESAC to provide the Department, on the licensee’s behalf, certification of compliance and electronic access to information provided to ESAC by the licensee that is consistent with the reporting requirements of Rules 61G7-10.001 and 61G7-10.0011, F.A.C., and is consistent with the requirements of Section 668.50, F.S., (the Florida Uniform Electronic Transactions Act).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Board of Employee Leasing Companies at the above address, within 14 days of publication of this notice.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Division of Cultural Affairs and Citizens for Florida Arts, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 23, 2015, 10:00 a.m.

PLACE: This meeting will take place via teleconference. For participation instructions, visit www.florida-arts.org.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review, and take action on funding and any other business that may appropriately come before the board.

A copy of the agenda may be obtained by contacting: Morgan Lewis, Morgan.Lewis@dos.myflorida.com or (850)245-6470.

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:

Morgan Lewis,

Morgan.Lewis@dos.myflorida.com or (850)245-6470. 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: Morgan Lewis, Morgan.Lewis@dos.myflorida.com or (850)245-6470.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

The Region XIV Trust Fund Advisory Council announces a public meeting to which all persons are invited.

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

PLACE: Miami Dade College, North Campus, Room 9118

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of Region XIV Reports and other Region XIV business matters.

A copy of the agenda may be obtained by contacting: Maeviss Pierre, Interim, Region XIV Secretary O. (305)237-1329, Email: mpierre6@mdc.edu.

DEPARTMENT OF TRANSPORTATION

The Commercial Motor Vehicle Review Board announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2015, 8:30 a.m.

PLACE: Embassy Suites, 1100 SE 17th Street, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Heather Nelson, Executive Assistant, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399.

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

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, March 19, 2015, 2:00 p.m. – 3:00 p.m.

PLACE: Commission Clerk's Conference Room (Room 180G), 4070 Esplanade Way, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Rules Workshop.

A copy of the agenda may be obtained by contacting: Allen Overstreet, Office of Commissioner Richard Davison, Phone: (850)488-0476, Email: allenoverstreet@fcor.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 2 days before the workshop/meeting by contacting: Allen Overstreet, Office of Commissioner

Richard Davison, Phone: (850)488-0476, Email: allenoverstreet@fcor.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).

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public customer meeting in the following docket to which all persons are invited.

DAY, DATE AND TIME: Wednesday, April 1, 2015, 6:00 p.m.

PLACE: Webster, City Hall, 49 SE 1st Street, Webster, Florida 33597

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Docket No. 140147-WS – Application for staff-assisted rate case in Sumter County by Jumper Creek Utility Company.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact Commission staff, Matthew Vogel at (850)413-6453.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

EMERGENCY CANCELLATION OF MEETING

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

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

DATE AND TIME: March 20, 2015, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Room 120L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Invitation to Bid (ITB-DEM-14-15-036) for State Logistics Response Center Pallet Rack Repairs.

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

A copy of the agenda may be obtained by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, Phone: (850)410-1391, Email: Tara.Walters@em.myflorida.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 48 hours before the workshop/meeting by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, Phone: (850)410-1391, Email: Tara.Walters@em.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's Clearinghouse Review Committee/Regional Collaboration Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 23, 2015, 10:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, (727)570-5151, ext. 22 or wren@tbrpc.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: Mr. Avera Wynne, (727)570-5151, ext. 30 or avera@tbrpc.org.

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

The South Florida Regional Planning Council Executive Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 6, 2015, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Any Development Order received prior to the meeting. Generally Consistent Comprehensive Plan Amendment Review for Weston; Any Generally Consistent Comprehensive Plan Amendment Review received prior to the meeting. Any Generally Inconsistent Comprehensive Plan Amendment Review received prior to the meeting. Meeting on monthly Council business; Call in number: 1(888)670-3525, conference code: 2488435943 then #

A copy of the agenda may be obtained by contacting: (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: (954)985-4416.

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: March 23, 2015, 2:00 p.m.

