

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:

12D-16.002 Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12D-16.002, F.A.C. is to revise various value adjustment board forms to incorporate statutory changes enacted in Chapter 2016-128, L.O.F., and to amend the forms to integrate other minor changes like updating incorrect statutory references. The effect of these statutory changes will result in the removal of any parts of the forms which implement stricken statutory language (e.g. petitioner checking the appropriate box on the petition form to request a copy of the property record card), the addition of minor changes in terminology (e.g. replacing the term “agent” with the term “representative”), and the update of the forms to include new language (e.g. written authorization requirements to access taxpayer’s confidential information). The following forms will be amended: Form DR-481, Value Adjustment Board - Notice of Hearing; DR-486, Petition to Value Adjustment Board – Request for Hearing; DR-486DP, Petition to the Value Adjustment Board – Tax Deferral or Penalties – Request for Hearing; DR-486PORT, Petition to the Value Adjustment Board-Transfer of Homestead Assessment Difference - Request for Hearing; Form DR-485V, Decision of the Value Adjustment Board – Value Petition; Form DR-485WCN, Value Adjustment Board – Clerk’s Notice; Form DR-485WI, Value Adjustment Board – Withdrawal of Petition; Form DR-485XC, Decision of the Value Adjustment Board – Exemption, Classification, or Assessment Difference Transfer Petition. The statutory changes also will result in the promulgation of the following new forms: Form DR-486A, Written Authorization for Representation Before the Value Adjustment Board; and Form DR-486POA, Power of Attorney for Representation Before the Value Adjustment Board.

Rule text is posted on the Department’s website at: <http://dor.myflorida.com/dor/property/legislation/rules/>.

SUBJECT AREA TO BE ADDRESSED: Revise and create forms associated with the value adjustment board process to implement changes the Legislature adopted from 2016.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 192.0105, 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.155, 193.1554, 193.1555, 193.1556, 193.461, 193.501, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087,

196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.173, 196.183, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 196.26, 197.182, 197.222, 197.2423, 197.2425, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.12, 218.125, 218.66, 218.67 FS.

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

DATE AND TIME: June 21, 2016, 10:00 a.m.

PLACE: Capital Circle Office Complex, Building 2, Room 1220, 2450 Shumard Oak Blvd., Tallahassee, Florida.

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: Mike Cotton at CottonM@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Cotton, Property Tax Oversight Program, Department of Revenue, P.O. Box 3000, Tallahassee, Florida 32315-3000, telephone: (850)617-8870 or CottonM@dor.state.fl.us

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-12.030 Statewide Provider and Health Plan Claim
Dispute Resolution Program

PURPOSE AND EFFECT: The Agency is proposing to amend 59A-12.030 to update language due to changes to 408.7057, F.S., through HB 221 during the 2016 legislative session.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to this rule update settlement requirements and the review process for the statewide provider and health plan claim dispute resolution program.

RULEMAKING AUTHORITY: 408.7057, FS.

LAW IMPLEMENTED: 408.7057, FS.

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

DATE AND TIME: June 24, 2016, 8:30-9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marisol Fitch, Health Facility Regulation, 2727 Mahan Drive, Mail Stop 28-A, Building 1, Tallahassee, Florida. Email: Marisol.Fitch@ahca.myflorida.com or by phone: (850)412-4401 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marisol Fitch, Certificate of Need and Commercial Managed Care Unit Supervisor, via e-mail at Marisol.Fitch@ahca.myflorida.com or by phone at (850)412-4401.

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.:	RULE TITLE:
2A-7.001	Definitions
2A-7.0023	Participant Responsibilities
2A-7.0024	Applicant Assistant Duties and Responsibilities
2A-7.005	Certification Withdrawal, Invalidation, Expiration, and Cancellation
2A-7.009	Maintaining Protected Records Voter Information

PURPOSE AND EFFECT: The rule amendments are intended to clarify definitions, eligibility, application and documentation requirements for victims of domestic violence and stalking to participate in the Address Confidentiality Program, as well as the role of the program assistants assisting the victims in the enrollment process.

SUMMARY: The proposed rule amendments will clarify definitions and statutory requirements for victims of domestic violence and stalking to participate in the Address Confidentiality Program.

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 the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 120.541(2)(a)1., 2., and 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: 741.409 FS.

LAW IMPLEMENTED: 741.402, 741.403, 741.404, 741.405, 741.406, 741.408, 741.465, 741.4651 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: Christina Harris, Chief, Bureau of Advocacy and Grants Management, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050; 850-414-3300

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-7.001 Definitions.

(1) "Address Confidentiality Program" is the statutorily created program responsible for implementing the provisions of Sections 741.401-~~4651.409~~, F.S., within the Office of the Attorney General.

(2) through (8) No change.

(9) "Protected records voter" means a program participant who is registered and qualified to vote in this state and has requested a vote-by-mail ~~an absentee~~-ballot pursuant to Section 101.62, F.S.

(10) through (12) No change.

Rulemaking Authority 741.409 FS. Law Implemented 741.402, 741.403, 741.404, 741.405, 741.406, 741.408 ~~471.408~~, 741.465, 741.4651 FS. History—New 1-27-99, Amended 5-4-11, 10-3-11,

2A-7.0023 Participant Responsibilities.

(1) No change.

(2) To protect her or his address confidentiality and exercise her or his right to vote pursuant to Section 741.406,

F.S., the participant must personally go to the main physical office of the county supervisor of elections and request a vote-by-mail to vote by absentee ballot.

Rulemaking Authority 741.409 FS. Law Implemented 97.0585, 741.403, 741.404, 741.406 FS. History—New 5-4-11, Amended, _____.

2A-7.0024 Applicant Assistant Duties and Responsibilities.

(1) through (2) No change.

(3) The applicant assistant will verify the applicant's identity and forward original and supporting documents to the department within 72 hours of completion.

(4) through (5) No change.

Rulemaking Authority 741.409 FS. Law Implemented 97.0585, 741.403, 741.408 FS. History—New 5-4-11, Amended, _____.

2A-7.005 Certification Withdrawal, Invalidation, Expiration, and Cancellation.

(1) through (3) No change.

(4) To ~~to~~ protest a cancellation, the participant must request a hearing pursuant to the provisions of Sections 120.569 and 120.57, F.S., ~~and Chapter 28-106, F.A.C., Uniform Rules of Procedure.~~

(5) through (6) No change.

Rulemaking Authority 741.409 FS. Law Implemented 741.404 FS. History—New 1-27-99, Amended 5-4-11, _____.

2A-7.009 Maintaining Protected Records Voter Information.

(1) No change.

(2) All records pertaining to a protected records voter shall be maintained in a manner ensuring that these records are accessible only to authorized personnel. A protected records voter shall not be included in any registered voter list, vote-by-mail ~~absentee~~ ballot list, tape, label, or poll book, electronic or otherwise, that is available to the public. Information pertaining to a protected records voter shall not be publicly accessible regardless of the type of records management system except as provided by Sections 741.407 and 741.465, F.S.

Rulemaking Authority 741.409 FS. Law Implemented 97.0585, 741.406, ~~407~~, 741.465 FS. History—New 1-27-99, Amended 5-4-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christina Harris, Chief, Bureau of Advocacy and Grants Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Attorney General Pam Bondi

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 5, 2016

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.070 Teacher Aides and Volunteers

PURPOSE AND EFFECT: This rule is to be repealed.

SUMMARY: This rule no longer has rulemaking authority and is to be repealed.

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: Since this rule is obsolete and has not been relied upon by the agency for any purpose, the repeal of this rule will not have any impact on transactional costs, regulatory costs or the other factors set forth in Section 120.541(2), F.S., which are used to determine whether a SERC is needed and whether legislative ratification will be required.

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

RULEMAKING AUTHORITY: 1001.02, FS.

LAW IMPLEMENTED: 1001.02, FS.

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

DATE AND TIME: June 22, 2016, 8:30 a.m.

PLACE: Palm Beach State College, Palm Beach Gardens Campus, 3160 PGA Boulevard, SC 127, Palm Beach Gardens, FL 33410.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen McDaniel, Bureau Chief for Educator Recruitment, Development and Retention, Florida Department of Education, 325 West Gaines Street, Suite 124, Tallahassee, Florida, 32399-0400, (850)245-0562.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.070 Teacher Aides and Volunteers.

Rulemaking Authority 229.053(1), 231.15 FS. Law Implemented 228.041(23), (24), 231.141, 231.15 FS. History—New 4-11-70,

Repromulgated 12-5-74, Amended 4-27-82, Formerly 6A-1.70, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hershel Lyons, 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: June 3, 2016

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0961
RULE TITLE: Florida Personal Learning Scholarship Accounts Program

PURPOSE AND EFFECT: To make technical and process changes based on new statutory language as well as to amend the rule name to The Gardiner Scholarship Program. These changes will further strengthen school choice options and the Department’s implementation of the program.

SUMMARY: The proposed rule amendment will further clarify process(es) for the administration of the newly named program. The proposed amendment revises quarterly reporting requirements for the scholarship funding organizations. Lastly, the rule amendment deletes both previously duplicative language as well as language no longer applicable in law.

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 by the rule amendment pursuant to Section 120.541(1), Florida Statutes. There would be no economic impact from this amendment and the adverse impact or regulatory costs, if any, does not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes and is not expected to require legislative ratification.

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: 1002.385(18), FS.

LAW IMPLEMENTED: 1002.385, FS.

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

DATE AND TIME: June 22, 2016, 8:30 a.m.

PLACE: Palm Beach State College, Palm Beach Gardens Campus, 3160 PGA Boulevard, SC 127, Palm Beach Gardens, FL 33410.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Harrison, Director of Scholarship Programs, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0961 Gardiner Florida ~~Personal Learning~~ Scholarship ~~Accounts~~ Program.