Loxahatchee River Management Coordinating Council Meeting

PLACE: River Center, 805 N. US Highway 1, Jupiter, FL 3347

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Loxahatchee River Management Coordinating Council Meeting; meet to discuss the goals and objectives regarding the management of the Wild and Scenic portion of the Loxahatchee River.

A copy of the agenda may be obtained by contacting: Kathy LaMartina, (561)602-8407.

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 District Clerk's office, (561)682-2087. 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 LaMartina, (561)602-8407, 421 SW Camden Ave., Stuart, FL 34994, or klamart@sfwmd.gov, (772)221-4060.

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: March 23, 2015, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Management Services will conduct a public, mandatory pre-bid conference for Invitation to Bid (ITB) No.: DMS-14/15-039, entitled "Fire Sprinkler System Inspections."

The purpose of this pre-bid conference is to answer any questions or concerns vendors may have regarding the services sought by the Department, the instructions for the ITB and the mandatory site visits required for the bid.

This meeting may be attended telephonically by calling 1(888)670-3525. At the prompt, enter participant passcode: 1864478772#.

This meeting is subject to cancellation. Further information and future updates regarding this meeting schedule or any future meetings will be available via the system of record, the Vendor Bid System, located at http://www.myflorida.com/apps/vbs/vbs_www.search.criteria_form and searching for DMS-14/15-039.

Any person requiring a special accommodation due to a disability should contact the Department's Americans with Disabilities Act (ADA) Coordinator, Dan Callahan at (850)922-7535.

Requests for accommodation for this meeting must be made at least five workdays prior to the meeting. A person who is hearing or speech impaired can contact the ADA Coordinator by using the Florida Relay Service at 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by contacting: Lori L. Anderson, Procurement Officer, (850)488-0510, dms.purchasing@dms.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

The Florida Commission on Human Relations announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 15, 2015, 10:00 a.m., ET

PLACE: Call 1(888)670-3525, passcode: 1760507820, then # key

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Commission to vote on the disposition of cases pending before it for decision.

A copy of the agenda may be obtained by contacting: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com.

ACCESS POINT: The FCHR office at 4075 Esplanade Way, Room 110, Tallahassee, FL 32399, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.

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

For more information, you may contact: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

The Board of Accountancy announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, March 31, 2015, 11:00 a.m. until all business is concluded

PLACE: Conference call, dial in: 1(888)670-3525, Pass code: 1368986679#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Budget Task Force will meet to discuss the board's quarter financials.

A copy of the agenda may be obtained by contacting: Denise Graves, (352)313-6607.

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

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

For more information, you may contact: Denise Graves, (352)313-6607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: May 13, 2015, 10:00 a.m. – 11:00 a.m. and 2:00 p.m. – 4:00 p.m.

PLACE: Room 535, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop will commence at 10:00 a.m. and continue until not later than 11:00 a.m., to present the Department’s recommendations and receive public comment on revisions to the intended use of available funds in the Clean Water State Revolving Fund (CWSRF) Program during Fiscal Year (FY) 2015; and then, beginning at 2:00 p.m. and continuing until not later than 4:00 p.m., the Department will hold a public meeting to discuss the issues and recommendations for management of the FY 2015 CWSRF priority list of projects to be funded with loans under Chapter 62-503, Florida Administrative Code (F.A.C.). The funds expected to be available for loans include the Federal Clean Water Act appropriations, State matching funds, proceeds from the sale of bonds, interest income, loan repayments, fund balances carried forward from FY 2014, and fees. These funds will be used to finance wastewater, stormwater or non-point source loans, to cover the administrative costs of the program, and to fund other water quality purposes within the Department. Prior to Department action at the meeting, all interested persons will have the opportunity to speak regarding the priority list and any proposed actions. The Department may adopt, modify, or deny the proposed actions at the meeting.

A copy of the agenda may be obtained by contacting: Gary Powell, State Revolving Fund Program, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399 2400, phone: (850)245-8383 or e-mail: gary.powell@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Gary Powell of the State Revolving Fund Program at (850)245-8358. 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: Timothy Banks of the State Revolving Fund at (850)245-8360 or email: timothy.banks@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Board of Pharmacy announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, March 13, 2015, 2:00 p.m.

PLACE: Conference call number: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative update.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: The Board of Pharmacy at (850)245-4292.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NOS.:RULE TITLES:

65C-41.001 Definitions

65C-41.002 Application Procedures for Readmission to Extended Foster Care

65C-41.003 Appeals

65C-41.004 Case Management Services For Young Adults in Extended Foster Care

65C-41.005 Judicial Interaction

65C-41.006 Discharge from Program

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

DATE AND TIME: March 25, 2015, 9:00 a.m. – 12:00 Noon
PLACE: (1) Attending in person at Florida Department of Children and Families, 1317 Winewood Boulevard, Bldg. 1, Secretary’s Large Conference Room, 2nd Floor, Tallahassee, FL 32399-0700; (2) Via conference call: Dial 1(888)670-3525, Code: 314 879 3079 #

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Extended Foster Care.

A copy of the agenda may be obtained by contacting: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189.

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: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189. 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: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NOS.:RULE TITLES:

- 65C-42.001 Definitions
- 65C-42.002 Postsecondary Education Services and Support
- 65C-42.003 Aftercare Services
- 65C-42.004 Appeals

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

DATE AND TIME: March 25, 2015, 2:00 p.m. – 5:00 p.m.

PLACE: (1) Attending in person at Florida Department of Children and Families, 1317 Winewood Boulevard, Bldg. 1, Secretary’s Large Conference Room, 2nd Floor, Tallahassee, FL 32399-0700, (2) Via conference call: Dial 1(888)670-3525, Code: 314 879 3079 #

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Road to Independence Program.

A copy of the agenda may be obtained by contacting: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189.

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: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189. 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: Jodi Abramowitz. Jodi can be reached at Jodi.abramowitz@myflfamilies.com or (850)717-4189.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

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

DATE AND TIME: March 18, 2015, 1:00 p.m.

PLACE: Dept. of Children & Families, 1317 Winewood Blvd., Bldg. 6, Conference Room A, Tallahassee, FL 32399-0700, 1(888)670-3525, code: 8007400450

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Suicide Prevention.

A copy of the agenda may be obtained by contacting: Sofia Castro, sindie.castro@myflfamilies.com.

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

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

For more information, you may contact: Sofia Castro, sindie.castro@myflfamilies.com.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION

The Florida Self-Insurers Guaranty Association, Inc., Audit Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, March 23, 2015, 2:00 p.m.

PLACE: Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business.

A copy of the agenda may be obtained by contacting: Brian Gee, Executive Director, (850)222-1882.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jane Strickland, Administrative Assistant, Florida Self-Insurers Guaranty Association at (850)222-1882. 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).

**NORTHWEST FLORIDA TRANSPORTATION
CORRIDOR AUTHORITY**

The Northwest Florida Transportation Corridor Authority announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2015, 10:00 a.m.

PLACE: Days Inn and Suites Navarre Conference Center, 8700 Navarre Parkway, Navarre, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of its Board, it's Executive Committee and it's Financial Committee.

A copy of the agenda may be obtained by contacting: Alicia Stephen, (850)429-8905 or alicia.stephen@hdrinc.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 48 hours before the workshop/meeting by contacting: Alicia Stephen, (850)429-8905 or alicia.stephen@hdrinc.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: Alicia Stephen, (850)429-8905 or alicia.stephen@hdrinc.com

**NORTHWEST FLORIDA TRANSPORTATION
CORRIDOR AUTHORITY**

The Northwest Florida Transportation Corridor Authority announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2015, 10:00 a.m.

PLACE: Days Inn and Suites Navarre Conference Center, Meeting Room "A", 8700 Navarre Parkway, Navarre, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the NFTCA Board, it's Executive Committee and it's Financial Committee.