The Gardiner Florida ~~Personal Learning~~ Scholarship ~~Accounts~~ Program will be implemented as required by Section 1002.385, F.S., to allow nonprofit scholarship-funding organizations to provide the option for a parent to better meet the individual educational needs of his or her eligible child by establishing an account for the funding of eligible expenditures.

(1) Eligibility of nonprofit scholarship-funding organizations.

~~(a)~~ An eligible nonprofit scholarship-funding organization that is approved pursuant to ~~participates in the Florida Tax Credit Scholarship Program~~ under Section 1002.395, F.S., may establish Gardiner Scholarship ~~personal learning scholarship~~ accounts for eligible students.

~~(b)~~ If, at any point during the school year, a nonprofit scholarship funding organization no longer meets the eligibility requirements for nonprofit scholarship funding organizations, the Commissioner shall:

1. ~~Issue a notice of noncompliance that gives the nonprofit scholarship funding organization a reasonable time to meet the requirements; or,~~

2. ~~Issue a notice of proposed action to suspend the nonprofit scholarship funding organization or to remove the nonprofit scholarship funding organization from the list of eligible nonprofit scholarship funding organizations where the health, safety, or welfare of students is involved or the nonprofit scholarship funding organization has failed to meet requirements specified in a notice of noncompliance pursuant to this paragraph.~~

~~(c)~~ ~~Nonprofit scholarship funding organizations suspended or removed pursuant to subsection (9) of this rule shall have fifteen (15) days from receipt of the notice of proposed action to file with the Department’s agency clerk a request for a proceeding pursuant to Sections 120.569 and~~

~~120.57, F.S. All resulting proceedings shall be conducted in accordance with Chapter 120, F.S.~~

(2) Nonprofit scholarship-funding organization requirements. Eligible nonprofit scholarship-funding organizations shall:

(a) Receive applications and determine eligibility of students in accordance with the requirements of Section 1002.385(3)(a), F.S.;

(b) Verify eligible expenditures before the distribution of funds for any expenditures made pursuant to Section 1002.385(5)(a) and (b), F.S. By March 1 before the school year in which students will participate, submit in a format to be specified by the Department an electronic list of all scholarship students that have applied to receive scholarship funds. The list shall include the following information:

- ~~1. Information for each student, including name, date of birth, grade level, and address, including county of residence;~~
- ~~2. Eligible disability;~~
- ~~3. Matrix funding level for the student;~~
- ~~4. Status of eligibility determination; and,~~
- ~~5. Whether student is current participant in program.~~

~~(3) Nothing in this rule shall limit the Department's authority to request any other information related to the scholarship program.~~

~~(3)(4) Eligible students. Applications for a Gardiner Florida Personal Learning-Scholarship Account shall be made by parents directly through an eligible nonprofit scholarship-funding organization. The nonprofit scholarship-funding organization shall verify the eligibility of students pursuant to the criteria established in Section 1002.385, F.S., and award scholarships consistent with the requirements of Section 1002.385, F.S. The process used to identify eligible students and award scholarships is subject to the annual financial and operational audit required by Section 1002.395, F.S.~~

~~(4)(5) Scholarship payments. The following provisions relate to the distribution of funds from the Department of Education to an eligible nonprofit scholarship-funding organization.~~

(a) An eligible scholarship funding organization may request a payment from the Department of Education for an eligible student ~~only~~ after it has confirmed that the student has met the eligibility criteria in Section 1002.385(3)(a), F.S. Using the Department's web-based system (https://www.floridaschoolchoice.org/login/login_sfo.asp), the nonprofit scholarship-funding organization must:

1. Confirm the eligibility of each scholarship student;
2. Attest to the accuracy of each student's information being submitted by the nonprofit scholarship-funding organization, which must include the following:

a. Student name, date of birth, social security number, gender, race, grade level, and address including county of residence;

b. Matrix level of funding Category under which student is eligible, pursuant to Section 1002.385(2)(d), F.S.;

c. Eligible disability Matrix level of funding; and,

d. Whether a final verification document was submitted and what type; and

~~e.~~ d. Date and time the nonprofit scholarship-funding organization confirmed eligibility.

3. Submit a signed invoice requesting request for payment which must to include the amount requested for each individual student as well as the total amount requested.

(b) Eligible nonprofit scholarship-funding organizations must set an annual deadline for renewing scholarship participation that is no later than September 1st, and must require participants that do not meet the deadline to re-establish initial eligibility in order to receive a scholarship.

~~(c)(b) The Department shall verify, prior to payment, that each eligible student for which the nonprofit scholarship funding organization is requesting payment is not enrolled in public school or receiving a scholarship under another program pursuant to Chapter 1002, F.S., and has not had participation suspended or revoked pursuant to Section 1002.385(10), F.S. Upon verification, the Department shall distribute funds to the nonprofit scholarship funding organization. The Department shall distribute funds on a first-come first-served basis, based upon the date and time the scholarship-funding organization confirmed eligibility pursuant to Section 1002.385(9)(e), F.S. subparagraph (5)(a)1. of this rule.~~

~~(d)(e) Requests for payments by a nonprofit scholarship-funding organization must be submitted no later than May 1 for the fiscal year in which the student is eligible to receive a scholarship.~~

~~(e)(d) The Commissioner may suspend a student's participation in the program and withhold a scholarship payment pursuant to Section 1002.385(10), F.S.~~

~~(f)(e) Eligible nonprofit scholarship-funding organizations are responsible for the return of all scholarship funds to the Department that were received in error or associated with a scholarship account that has been closed pursuant to Section 1002.385(6)(b), F.S. If the Department identifies scholarship funds that must should be returned, it shall send a letter via both regular and certified mail requesting the return of the funds. The letter shall state the reason the funds are being requested, the student or students involved, instructions on returning the funds, and the procedure to be followed if the eligible nonprofit scholarship-funding organization believes that return of the funds is being requested in error or wishes to provide additional information related to the requested funds.~~

The Department's letter may also require the eligible nonprofit scholarship-funding organization to provide an explanation for how the funds were erroneously obtained.

1. Eligible nonprofit scholarship-funding organizations shall respond to such letter within thirty (30) days by either returning the funds or detailing in writing why its retention of the funds is proper.

2. If the Department receives a letter detailing why the funds were properly retained, it shall determine whether the explanation is sufficient and thereafter alert the eligible nonprofit scholarship-funding organization of any funds still due and a timeframe for the return of those funds. ~~The response shall give the eligible nonprofit scholarship-funding organization at least twenty (20) additional days to repay the funds.~~

3. Failure to return the funds due to the Department, ~~or failure to provide a sufficient explanation for how the eligible nonprofit scholarship-funding organization claimed funds that were erroneously obtained, within the time period allotted in subparagraphs (5)(e)1. and 2. of this rule,~~ shall result in the initiation of noncompliance procedures pursuant to the Commissioner's authority described in Section 1002.385(10), F.S., and this rule.

~~(f) All claims by eligible nonprofit scholarship-funding organizations for missed scholarship payments must be made by May 1 of the fiscal year in which the scholarship payment was originally due.~~

~~(5)(6)~~ Quarterly Reports: Four (4) times a year, no later than October 30, January 30, April 30, and ~~July~~ June 30 of each year, an eligible nonprofit scholarship-funding organization shall submit in a format to be specified by the Department an electronic list of all participating scholarship students, providers of services, and participating private schools. For purposes of the quarterly report, a participating scholarship student is one whose scholarship account has been funded in the current fiscal year.

(a) The list shall include the following information:

~~1.(a)~~ Demographic information for each student, including name, date of birth, ~~social security number~~, grade level, gender, race, and county of residence ~~parent's name, and address;~~

2. Disability category and matrix level for each student;

3. Program award amount for each student;

~~4.(b)~~ Information on ~~all~~ providers of services, including ~~name, licensure information, and fee amounts received for services;~~

~~(c) Information on the student's school of attendance, if applicable, including tuition, fees, and transportation amounts; and~~

~~(d) The cumulative amount of scholarship funds received for each student; and,~~

~~(e) The amount of scholarship funds remaining in each student's account.~~

5. Total year-to-date expenditures on behalf of participating students by purpose type as specified in Section 1002.385(5), F.S.

(b) No later than October 30 of each year, an eligible nonprofit scholarship-funding organization shall provide the department a report that indicates the status of participants who did not renew participation for the current fiscal year.

(c) Nothing in this rule shall limit the Department's authority to request any other information related to the scholarship program.

~~(6)~~ (7) Complaint process. The following process is established to allow individuals to notify the Department of any violation by parents, providers, private schools, eligible nonprofit scholarship-funding organizations, or school districts of laws or rules related to scholarship program participation.

(a) Persons interested in filing a complaint should contact the Department through the toll-free hotline (800)447-1636, established pursuant to Section 1002.395, F.S., or through the Department's website at www.floridaschoolchoice.org.

(b) An initial complaint shall include the complainant's name, phone number, address, and details of the situation.

(c) After receipt of the initial complaint, the Department shall offer to provide a formal complaint form to the complainant.

(d) To register a formal complaint, the complainant must ~~may~~ complete the formal complaint form, sign it, and mail or fax it to the Department within thirty (30) days of making the initial complaint.

(e) Upon receipt of a formal complaint, the Department shall review the complaint for legal sufficiency. If the complaint is legally sufficient, the Department shall conduct an inquiry, as described in subsection ~~(7)~~ (8) of this rule, or refer the matter to the appropriate agency for investigation. If the complaint is not legally sufficient, the Department may close the complaint.

(f) The Department shall notify the complainant of the final result of all legally sufficient formal complaints.

~~(7)(8)~~ Inquiry Process. If an inquiry is made as to the conduct of an individual or entity participating in the program:

(a) A letter of inquiry will be delivered using regular and certified mail that alerts the individual or entity to the inquiry and provides the opportunity to respond. The letter of inquiry shall detail any alleged violations of program rules or law, the response required, any documentation requested, and the deadline for responding to the department. A copy of the letter of inquiry shall be provided to the appropriate nonprofit scholarship-funding organization.

(b) If there is a failure to respond to a letter of inquiry within fifteen (15) days by:

1. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the nature of the inquiry and the parent's ~~deemed admission of alleged violation due to a~~ failure to respond to the letter of inquiry. The nonprofit scholarship-funding organization may use that information to reconsider its determination of student eligibility. The Commissioner may take action as prescribed under subsection ~~(8) (9)~~ of this rule.

2. A private school, then the Commissioner shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.385(10), F.S., and this rule.

3. A nonprofit scholarship-funding organization, then the Commissioner shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.385(10), F.S., and this rule.

4. A school district, then the Commissioner shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation as appropriate.

(c) The Department shall review the response to the letter of inquiry; and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the eligible student, approved provider, nonprofit scholarship-funding organization, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, eligible student, approved provider, nonprofit scholarship-funding organization, private school, or school district.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the findings and shall initiate the process prescribed under subsection ~~(8) (9)~~ of this rule.

b. A private school, then the Commissioner shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.385(10), F.S., and this rule.

c. A nonprofit scholarship-funding organization, then the Commissioner shall proceed with the noncompliance procedures related to the Commissioner's authority established pursuant to Section 1002.385(10), F.S., and this rule.

d. A school district, then the Commissioner shall take any actions allowable under law to compel school district

compliance with program requirements and to ameliorate the effect of the violation as appropriate.

(d) The Department may at any point in the process set forth in this rule refer an inquiry to the Department's Office of Inspector General or another appropriate agency for investigation.

(e) Notwithstanding any other provisions of this rule, the Commissioner may at any point during the inquiry process exercise the authority given under Section 1002.385(10), F.S., and this rule.

~~(8)(9)~~ Commissioner's duties. The Commissioner may ~~deny~~, suspend, or revoke participation in the scholarship program ~~pursuant to Section 1002.385(10), F.S.~~

(a) If the Commissioner issues a notice of noncompliance:

1. Eligible students, nonprofit scholarship-funding organizations, and private schools shall be given no fewer than five (5) days from the date of the notice, as determined by the Commissioner, to demonstrate compliance;

2. The notice shall state the reasons for the noncompliance, provide instructions on how to demonstrate compliance, and give a deadline for demonstrating compliance to the Commissioner;

3. The eligible student, nonprofit scholarship-funding organization, or private school's participation status shall be unaffected by the above notice of noncompliance process; and,

4. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(b) Upon issuance of a notice of noncompliance the Commissioner may suspend payments to the non-profit scholarship funding organization until the non-profit scholarship funding organization has demonstrated compliance.

(c) If the Commissioner issues a notice of proposed action ~~denying~~, suspending, or revoking an eligible student, nonprofit scholarship-funding organization, or private school's participation:

1. The notice shall state the reasons for the action and specify the eligible student, approved provider, nonprofit scholarship-funding organization, or private school's right to appeal;

2. The eligible student, approved provider, nonprofit scholarship-funding organization, or private school's participation status shall be unaffected until the proposed action becomes final and all relevant appeals have expired; and,

3. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

(d) If the Commissioner ~~denies~~, suspends, or revokes an authorized use of program funds:

1. The Commissioner shall issue a notice of agency action to the eligible student, nonprofit scholarship-funding organization, or private school;

2. The notice shall state the reasons for the action and the rights the eligible student, nonprofit scholarship-funding organization, or private school has to appeal;

3. The eligible student, nonprofit scholarship-funding organization, or private school participation status will be adjusted so that it will be unable to participate in the program; and,

4. A copy of the notice shall be provided to the appropriate nonprofit scholarship-funding organization.

Rulemaking Authority 1002.385(18) FS. Law Implemented 1002.385 FS. History--New 11-4-14, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Adam Miller, Executive Director, Office of Independent Education and Parental Choice.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 25, 2016

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-18.040	Definitions
6A-18.0401	Federal Regulations Adopted by Reference
6A-18.041	Establishment of Vending Facilities
6A-18.042	Issuance of License
6A-18.0421	Conditions for Removal from a Facility; Suspension or Revocation of License
6A-18.0422	Emergency Removal of a Vendor from a Vending Facility
6A-18.0423	Grievance Procedure
6A-18.0424	Announcement of Facility Vacancies
6A-18.0425	Application and Selection
6A-18.043	The State Committee of Vendors
6A-18.044	Operator License Agreement
6A-18.045	Newspaper Vending Sales
6A-18.046	Incorporation by Reference

PURPOSE AND EFFECT: To comply with the requirements in Sections 413.011, 413.041, and 413.051, Florida Statutes, and to carry out the purpose of Chapter 413, Part I, Florida Statutes. The effect will be rules that accurately reflect all current requirements related to the operation of the Division of Blind Services Bureau of Business Enterprise.

SUMMARY: The proposed rule language updates the definitions for the purposes of Chapter 413, Part I, Florida

Statutes and incorporates the federal rules that govern vocational rehabilitation and the blind vendor program. The factors considered in the establishment of vending facilities as well as the ability of the Division to receive income from vending machines on federal and state property not operated by a blind vendor are clarified by the proposed language. The requirements for licensure and the actions and omissions of a licensee that could lead to discipline are more precisely stated. Timeframes for the blind vendor grievance procedure are adjusted and the requirements for eligibility to apply for a vending facility are clarified. The proposed rule provides more detail on the Licensed Operator Facility Agreement and the responsibilities of the blind vendor and the Division under such an agreement. Finally, the documents incorporated by reference have been 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: Based on the nature of the proposed rules and review by the Bureau of Business Enterprise, the impact of the proposed rule will not exceed any of the factors in section 120.541(2)(a), Florida Statutes. Pursuant to 120.541(3), Florida Statutes, a rule only needs to be ratified by the legislature when the impact is expected to exceed the factors in 120.541(2)(a), Florida Statutes. Therefore, the current proposed rulemaking does not require legislative ratification.

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: 413.011, 413.041, 413.051, FS.

LAW IMPLEMENTED: 413.011, 413.041, 413.051, FS.

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

DATE AND TIME: June 22, 2016, 8:30 a.m.

PLACE: Palm Beach State College, Palm Beach Gardens Campus, 3160 PGA Boulevard, SC 127, Palm Beach Gardens, FL 33410.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alan Risk, Bureau of Business

Enterprise, 325 W. Gaines St., Ste. 1114, Tallahassee, FL 32399, (850)245-0300.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-18.040 Definitions.

The following definitions apply throughout Chapter 6A-18:

(1) Department means the Florida Department of Education.

(2) Division means the Division of Blind Services.

(3) Permanent Licensed Operator Facility Agreement (Permanent L.O.F.A.) means a contract between the Division and a Blind licensee for the operation of a Division Vending facility in perpetuity. It contains the contractual obligations and expectations between the Vendor and the Division as well as the terms governing the interactions of both with property owners.

(4) Temporary Licensed Operator Facility Agreement (Temporary L.O.F.A.) means a contract between the Division and a Blind licensee for the operation of a Division Vending facility for a specific period of time. It contains the contractual obligations and expectations between the Vendor and the Division as well as the terms governing interactions of both with property owners.

Unless otherwise qualified in these rules, the definitions contained in 34 Code of Federal Regulations, § 395.1 Terms, and Section 413.051(2), F.S. (1997), are incorporated herein by reference.

Rulemaking Authority 413.051(12), 1001.02 FS. Law Implemented 413.011 413.051 FS. History—New 4-5-83, Amended 7-9-84, Formerly 6A-18.02, 6A-18.002, Amended 10-20-98, Formerly 38K-1.002, Amended _____.

6A-18.0401 Federal Regulations Adopted by Reference.

The Department adopts and incorporates by reference Title 34, Code of Federal Regulations, Parts 361, effective January 17, 2001, and 395, effective January 19, 1981 (<http://www.flrules.org/Gateway/reference.asp?No=Ref->). The regulations may also be obtained by contacting the Division of Blind Services, 325 West Gaines Street, Suite 1114, Tallahassee, Florida 32399-0400.

Rulemaking Authority 413.011(3)(l), 413.051(12), 120.54(6) FS. Law Implemented 413.011(3)(l), FS. History—New _____.

6A-18.041 Establishment of Vending Facilities.

The Division shall establish and maintain Vending facilities on federal, state, and other property wherever feasible, in light of appropriate space and potential patronage, projected Vendor income, required Division investment, availability of funds and other factors unique to each potential Vending facility, only where feasible, as space and funds are available. For the purposes of this rule, the term feasible shall

~~mean satisfying the Facility Feasibility Analysis (See subsection 6A-18.046(1), F.A.C.).~~ The Division shall retain title to all equipment, fixtures, and other items purchased with Division funds and assigned to a Vending facility. Should the Division, for any reason, temporarily forego the establishment of a Vending facility, the Division shall pursue the Division's right to vending machine income under 20 U.S.C. § 107d-3, 34 C.F.R. § 395, and Chapter 413, Florida Statutes.

Rulemaking Authority 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f), 413.041, 413.051 FS. History—New 4-5-83, Amended 11-5-85, Formerly 6A-18.03, 6A-18.003, Amended 10-20-98, Formerly 38K-1.003, Amended _____.

6A-18.042 Issuance of License.