A copy of the agenda may be obtained by contacting: Alicia Stephen, (850)429-8905 or alicia.stephen@hdrinc.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 48 hours before the workshop/meeting by contacting: Alicia Stephen, (850)429-8905 or alicia.stephen@hdrinc.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: Alicia Stephen, (850)429-8905 or alicia.stephen@hdrinc.com

URS CORPORATION - MIAMI

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

DATE AND TIME: Thursday, March 19, 2015, 6:30 p.m. – 8:30 p.m.

PLACE: Highland Oaks Park Recreation Center, 20300 NE 24 Avenue, Miami, Florida 33180

GENERAL SUBJECT MATTER TO BE CONSIDERED: NE 203rd Street and NE 215th Street Intersection Improvements Between US-1 and West Dixie Highway Project Development & Environment (PD&E) Study; Project Advisory Group (PAG) Meeting # 3.

A copy of the agenda may be obtained by contacting: Fabiana Gonzalez, P.E., Project Manager, Florida Department of Transportation, 1000 NW 111 Avenue, Room 6247, Miami, Florida 33172, (305)470-5183, Fabiana.Gonzalez@dot.state.fl.us.

OTHER AGENCIES AND ORGANIZATIONS

Citizens Property Insurance Corporation

The Citizens Property Insurance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 18, 2015 (immediately following the Board of Governors Meeting scheduled 9:00 a.m. – 12:00 Noon)

PLACE: Sheraton Orlando North, 600 N. Lake Destiny Drive, Maitland, FL 32751 or call: 1(888)942-8686, conference ID: 5743735657#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Market Assistance Plan (FMAP) 2014 Annual Report

A copy of the agenda may be obtained by contacting: our website: www.citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at (850)513-3744. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION
School Districts
DCPS New Covered Walkway at Loretto Elementary School
No. 30/DCSB Project No. C-90640/OFDC-ITB-019-15
DUVAL COUNTY PUBLIC SCHOOLS ADVERTISEMENT
FOR BIDS - Invitation To Bid for a General Contractor with
Publish Date of March 13, 2015. Sealed bids will be received

by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D. BIDS ARE DUE ON OR BEFORE March 31, 2015 AND WILL BE ACCEPTED UNTIL 2 PM. OFFICIAL PROJECT TITLE: DCPS New Covered Walkway at Loretto Elementary School No. 30/DCSB Project No. C-90640/OFDC-ITB-019-15. SCOPE OF WORK: New covered walkway to portable classrooms with emergency lighting, sidewalk additions and ramp/stair modifications with a project budget not to exceed \$140,000. Contract documents for bidding may be obtained at the office of: ARC, 4613 Phillips Highway, Suite 202, Jacksonville, FL 32207, (904)399-8946. Name of A/E Firm: Bhide & Hall Architects, PA, 1329 Kingsley Ave., Suite C, Orange Park, Florida 32073, (904)264-1919. DCSB Point of Contact: Bruce Ackerman (904) 390-2363. Contract documents for bidding may be obtained at the office of: ARC Document Solutions, 4613 Phillips Highway, Suite 202, Jacksonville, FL 32207, Telephone (904)399-8946, Email: Jacksonville.production@e-arc.com. Office of Economic Opportunity Goal: Office of Economic Opportunity Participation Goals: 5% SBE Goal and 5% M/WBE Goal. Only firms that are certified with DCPS as a SBE can be used towards meeting the SBE goal. Only firms that are certified with DCPS as an African American or Hispanic American can be used towards meeting the M/WBE goal. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on March 19, 2015, 10:00 a.m., at Loretto Elementary School No. 30 located at 3900 Loretto Rd., Jacksonville, FL 32223. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register. All contractors submitting proposals and bids must be pre-qualified with Duval County Public Schools at the time of the ITB Response Due Date. No proposals or bids will be accepted from Contractors who are not pre-qualified at that time. Prequalification forms and information may be obtained at www.duvalschools.org. Follow website to Departments/Facilities/Forms and Standards/General Documents/Contractor Prequalification Procedures. The project funding is subject to availability of funds as authorized by the Owner. The District reserves the right to reject any and all bids. The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

Section XII
Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments is available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-036

JAMES R. SLATTON, and
STICKS IN THE SAND, LLC,

Petitioners, DEO Case No. 15-032

v. Final Order No. DEO-15-036

STATE OF FLORIDA, DEPARTMENT
OF ECONOMIC OPPORTUNITY, and
SUNCHASE TOWNHOMES OWNERS
ASSOCIATION, INC,

Respondent.