(1) In order to be eligible for and maintain a license to operate a Vending facility, an individual must be:

- (a) A Blind person ~~Legally blind~~ as defined in 34 CFR § 395.1, Terms, and Section 413.033(1), F.S.;
- (b) A citizen of the United States;
- (c) Eighteen (18) years of age or older;
- (d) Possess a high school diploma or equivalency; ~~and;~~
- (e) Must pass ~~undergo~~ a security background investigation, which shall include, ~~but not be limited to,~~ fingerprinting, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies; ~~and-~~

(2) An individual who is found to have been convicted of or pled guilty or nolo contendere to, whether or not adjudication is withheld, any a crime that which is a felony or a first degree misdemeanor, a felony, or any misdemeanor or felony involving moral turpitude shall be disqualified from eligibility for a license to operate a Vending facility unless the Department agency exempts the individual from disqualification based on a consideration of:

- (a) The passage of time since commission of the crime(s);
- (b) The circumstances surrounding the crime(s);
- (c) The nature of the harm caused any victim of the crime(s); and,
- (d) Other evidence provided by the applicant demonstrating to a clear and convincing standard that the applicant should not be disqualified from eligibility.

(3) The Division shall issue a license to operate a Vending facility after an individual has satisfactorily completed the Application for the Vending Facility Training Program Application (Form DBS-BBE 005) as incorporated by reference in Rule 6A-18.046, F.A.C., and the subsequent Vending Facility Training Program, and the Licensure Examination ~~(See subsection 6A-18.046(2), F.A.C.)~~.

- (4) The license shall be continuously valid, subject to:
 - (a) The Blind licensee's continuing to meet the requirements of licensure;
 - (b) The voluntary relinquishment of the license;
 - (c) Death of the Blind licensee; ~~or~~

(d) Revocation of the license as set forth in Rule 6A-18.00421, F.A.C., or

(e) The Blind licensee failing, for a period of five (5) years, to actively hold either a Permanent or a Temporary L.O.F.A.;

(5) Any Blind licensee whose license becomes invalid under Rule 6A-18.042(4)(e), F.A.C., must complete the requirements of Rule 6A-18.042(3), F.A.C., prior to participating in any future selection process.

Rulemaking Authority 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f) (2), 413.041, 413.051 FS. History—New 4-5-83, Amended 11-5-85, Formerly 6A-18.04, Amended 7-8-87, Formerly 6A-18.004, Amended 10-20-98, Formerly 38K-1.004, Amended 10-25-10,_____.

6A-18.0421 Conditions for Termination of a L.O.F.A. Removal from a Facility; Suspension or Revocation of License.

~~(1) A Vendor's L.O.F.A. may be terminated vendor shall be removed from a vending facility or a license may shall be suspended or revoked for failing or refusing to comply with any one of the following: these rules, the terms and conditions for licensure, the Licensed Operator Facility Agreement between the vendor and the Division, or the terms and conditions of any permit or lease for property on which a vending facility is located.~~

(a) The rules of Chapter 6A-18, Florida Administrative Code;

(b) The terms and conditions for licensure as set forth in Rule 6A-18.042(1), F.A.C.;

(c) The Permanent or Temporary L.O.F.A.; or

(d) The terms and conditions of any permit or lease for property on which a Vending facility is located.

~~(2) A Vendor's L.O.F.A. may vendor shall also be terminated removed from a vending facility, or a license may shall be suspended or revoked for any of the following reasons:~~

(a) Misuse or unauthorized use of Vvending facility or equipment, in violation of the L.O.F.A. Licensed Operator Facility Agreement, including damage or destruction due to negligence or the failure to use ordinary or reasonable care;

(b) Removal of state property, ~~equipment~~, or state funds from a Vvending facility without the prior written approval of ~~from~~ the Division;

(c) Misuse or misappropriation of state funds;

(d) Falsification of facility records or reports relating to the selection for or the operation of a Vvending facility;

(e) The use of threatening, discriminatory, harassing, or abusive language at the Vvending facility;

(f) Being in possession of, selling or being under the influence of Illegal drugs or alcohol at a Vending facility Use, sale, or being under the influence of alcohol, or the possession, use, sale, or being under the influence of illegal drugs, at the vending facility;

(g) Becoming incapacitated to such a degree that the Vendor can no longer manage the Vending facility in a

manner consistent with the requirements of Rule 6A-18.0421(1), F.A.C. Prolonged incapacity of a vendor to manage the vending facility in a manner consistent with the needs of the Vending Facility Program;

(h) Failure to successfully complete, every two (2) years, three (3) continuing education units (CEUs) of courses approved by the Division;

(i) Conviction of or plea of guilty or nolo contendere to, whether or not adjudication of guilt is withheld, a crime that which is a felony or a first degree misdemeanor, a felony, or any misdemeanor or felony involving moral turpitude; or

(j) Unlicensed carrying of concealed weapons or concealed firearms, as set forth in section 790.01, Florida Statutes, Possession of a firearm in a at the Vvending facility by the Blind licensee, excluding tools typically used in the operation of a Vending facility;-

(k) Failure by the Blind licensee to pay the Division for:

1. Initial working capital when due;

2. Set-aside funds.

(l) Failure by the Blind licensee to pay commissions or other financial obligations incurred in execution of the L.O.F.A., following due notice from the Division;

(m) Default on any repayment plan between the Blind licensee and the Division for initial working capital, Set-aside funds, or commission deficiencies. Default shall be determined as lack of satisfaction of the balance on said debt, following due notice from the Division;

(n) Failure by the Blind licensee on two (2) consecutive occasions to submit, under the L.O.F.A., the monthly business reports or Set-aside funds by the due date; or

(o) Failure on three (3) separate occasions during any calendar year to submit, under the L.O.F.A., the monthly business reports and Set-aside funds by the date due.

(3) When the Division finds that a Blind licensee has committed any act for which the Division may impose discipline, the Division shall impose an appropriate penalty within the ranges set forth for various acts or violations in the following disciplinary guidelines unless, based upon consideration of aggravating and mitigating factors in the individual case that are among those set out in subsection (5) of this rule, the Division determines that a penalty outside the range in those guidelines but within statutory limitation is appropriate. In those cases in which the Division relies on aggravating or mitigating factors to depart from the ranges in the discipline guidelines, such aggravating and mitigating factors shall be stated in the written notice informing the Vendor of the the penalty.

(4) The following disciplinary guidelines shall apply to the below listed rule violations and to the described action that may be a basis for determining violations of particular rule provisions. Each of the following disciplinary guidelines shall be interpreted to include "letter of warning," "letter of sanction," "termination of L.O.F.A.," "suspension," and "revocation." The terms "suspension" and "revocation" shall mean any length of suspension or revocation of a license to operate a Vending facility, including permanent revocation,

and shall include a comparable period of denial of an application for a license.

(a) Violation of the rules laid out in Chapter 6A-18, F.A.C.	Letter of Warning - Revocation
(b) Violation of the requirements for licensure as set forth in subsection 6A-18.0421(1), F.A.C.	Termination of L.O.F.A. - Revocation
(c) Breach of the L.O.F.A. in violation of paragraph 6A-18.0421(1)(c), F.A.C.	Letter of Warning - Termination of L.O.F.A.
(d) Non-compliance with the terms and conditions of any permit or lease for property on which a Vending facility is located in violation of paragraph 6A-18.0421(1)(d), F.A.C.	Letter of Warning - Termination of L.O.F.A.
(e) Misuse or unauthorized use of Vending facility or equipment, including damage or destruction due to negligence or the failure to use ordinary or reasonable care in violation of paragraph 6A-18.0421(2)(a), F.A.C.	Letter of Warning - Termination of L.O.F.A.
(f) Removal of state property or state funds from a Vending facility without the prior written approval of the Division in violation of paragraph 6A-18.0421(2)(b), F.A.C.	Termination of L.O.F.A. - Revocation
(g) Misuse or misappropriation of state funds in violation of paragraph 6A-18.0421(2)(c), F.A.C.	Termination of L.O.F.A. - Revocation
(h) Falsification of facility records or reports in violation of paragraph 6A-18.0421(2)(d), F.A.C.	Letter of Warning - Revocation
(i) The use of threatening, discriminatory, harassing, or abusive language at the Vending facility in violation of paragraph 6A-18.0421(2)(e), F.A.C.	Letter of Sanction - Revocation
(j) Being in possession of, selling or being under the influence of Illegal drugs or alcohol at a Vending facility in violation of paragraph 6A-18.0421(2)(f), F.A.C.	Letter of Sanction - Revocation

(k) Becoming incapacitated to such a degree that the Blind licensee can no longer manage the Vending facility in a manner consistent with the requirements of subsection 6A-18.0421(1), F.A.C.	Termination of L.O.F.A. - Revocation
(l) Failure to successfully complete, every two (2) years, three (3) continuing education units (CEUs) of courses approved by the Division in violation of paragraph 6A-18.0421(2)(h), F.A.C.	Suspension - Revocation
(m) Conviction of or plea of guilty or nolo contendere to, whether or not adjudication of guilt is withheld, a crime that is a felony or a first degree misdemeanor in violation of paragraph 6A-18.0421(2)(i), F.A.C.	Termination of L.O.F.A. - Revocation
(n) Unlicensed carrying of concealed weapons or concealed firearms, as set forth in section 790. 01, Florida Statutes, in a Vending facility by the Blind licensee, excluding tools typically used in the operation of a Vending facility, in violation of paragraph 6A-18.0421(2)(j), F.A.C.;	Termination of L.O.F.A. - Revocation
(o) Failure by the Blind licensee to pay the Division for initial working capital when due, or Set-aside funds, in violation of paragraph 6A-18.0421(2)(k), F.A.C.	Termination of L.O.F.A. - Revocation
(p) Failure by the Blind licensee to pay commissions or other financial obligations incurred in execution of the L.O.F.A., following due notice from the Division, in violation of paragraph 6A-18.0421(2)(l), F.A.C.	Termination of L.O.F.A. - Revocation