FINAL ORDER

DISMISSING PETITION WITHOUT PREJUDICE

This matter came before the Florida Department of Economic Opportunity (“Department”) following the receipt of a Petition for Administrative Proceedings (“Petition”) by James R. Slatton and Sticks in the Sand, LLC, (collectively, “Petitioners”), dated February 20, 2015.

STATEMENT OF FACTS

1. On or about October 9, 2014, the Department received an application for revitalization of covenants under section 720.403, Florida Statutes, from Sunchase Townhomes Owners Association, Inc. (“Respondent”).

2. On or about November 25, 2014, the Department, finding that all conditions under Chapter 720, Part III, Florida Statutes, had been met, approved the revitalization of Respondent’s covenants and issued Final Order No. DEO-14-164 (“Final Order”).

3. The Final Order was filed with the Clerk for the Department, and furnished to Respondent on November 26, 2014.

4. On December 3, 2014, the Department filed its notice of the Final Order in the Florida Administrative Registrar.

5. On or about February 20, 2015, the Department received the Petition which requested a hearing under section 120.57, Florida Statutes, regarding the Final Order.

6. The Petitioner states that it received notice from Respondent’s attorney on February 1, 2015.

7. The Petition does not articulate the circumstances surrounding the notice.

8. The Petition states that the parties are currently litigating two cases in the First Judicial Circuit, in and for Walton County, Florida (“Circuit Court”), specifically case numbers 2013-CA-611 and 2013-CA-772, involving quiet title and dissolving the home owners association, respectively.

9. The Petition does not give any further explanation of the proceedings and the issues being litigated in the pending cases in Circuit Court.

FINDINGS OF LAW

10. Section 120.569(2)(c), Florida Statutes, states that “a petition shall be dismissed if it is not in substantial compliance with these requirements [section 120.54(5)(b)] or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner’s filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.”

11. Section 120.54(5)(b)4.b., Florida Statutes and the implementing rules 28-106.201 and 28-106.301, Florida Administrative Code, require that a petitioner state when and how it received notice of the agency action.

12. Although rule 28-106.111, Florida Administrative Code, “does not eliminate the availability of equitable tolling as a defense,” to a late filed petition, no explanation was given as to what circumstances qualify Petitioner for late filing due to equitable tolling.

13. The Department served and filed the Final Order on November 26, 2014 and noticed the Final Order in the Florida Administrative Registrar on December 3, 2014; therefore, the filing of the Petition by Petitioners months later is well beyond the twenty-one day period as prescribed by rule 28-106.111, Florida Administrative Code.

14. Furthermore, the doctrine of primary jurisdiction allows a circuit court to defer to an agency with specialized subject matter knowledge rather than retain jurisdiction of a case. *See Flo-Sun, Inc. v. Kirk*, 783 So. 2d 1029 (Fla. 2001).

15. It should be noted that the Department does not have specialized knowledge of quiet title actions or dissolving homeowners associations.

16. Petitioner has cases before a court of competent jurisdiction that would otherwise control the disposition of any future administrative proceeding.

ORDER

Based on the foregoing, it is hereby ORDERED:

1. The Department dismisses the Petition without prejudice for the reasons stated in paragraphs 1 through 16 above.

2. Petitioner has ten days to file an amended petition with the Department that:

a. Demonstrates or alleges the applicability of equitable tolling in this case, and

b. Explains the issues being litigated in Circuit Court, and how these issues will not be dispositive of the issues attempted to be litigated in the administrative process.

DONE AND ORDERED this 9 day of March, 2015, in Tallahassee, Florida.