<p><u>(q) Default on any repayment plan between the Blind licensee and the Division for initial working capital, Set-aside funds, or commission deficiencies. Default shall be determined as lack of satisfaction of the balance on said debt, following due notice from the division, in violation of paragraph 6A-18.0421(2)(m), F.A.C.</u></p>	<p><u>Termination of L.O.F.A. - Revocation</u></p>
<p><u>(r) Failure by the Blind licensee on two (2) consecutive occasions to submit, under the L.O.F.A., the monthly business reports or Set-aside funds by the due date in violation of paragraph 6A-18.0421(2)(n), F.A.C.</u></p>	<p><u>Termination of L.O.F.A. - Revocation</u></p>
<p><u>(s) Failure on three (3) separate occasions during any calendar year to submit, under the L.O.F.A., the monthly business reports or Set-aside funds by the date due in violation of paragraph 6A-18.0421(2)(o), F.A.C.</u></p>	<p><u>Termination of L.O.F.A. - Revocation</u></p>

(5) Based upon consideration of aggravating and mitigating factors present in an individual case, the Division may deviate from penalties recommended in subsection (4) of this rule. The Division may consider the following as aggravating or mitigating factors:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) Length of time since the violation;
- (e) The number of times the Blind licensee has been previously disciplined by the Division;
- (f) The length of time the Blind licensee has been licensed and contributions to the program;
- (g) The actual damage, physical or otherwise, caused by the violation;
- (h) The deterrent effect of the penalty imposed;
- (i) The effect of the penalty on the Blind licensee's livelihood;
- (j) Any effort of rehabilitation by the Blind licensee;
- (k) The actual knowledge of the Blind licensee pertaining to the violation;
- (l) Attempts by the Blind licensee to correct or stop the violation or refusal by the Blind licensee to correct or stop the violation;
- (m) Actual negligence related to the Blind licensee in any violation;
- (n) Penalties imposed for related offenses under

subsection (4) of this rule:

- (o) Monetary or other benefit to the Blind licensee;
 - (p) Present status of physical and/or mental condition contributing to the violation including recovery from addiction;
 - (q) Any other relevant mitigating or aggravating factors under the circumstances.
- (6) (3) A vendor's license to operate a Vending facility may be revoked for failure to pass meet the security background investigation required by criminal record requirements of Rule 6A-18.042, F.A.C., subject to the exemption criteria in Rule 6A-18.042(2), F.A.C.

(7) (4) The Division shall serve written notice of its intent to remove a Vvendor from a Vending facility or to suspend or revoke a license by hand delivery or certified mail, to the Vvendor's last known address. Such action shall be governed by Rule 6A-18.0423, F.A.C., and Chapter 120, F.S.

Rulemaking Authority 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f) 413.011(2), 413.041, 413.051 FS. History—New 10-20-98, Formerly 38K-1.0041, Amended 10-25-10, _____.

6A-18.0422 Emergency Removal of a Vendor from a Vending Facility.

(1) If a Vvendor's actions in operating a Vvending facility constitute an immediate danger to public health, safety or welfare, or to the assets of the Vvending facility, the Division shall immediately remove the Vvendor from the Vvending facility.

(2) The Division shall provide the Vvendor written documentation of the cause for such removal within ten (10) days of the date of the action by hand delivery or certified mail to the Vvendor's last known address.

Rulemaking Authority 413.051(12), 4001-02 FS. Law Implemented 413.011(3)(f) 413.051 FS. History—New 10-20-98, Formerly 38K-1.0042, Amended _____.

6A-18.0423 Grievance Procedure.

(1) A Blind licensee may file a grievance if dissatisfied with action taken by the Division which affects the Blind licensee in the operation of the relevant Vvending facility.

(2) The grievance shall be reviewed by a five (5) member board which shall be comprised of two (2) persons selected by the Division and three (3) persons selected by the State Committee of Vendors. The board shall review the written grievance, and documents attached to such grievance and all relevant Division documents.

(3) The grievance shall be filed in writing with the Division, within twenty-one (21) calendar days of notice of the action giving rise to the grievance.

(4) In all matters not involving decisions under Rule 6A-18.00425, F.A.C.:

- (a) The written grievance shall specify the action being grieved, and contain a recommendation for its resolution and include any documents deemed relevant by the grievant to the

grieved action or the proposed resolution;

(b) The ~~b~~Board shall issue a recommendation to the Division supported by a simple majority of the board within fifteen (15) business days of the Division's receipt of the written grievance;

(c) The Division shall advise the Blind licensee in writing of its disposition of the grievance within thirty (30) business days of the Division's receipt of the written grievance.

(d) ~~(e)~~ If the grievance is not resolved in writing to the satisfaction of the Blind licensee within thirty (30) business calendar days of the receipt of the grievance, the Blind licensee may request a hearing pursuant to Chapter 120, F.S.; The which request shall be in writing, must comply with the requirements of Section 120.569(2)(c), F.S., and filed with the Director, Division of Blind Services, within twenty-one (21) calendar days of receipt of the Division's disposition response.

(5) In matters involving decisions under Rule 6A-18.00425, F.A.C., the procedure shall be as stated above except that:

(a) The grievance shall be filed in writing with the Division within seven (7) business days of the Division appointment announcement;

(b) The written grievance shall not include any material required under subsection 6A-18.00425(1), F.A.C.; and

(c) The ~~b~~Board's recommendation shall be issued to the Division within twelve (12) business days of the Division's appointment announcement.

Rulemaking Authority 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f), 413.041, 413.051 FS. History—New 10-20-98, Formerly 38K-1.0043, Amended _____.

6A-18.0424 Announcement of Vending Facility Vacancies.

(1) Upon the establishment of a new Vending facility or when a vacancy occurs in an existing Vending facility, the Division shall announce the vacancy in an accessible format ~~to all licensees, vendors and trainees~~ as a competitive opportunity.

(2) An individual is deemed eligible to compete for a Vending facility vacancy only if the individual:

(a) Is a Blind licensee;

(b) Has completed the Business Opportunity Application form (Form DBS-BBE 007; see rule 6A-18.046(2), F.A.C.;

(c) Does not have an outstanding debt to the Bureau of Business Enterprise;

(d) Is current with Continuing Education requirements (see rule 6A-18.0421(1)(c), F.A.C.); and

(e) In the case of a Vending facility vacancy filled with a Vendor under a Permanent L.O.F.A., has established or, if selected, will establish within thirty (30) days of executing the Permanent L.O.F.A. and maintain for the term of such L.O.F.A. a legal physical residence within seventy-five (75) miles of the Vending facility. The Vendor may request a single thirty (30) day extension of this requirement based on

extraordinary circumstances. The Division may grant or deny such request in its sole discretion.

~~(3)(2)~~ Each vacancy shall be announced for a minimum of two ~~(2)~~ weeks and shall contain, at a minimum, the following information:

(a) The location of the Vending facility;

(b) The type of Vending facility;

(c) The hours of operation;

(d) A general description of services and items currently sold;

(e) Accessibility of the Vending facility;

(f) Staffing pattern;

(g) Estimated annual sales;

(h) Application instructions;

(i) Deadline date for applying; and

(j) Any special information or requirements.

~~(4)(3)~~ After notification to the ~~chairperson~~ Chairman of the State Committee of Vendors, the Division may elect not to announce a vacancy and instead directly place a ~~vendor, Blind licensee or trainee~~ under the following circumstances:

(a) To operate a new or existing Vending facility to determine accurate gross sales information; or

(b) To remedy a situation that has improperly or adversely affected a Blind licensee, vendor, or

~~(c) To provide a trainee the required experience in accordance with the Vending Facility Training Program and licensure requirements.~~

Rulemaking Authority 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f), 413.041, 413.051 FS. History—New 10-20-98, Formerly 38K-1.0044, Amended _____.

6A-18.0425 Application and Selection.

(1) Selection applications shall be submitted on the Business Opportunity Application (Form DBS-BBE 007) as incorporated by reference in rule 6A-18.046, F.A.C form specified by the Division (See subsection 6A-18.046(3), F.A.C.). All items in such form must be completed and ~~such form postmarked or received by fax~~ in accordance with the application instructions by the closing date indicated in the announcement.

(2) Selection panel~~(s)~~. The Division shall establish and maintain a permanent statewide selection panel~~(s)~~. The selection ~~Each~~ panel shall be responsible for recommending candidates for vacant Vendor manager's positions ~~for~~ of Vending facilities referred to the panel by the Division. The selection ~~Each~~ panel shall be composed of five (5) members, two (2) selected by the Division and three (3) selected by two-thirds vote of the State Committee of Vendors. The selection ~~Each~~ panel shall have two (2) alternate members; ~~one alternate shall be selected by the Division and one~~ by two-thirds vote of the State Committee of Vendors. Alternate members shall serve when a primary member selected by the State Committee of Vendors is unable to serve. Members' selected by the State Committee of Vendors shall serve terms shall be for three (3) years. However, in order to establish staggered

terms, initially,

(a) One (1) representative selected by the Committee ~~and one representative from the Division~~ shall each serve a one (1) year term,

(b) One (1) representative selected by the Committee ~~and one representative from the Division~~ shall each serve a two (2) year term, and

(c) One (1) representative selected by the Committee shall serve a three (3) year term.

(d) Alternate selection panel members shall have three (3) year terms.

~~(e) When requested by the property owner or custodian, a representative from the property on which the facility exists shall serve as an ad hoc member of the selection panel solely for the purpose of considering applicants for the position in that facility.~~

~~(3)(f) The selection~~ Each panel is responsible for reviewing all ~~s~~Selection ~~a~~Applications, formulating any interview questions to be asked, ~~performing any background checks deemed appropriate,~~ interviewing applicants, ranking the applicants, and submitting the recommendation package to the Division for final action. The selection Each panel shall observe the following elements in evaluating an applicant's credentials ~~consider the following selection criteria:~~

(a) Each applicant shall take a test provided on a date and time specified by the Division. The test shall be proctored by a Division employee to ensure consistency in test taking procedures. The questions will be scaled such that an applicant can receive a total of forty (40) points.

(b) Each applicant will be subject to a performance review. Worth a maximum of twenty-five (25) points in the selection process, the performance review consists of the following:

1. A maximum of six (6) points are available as credit for experience, at the rate of .1 points per month under a L.O.F.A. No extra points are given for applicants holding a current L.O.F.A.

2. A maximum of ten (10) points are available for Division business consultant responses to a performance questionnaire. The questionnaire is to be completed by a Division business consultant and provided to the Division. For Vendors under a L.O.F.A. for the most recent thirty-six (36) consecutive months, the questions shall be equally weighted to allow for a maximum of ten (10) points. For a Vendor under a L.O.F.A. for less than the most recent thirty-six (36) consecutive months, the questionnaire score shall be pro-rated by the number of months under a L.O.F.A. divided by thirty-six (36). Vendors not currently under a L.O.F.A. are ineligible for consultant questionnaire points.

3. A maximum of nine (9) points are available for meeting the net profit margin percentages, as set forth in the L.O.F.A., during the most recent thirty-six (36) consecutive months. A maximum of three (3) points are available per twelve (12) month period. Net profit points will be pro-rated for Vendors with more than twelve (12) months but fewer than thirty-six (36) months duration under a L.O.F.A. or who have

changed Vending facilities in the most recent twelve (12) consecutive months.

4. Applicants shall be penalized for poor performance during the most recent thirty-six (36) consecutive months. A L.O.F.A. terminated for breach or abandonment during the thirty-six (36) month period results in a loss of any performance review points due for performance prior to the termination and a fifteen (15) point reduction in score. The fifteen (15) point reduction for termination may be avoided if the Blind licensee completes retraining required by the Division. Letters of sanction result in a five (5) point reduction in score for each letter received during the thirty-six (36) month period. Letters of warning result in a two (2) point reduction in score for each letter received during the thirty-six (36) month period. Late monthly business reports result in a loss of one (1) point per late business report during the thirty-six (36) month period.

(c) Applicants with the top five (5) combined testing and performance review scores, including ties, qualify for an interview with the selection panel. If the Vending facility in question is currently run under a Temporary L.O.F.A., the applicant who holds the Temporary L.O.F.A. is also automatically eligible to be interviewed. The interview and associated points are structured as follows:

1. Break the ice period: The selection panel will initiate the interview with general opening questions. There are no points for this portion of the interview.

2. Structured interview component: The selection panel will ask each applicant the same five (5) questions, determined prior to the first interview, and each panelist will rate the responses on a scale of 0 to 5. At the end of this portion of the interview each panelist's scores are averaged and then all panelists' averaged scores are added together. A maximum of twenty-five (25) points are available.

3. Interactive component: The applicant is given the opportunity to present the reasons they feel they are best suited to this Vending facility. Following the presentation the selection panel may ask questions of the applicant relating to the presentation or regarding any inconsistencies between Division documentation and the presentation. The selection panel is also permitted to question the applicant regarding past performance. Based on the presentation and the following discussion each panelist will rate the applicant from 0 to 10. These scores will be averaged for a maximum possible score of ten (10) points.

4. Distressed Vending facility points: A Vending facility may be determined to be distressed by the Division upon consideration of the following factors: a significant decrease in gross sales; a significant decrease in customer base; the condition of the equipment; and the overall condition of the Vending facility. If the applicant currently holds a Temporary L.O.F.A. in a Vending facility determined to be distressed by the Division and is applying for a Permanent L.O.F.A. in the same Vending facility, the applicant is eligible for up to five (5) points. The panelists will review Vending facility records and on a scale of 0 to 5 rate the improvement made by the

applicant. The panelists' scores will be averaged for a maximum possible score of five (5) points.

~~1. Managerial and other skills and abilities demonstrated by the applicants, including handling labor needs, financial skills needed, food planning and preparation, and customer relations; and~~

~~2. Previous records of the applicants, including submission of required reports in an accurate and timely manner; customer satisfaction reports; meeting or improving assigned profit levels; safety and sanitation inspections; fee and bill payment history; financial standing with the Bureau of Business Enterprises, and attendance at continuing education classes.~~

~~(4) Following the interview, the scores from the test, performance review, and interview are totaled. The selection panel reviews the total scores, prior performance, experience, and the type of Vending facility. The selection panel may recommend that the Vending facility be re-advertised or that one of the applicants who was interviewed be awarded the Vending facility. If the selection panel recommends an applicant without the highest score it must provide an explanation, in writing, to the Division. The selection panel will submit its recommendations, in writing, to the Division.~~

~~(5)(3) Division responsibilities.~~ The Division shall review the recommendation package to ensure all conditions described above are complied with prior to making the appointment. The Division shall make all appointments.

~~Rulemaking Authority 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f), 413.041, 413.051 FS. History—New 10-20-98, Formerly 38K-1.0045, Amended _____.~~

6A-18.043 The State Committee of Vendors.

(1) The Division shall establish a State Committee of Vendors. The committee shall be composed of one (1) representative and one (1) alternate from each vending facility district, and a chairperson chairman and vice chairperson chairman elected on a statewide basis by a majority vote of all Vvendors. The districts shall be established to assure equitable representation of all Vvendors in the program on the basis of such factors as geography and Vvending facility type with the goal of providing for proportional representation of Vvendors on federal, state, and private property.

(2) The State Committee of Vendors shall:

(a) Actively participate with the Division in major administrative decisions and policy and program development decisions affecting the overall administration of the Vvending facility program;

(b) Receive and transmit to the Division grievances at the request of Vvendors and serve as advocates for such Vvendors in connection with such grievances;

(c) Actively participate with the Division in the development and administration of a system for the transfer and promotion of Vvendors;

(d) Actively participate with the Division in the development of training and retraining programs for

Vvendors; and

(e) Sponsor, with the assistance of the Division, meetings and instructional conferences for Vvendors within the state.

(3) The Division shall provide for the biennial election of the members to the State Committee of Vendors. A committee member, the chairperson chairman, and vice chairperson chairman may serve more than one (1) term.

(4) The State Committee of Vendors shall meet not less than quarterly in a location agreed upon by the chairperson chairman and the Division.

~~Rulemaking Authority 413.011(3)(l), 413.051(12); 1001.02 FS. Law Implemented 413.011(3)(f), 413.041, 413.051 FS. History—New 4-5-83, Amended 7-9-84, 11-5-85, Formerly 6A-18.09, 6A-18.009, Amended 10-20-98, Formerly 38K-1.009, Amended _____~~

6A-18.044 Licensed Operator Facility License Agreement.

(1) Each Vvendor operating a Vvending facility shall execute and maintain a L.O.F.A. Licensed Operator Facility Agreement with the Division (~~See subsection 6A-18.046(4), F.A.C.~~).

(2) A Permanent L.O.F.A. is implemented for the operation of a Division Vending facility in perpetuity by a Vendor. It contains contractual obligations and expectations between the Vendor and the Division as well as the interactions of both with property owners. A Permanent L.O.F.A. is awarded through the selection process, except as provided by Rule 6A-18.042(4), F.A.C.

(a) Blind licensees who fall into any of the following three (3) categories must sign a Permanent L.O.F.A. for a minimum contract period of twelve (12) months on their next Vending facility:

1. Blind licensees who have never operated a Vending facility under a Permanent L.O.F.A.

2. Blind licensees whose most recent Permanent or Temporary L.O.F.A. was cancelled for breach or abandonment.

3. Blind licensees who have not actively held either a Permanent or a Temporary L.O.F.A. within five (5) years immediately preceding the offer of the L.O.F.A. and who have successfully completed the required retraining in accordance with Rule 6A-18.042(5), F.A.C.

(b) An exception to Rule 6A-18.044(2)(a)1., F.A.C., exists for Blind licensees who have operated a Vending facility under a Temporary L.O.F.A. Blind licensees who have operated a Vending facility under a Temporary L.O.F.A. may sign a Permanent L.O.F.A. for less than twelve (12) months if they are awarded a Permanent L.O.F.A. at the Vending facility where they held the Temporary L.O.F.A. The twelve (12) months requirement shall be reduced by the number of months the Vendor held the Temporary L.O.F.A.

(3) A Temporary L.O.F.A. is identical to a Permanent L.O.F.A. except that it is time specific as to its duration and is not awarded in the selection process but rather by recommendation of a committee.

(a) The committee consists of:

1. A business consultant from a region other than where the vacancy has occurred;

2. A designee of the Division;

3. The chairperson of the Committee of Vendors or his or her designee.

(b) Temporary L.O.F.A. opportunities will be announced along with a deadline for applicants to respond. Following the response period the committee will interview applicants and make a recommendation to the Division.

(4) Blind licensees operating a temporarily closed Vending facility may sign a Temporary L.O.F.A. for one other Vending facility without losing their rights to the closed Vending facility. Upon notice of the reopen date for the closed Vending facility, the licensed operator has three (3) days to elect to return to the original Permanent L.O.F.A. Vending facility, when it reopens, or forfeit their rights to the original Vending facility and sign a Permanent L.O.F.A. for the Vending facility they currently operate under a Temporary L.O.F.A.