_____/s/
William B. Killingsworth, Director
Division of Community Development
Department of Economic Opportunity

NOTICE OF RIGHTS

ANY INTERESTED PARTIES ARE HEREBY NOTIFIED OF THEIR RIGHT TO SEEK JUDICIAL REVIEW OF THIS FINAL AGENCY ACTION IN ACCORDANCE WITH SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

TO INITIATE AN APPEAL OF THIS FINAL AGENCY ACTION, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT’S AGENCY CLERK, 107 EAST MADISON STREET, CALDWELL BUILDING, MSC 110, TALLAHASSEE FLORIDA 32399-4128, WITHIN 30 CALENDAR DAYS OF THE DAY THIS FINAL AGENCY ACTION IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY THE FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST ALSO BE FILED WITH THE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3) FLORIDA STATUTES.

YOU WAIVE YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH BOTH THE DEPARTMENT’S AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the Agency Clerk, Katie Zimmer, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128, Telephone: 850-245-7150, and that true and correct copies have been furnished to the persons listed below by the method indicated this 9th day of March, 2015.

_____/s/
Katie Zimmer, Agency Clerk
Department of Economic
Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128
Telephone: (850)245-7150

By Certified US Mail

Daniel C. Perri, Esq.
Law Office of Daniel C. Perri
4 Eleventh Avenue, Suite One
Shalimar, Florida 32579
Attorney for the Petitioners

Mark A. Violette, Esq.
PO Box 5129
Niceville, Florida 32578
Attorney for Respondent

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order No.: DEO-15-035
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY,
FLORIDA, ORDINANCE NO. 002-2015

FINAL ORDER
APPROVING MONROE COUNTY ORDINANCE NO. 002-2015

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by Monroe County, Florida, Ordinance No. 002-2015 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Florida Statutes, as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Monroe County on January 21, 2015, and rendered to the Department on January 27, 2015.

3. The Ordinance amends the Monroe County Land Development Code by modifying Chapter 118 (Environmental Protection), and Section 118-10(4)c.; to allow the implementation of canal restoration projects by public entities. Such projects include the removal of organic matter of previously dredged artificial canals characterized as having poor or fair water quality to depths greater than minus six feet mean low water. These specific sections were revised to provide for severability and the repeal of conflicting provisions.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and 380.0552(9), Florida Statutes.

5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

6. "Land" means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land. § 380.031(7), Florida Statutes.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Monroe County Comprehensive Plan generally, and specifically with Goal 202, Objective 202.1, Policy 202.1.1, Policy 202.1.5, and Policy 210.1.7.

9. The Ordinance is consistent with the Principles for Guiding Development in § 380.0552(7), Florida Statutes, as a whole, and is specifically consistent with the following Principle:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(b) Establish a land use management system that conserves and promotes the community character of the Florida Keys.

(e) Establish a land use management system that promotes and supports a diverse and sound economic base.

WHEREFORE, IT IS ORDERED that the Department finds that Monroe County Ordinance No. 002-2015 is consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/
William B. Killingsworth, Director
Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX: (850)921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 10th day of March, 2015.

/s/

Katie Zimmer, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By Certified 011-U.S. Mail:

Danny Kolhage, Mayor
Monroe County Board of County Commissioners
530 Whitehead Street, Suite 102
Key West, FL 33040

Townsley Schwab, Director
Planning and Environmental Resources
Monroe County, Florida
2798 Overseas Highway
Marathon, FL 33050

Amy Heavilin, Clerk
Monroe County, FL
500 Whitehead St.
Key West, FL 33040

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order No.: DEO-15-037

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-037 on March 10, 2015, in response to an application submitted by the Wakulla River Club, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order No.: DEO-15-034

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-034 on March 9, 2015, in response to an application submitted by Springlake-Northwood Homeowner’s Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department’s Final Order denied the application for covenant revitalization after determining that the application did not meet the statutory requirements for covenant revitalization. Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.zimmer@DEO.MyFlorida.com.

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.