(5) The Division provides the initial working capital for each Vending facility in the form of inventory, cash, and coin necessary for conducting business. The total amount of initial working capital is entered on the L.O.F.A. Once initial working capital is supplied, it is the responsibility of the Vendor to maintain, at all times, a total inventory equal to the initial stock and/or cash value provided by the Division, less any amount repaid to the Division. The Blind licensee will not be allowed to apply for posted business opportunities, or enter into either a Permanent L.O.F.A. or a Temporary L.O.F.A. while there is an initial working capital balance from any past Vending facilities operated by the Blind licensee.

(6) The required Set-aside funds, which are paid monthly under both the Permanent L.O.F.A. and the Temporary L.O.F.A., are a percentage of the monthly Net proceeds of the Vending facility set by the Division after collaboration with the Committee of Vendors.

(7) Under both the Permanent L.O.F.A. and the Temporary L.O.F.A., the Vendor shall file a monthly report utilizing the on-line reporting system maintained by the Division, no later than the last calendar day of the following month. The Set-aside funds are due with the monthly report.

Rulemaking Authority 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f), 413.041, 413.051 FS. History—New 4-5-83, Amended 11-5-85, Formerly 6A-18.10, Amended 7-8-87, Formerly 6A-18.010, Amended 10-20-98, Formerly 38K-1.010, Amended _____.

6A-18.045 Newspaper Vending Sales.

(1) General. The Division of ~~Blind Services~~ has the exclusive right to provide ~~V~~vending facilities, including which includes newspapers racks and newspaper vending machines, at interstate highway rest stops pursuant to 23 U.S.C. Section 111(b), 20 U.S.C. Section 107, et seq., and Sections 413.044 and 413.051, F.S.. The ~~D~~division's authority to approve the sale of newspapers and other information to the traveling

public at highway rest areas is subject to an agreement with the Florida Department of Transportation. All regularly published newspapers shall have the opportunity to provide vending sales at interstate rest stops by permit subject to the conditions established in this rule.

(2) Conditions.

(a) The publisher or distributor will be responsible to provide a rack or vending machine of the type, style, and color normally used by the publisher or distributor ~~that is stable, durable, and fastened to the ground subject to the approval of the division, as to stability and durability. Such approval shall not be unreasonably withheld.~~

(b) The rack or vending machine will be maintained, repaired, operated and cleaned by the publisher or its agent. The rack or vending machine will be new or in like-new condition when placed into use in the rest area.

(c) When necessary for stability, the publisher or distributor will provide a concrete reinforced pad on which to place the newspaper vending machines. The placement of the rack or vending machine will be in an area agreed upon by the Department of Transportation ~~Maintenance Engineer~~ and the Division of ~~Blind Services~~. The placement must not create a safety hazard or interfere physically with access to other rest area facilities or vending machines. Publishers and ~~distributors~~ agrees to maintain the newspaper vending machines in reasonable working order to ensure its clean neat appearance and remove to be responsible for any refuse created by the use of the vending machine.

(d) The publisher or distributor ~~shall will be responsible~~ to provide continuous availability of its current issue to the public.

(e) The publisher or distributor shall indemnify and hold harmless the Division and the State of Florida against any claims arising out of negligence in the presence and/or operation of the rack or vending machine provided. All contracts for vending services at rest stops entered into after the effective date of this rule will require this same indemnification.

(3) Compensation. The publisher or distributor will be required to compensate the division at the rate of ten (10) dollars annual administrative fee per newspaper rack. The Department reserves the right to monitor the service being provided and inspect the condition, cleanliness of equipment and other matters related to the operation of the applicant's newspaper vending on the interstate.

(4) Application and permit procedures ~~current vending locations~~.

~~(a) All publishers with news racks in place at the time of the effective date of this rule will not be required to make application to retain those locations. Such publishers must, within a reasonable time, provide the Department with a listing of their pre-existing news rack locations. Publishers with news racks in place may retain those locations.~~

~~(a)~~ (a) Publishers or distributors wishing to dispense newspapers on the interstate highway shall, by letter, prepare an application for permit to dispense newspapers, and mail the

application to the Division of Blind Services, 325 West Gaines Street, Suite 1114 2540 Executive Center Circle, West, Suite 204, Tallahassee, Florida 32399-0400.

(b) (c) The application letter shall include: the locations desired, the newspapers to be sold, and proposed timing of the installations. If the Division fails to notify the publisher or distributor within ten (10) business days of receipt of the application, the application will be deemed approved. All applications shall be assumed to be approved unless publishers are notified by the Department within ten (10) days of receipt of the application.

(c) (~~d~~) Transfer of newspaper news racks from one location to another may be accomplished at the request of the publisher or distributor depending upon the availability of space, by filing a notice with the Department.

~~If the aforementioned conditions are complied with, no application for newspaper vending under this rule will be denied. Each publisher is responsible for filing the proper application and notices under this subsection with the Department within a reasonable time (ten (10) to fifteen (15) days). Failure to do so is grounds for removal of a new rack from a particular location.~~

(5) Termination of permit.

(a) Either the newspaper publisher ~~or~~ distributor or the Division of ~~Blind Services~~ may terminate a permit entered into under this rule, by giving thirty (30) calendar days written notice. If the permit is to be terminated by the Division of ~~Blind Services~~, written notice with reasons for the termination will be given to the newspaper publisher or distributor. The ~~Division Department~~ may only terminate a ~~any~~ permit if the requirements of paragraph (2)(~~a~~)-(d)(~~e~~) of this rule are not met ~~or~~; if a safety hazard is created and not remedied by a publisher ~~or distributor~~, or if the licensing fee is not paid.

(b) The written notice shall also provide the publisher ~~or~~ distributor with ~~at least~~ thirty (30) calendar days to institute corrective action. If the Division of ~~Blind Services~~ determines that the publisher ~~or~~ distributor has failed to institute corrective action within the time allowed in the written notice, it shall notify the publisher ~~or~~ distributor in writing and direct the publisher ~~or~~ distributor to remove the rack(s) or vending machine(s) in question within ten (10) calendar days. If, during these final ten (10) days the publisher ~~or~~ distributor files a request notice for administrative hearing pursuant to Chapter 120, F.S., the news racks or vending machines that ~~which~~ are the subject of the dispute will not be removed until after ~~a the~~ final order of the hearing officer is issued. If the publisher ~~or~~ distributor fails to remove racks or vending machines ~~do so~~, the Division of ~~Blind Services~~ may remove the rack(s) or vending machine(s) without further notice. The notice that the corrective action has not been taken or is not adequate shall be considered final agency action for the purposes of Section 120.569 420.57, F.S..

Rulemaking Authority ~~20.05(5), 229.053(1), 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f), 413.041, 413.051 FS. History—New 3-1-93, Formerly 6A-18.012. Formerly 38K-1.012, Amended _____.~~

6A-18.046 Incorporation by Reference.

The below listed documents are incorporated by reference to become effective July 2016 in Chapter 6A-18, F.A.C., and may be obtained from the ~~Director~~, Division of Blind Services, 325 West Gaines Street, Suite 1114, Tallahassee, Florida 32399-0400. The documents may be found online at <http://dbs.myflorida.com/Business%20Enterprise/Forms/index.html>

(1) Facility Feasibility Analysis, DLES Form DBS 741 (8/98);

(1)(2) Application for the Vending Facility Training Program, DLES Form DBS-BBE 005 (rev. 11/11) (DOS link) 403 (3/98);

(2)(3) Business Opportunity Application, DLES Form DBS-BBE 007 (rev. 5/16) (DOS link) 729 (3/98); and

(3) Facility Vendor's Monthly Business Report, Form DBS-BBE 700w (DOS link) (rev. 4/09);

(4) The Licensed Operator Facility Agreement, DLES Form DBS 730 (rev.5/16) (DOS link) (4/98); and-

(5) Temporary Licensed Operator Facility Agreement, Form DBS 730a (rev. 5/16) (DOS link).

Rulemaking Authority 413.011(3)(l), 413.051(12) FS. Law Implemented 413.011(3)(f), 413.041, 413.051 FS. History—New 10-20-98, Formerly 38K-1.013, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert L. Doyle, III, Director, Division of Blind Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 15, 2016

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-10.0315 Common Placement Testing and Instruction
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. 42 No. 63, March 31, 2016 issue of the Florida Administrative Register.

6A-10.0315 Common Placement Testing and Instruction.

(1) through (a) No change.

(b) With the exception of students who meet the criteria for an exemption from common placement testing and

developmental education instruction identified in subsection (1) of this rule, first-time-in-college degree seeking students and students who have not met college level competency either through the completion of developmental education requirements in the Florida College System or have not been awarded credit for college level coursework in the area of deficiency shall be tested for reading, writing, and mathematics proficiency prior to the completion of initial registration, using a the common placement test or other test. “Developmental education requirements” are the courses required when a non-exempt student does not meet the college ready standard ~~cut~~ score. It is also referred to as remediation or preparatory instruction. Non-exempt students earning scores less than those listed below shall be allowed to enroll in the developmental education option of his or her choice ~~communication and computation instruction in the area of the deficiency:~~

Florida Postsecondary Readiness Test (P.E.R.T.)

Standard Score	
Reading	106
Writing	103
Mathematics	114

~~(c) Students who meet or exceed the scores shown below, and enroll in a Florida College System institution within 2 years of achieving such a score are exempted from taking the Florida Postsecondary Education Readiness Test:~~

ACCUPLACER Accuplacer, The College Board

Reading Comprehension	83
<u>Sentence Writing Skills</u>	83
Elementary Algebra	72

~~SAT, The College Board (or corresponding score on the redesigned SAT, based on official concordance tables which will be available from the College Board after the administration of the first redesigned SAT.)~~

Prior to March, 2016

<u>Critical Reading</u>	440
Mathematics	440

Since March, 2016

<u>Critical Reading</u>	<u>24</u>
<u>Writing and Language</u>	<u>25</u>
<u>Mathematics</u>	<u>24</u>

ACT with writing, ACT, Inc.

Reading	19
English	17
Mathematics	19

(c) Through March, 2017, a score of 262 on Grade 10 Florida Comprehensive Assessment Test 2.0 (FCAT 2.0) Reading demonstrates readiness for college-level coursework in reading and writing. Students who achieve such a score and enroll in a Florida College System institution within two (2) years of achieving such a score are exempted from taking the reading and writing subtests of a common placement test pursuant to subsection (1) above.

(2) No change.

(3) Students whose first language is not English may be placed in developmental education ~~college preparatory instruction~~ prior to taking an English proficiency test, if such instruction is otherwise demonstrated as being necessary. Such students shall not be exempted from the testing required herein.

(4) through (6) No change.

Section IV Emergency Rules

Notice of Emergency Rule

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:

12AER16-01: Sales of Clothing and School Supplies During the Period August 5 through August 7, 2016

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 24, Chapter 2016-220, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of certain clothing and school supplies are exempt from sales and use tax. The law provides that conditions necessary for an emergency rule have been met. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate manner regarding the exemption during the period from 12:01 a.m., August 5, 2016, through 11:59 p.m., August 7, 2016, for sales of clothing, wallets, or bags having a selling price of \$60 or less per item and for sales of school supplies having a selling price of \$15 or less per item. The exemption does not apply to sales within a theme park or entertainment complex, as defined in Section 509.013(9), F.S., or within a public lodging establishment, as defined in Section 509.013(4), F.S., or within an airport, as defined in Section 330.27(2), F.S. The rule defines “clothing,” “school supplies,” “theme park or entertainment complex,” “public lodging establishment,” “airport” and “mail order sales.” The rule describes the items that are included in the exemption and

explains how various transactions are to be handled for purposes of the exemption, including sales of sets of both exempt and taxable items, items normally sold as a unit, mail order sales, shipping and handling charges, layaway sales, rain checks, exchanges, coupons, rebates, and discounts, repairs and alterations, gift certificates, rentals of clothing, and merchant's license fees. The rule provides procedures for qualified businesses to opt out of participation in the holiday, as allowed by the law creating the holiday. The rule provides a list of items and their taxable status during the exemption period for clothing and school supplies.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Section 24, Chapter 2016-220, Laws of Florida, which specify a period during which the sales of certain clothing and school supplies are exempt from sales and use tax. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the provisions of Section 24, Chapter 2016-220, Laws of Florida.

SUMMARY: Emergency Rule 12AER16-01 notifies the general public and retailers of the exemption during the period from 12:01 a.m., August 5, 2016 through 11:59 p.m., August 7, 2016, for sales of clothing, wallets, or bags having a selling price of \$60 or less per item and for sales of school supplies having a selling price of \$15 or less per item.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Kimberly Bevis, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7082.

THE FULL TEXT OF THE EMERGENCY RULE IS:

STATE OF FLORIDA
DEPARTMENT OF REVENUE
SALES AND USE TAX
EMERGENCY RULE 12AER16-01

12AER16-01 Sales of Clothing and School Supplies During the Period August 5 through August 7, 2016.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) "Holiday Period" means the period from 12:01 a.m. on August 5, 2016, through 11:59 p.m. on August 7, 2016.

(b) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(c) "School supplies" means pens, pencils, erasers,

crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue, paste, rulers, computer disks, protractors, compasses, and calculators.

(d) "Theme park or entertainment complex" means a facility as defined in Section 509.013(9), F.S.

(e)1. "Public lodging establishment" means a facility as defined in Section 509.013(4), F.S.

(f) "Airport" means a facility as defined in Section 330.27(2), F.S.

(g) "Mail order sale" means a sale as defined in Section 212.0596(1), F.S.

(2) Clothing Sales.

(a) During the Holiday Period, no tax is due on the sale or purchase of any article of clothing, wallet, or bag, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$60 or less per item. This exemption does not apply to sales of clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of clothing, wallet, or bag, selling for \$60 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$50 each. Both items are eligible for the exemption, even though the customer's total purchase price (\$100) exceeds \$60.

(c)1. The exemption does not apply to the first \$60 of price of an eligible item of clothing, wallet, or bag selling for more than \$60.

2. Example: A customer purchases a pair of pants costing \$80. Tax is due on the entire \$80.

(3) School Supplies.

(a)1. During the Holiday Period, no tax is due on the sale or purchase of any item of school supplies with a selling price of \$15 or less per item. This exemption does not apply to sales of school supplies within a theme park, entertainment complex, public lodging establishment, or airport.

2. Example: A customer purchases a set of markers for \$12. The purchase qualifies for the exemption.

3. Example: A customer purchases a calculator costing \$18. Tax is due on the entire \$18.

(b)1. The sales tax exemption applies to each eligible item of school supplies selling for \$15 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases ten composition books for \$2.50 each. All ten items will qualify for the exemption, even though the customer's total purchase price (\$25) exceeds

\$15.

(4) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the sales price of the set or single unit is subject to sales tax.

(b) Example: A gift set consisting of a wallet (which is defined as an eligible "clothing item" under Section 24 of Chapter 2016-220, Laws of Florida) and key chain (which is not defined as an eligible "clothing item" under Section 24 of Chapter 2016-220, Laws of Florida) is sold for a single price of \$35. Although the wallet would otherwise be exempt during the Holiday Period, the sales price of the gift set is subject to tax.

(c) Example: A desk set consisting of a stapler (which is not defined as an eligible "school supply" under Section 24 of Chapter 2016-220, Laws of Florida) and a pair of scissors (which is defined as an eligible "school supply" under Section 24 of Chapter 2016-220, Laws of Florida) is sold for a single price of \$10. Although the scissors would otherwise be exempt during the Holiday Period, the sales price of the desk set is subject to tax.

(5) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$120. The pair of shoes cannot be split in order to sell each shoe for \$60 to qualify for the exemption.

(c) Example: A suit is normally priced at \$100 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$60 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$60 or less.

(d) Example: A pen and pencil set is normally priced at \$18 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$15 or less in order to qualify for the exemption.

(6) Buy One, Get One Free or for a Reduced Price.

(a) The total price of items advertised as "buy one, get one free," or "buy one, get one for a reduced price," cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as "buy one, get one free." The first pair of pants is priced at \$110; the second pair of pants is free. Tax is due on \$110. The store cannot sell each pair of pants for \$55 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50 percent off, selling each pair of \$110 pants for \$55, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as "buy one pair at the regular price, get a second pair for half price." The first pair of shoes is sold for \$80; the second pair is sold for \$40 (half price). Tax is due on the \$80 shoes, but not on the \$40 shoes. The store cannot sell each pair of shoes for \$60 in order for the items to qualify for the exemption. However, a retailer may advertise the pairs for 25 percent off, thereby selling each pair of \$80 shoes for \$60, making each pair eligible for the exemption.

(7) Mail Order Sales.

(a) During the Holiday Period, eligible items purchased by mail order, including sales transactions over the Internet, are exempt if the order is accepted during the Holiday Period for immediate shipment, even if delivery is made after the Holiday Period.

(b) An order is accepted by the company when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an "order number" to a telephone order, confirming an Internet order by an email to the customer, or placing a date received on an order received by mail.

(c) An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

(8) Shipping and Handling Charges.

(a) When separately stated shipping charges are part of the sales price of the items listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to each item sold to determine the total sales price of the item. The cost of each item is divided by the total cost of all the items ordered to obtain the percentage of cost that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item.

(b) Example 1: A customer orders a \$60 dress and a \$20 shirt, for a total of \$80 during the Holiday Period. The shipping charge is \$10. The percentage of cost for the shirt is 25 percent (the ratio of shirt cost to total cost is \$20 to \$80. \$20 divided by \$80 is 25 percent.) The portion of the \$10 shipping charge which is allocated to the shirt is therefore \$2.50, or 25 percent of \$10. The percentage of cost for the dress is 75 percent (the ratio of dress cost to total cost is \$60 to \$80. \$60 divided by \$80 is 75 percent.) The portion of the \$10 shipping charge which is allocated to the shirt is therefore \$7.50, or 75 percent of \$10. Once the shipping charge has been allocated, the total sales price for the shirt is \$22.50 and the total sales price for the dress is \$67.50. The shirt qualifies for the exemption. The dress is more than \$60 and does not qualify for the exemption.

(9) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Eligible items placed on layaway during the Holiday Period are tax exempt, even if final payment of the layaway is made after the Holiday Period. If a customer makes a final payment and takes delivery of the item during the Holiday Period, the eligible items are tax exempt.

(10) Rain checks. Eligible items purchased during the Holiday Period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the Holiday Period will not qualify eligible items for the exemption if the item is actually purchased after the Holiday Period.

(11) Exchanges.

(a) If a customer purchases an eligible item during the Holiday Period, then later exchanges the item for the same item (different size or different color), no additional tax will be due even if the exchange is made after the Holiday Period.

(b) If a customer purchases an eligible item during the Holiday Period, then later returns the item and receives credit on the purchase of a different item, the new item purchased is subject to tax.

(12) Coupons, Rebates, and Discounts.

(a)1. Manufacturer's coupons. The sales price of an item includes all consideration received by the retailer for that item. The price of an item is not limited to the amount paid by a customer. Manufacturer's coupons do not reduce the sales price of an item, because the retailer is reimbursed for the amount of any discount provided to a customer. Therefore, the amount of the reimbursement is included in the taxable sales price of an item.

2. Example: A jacket sells for \$65. The customer has a \$10 manufacturer's coupon good for the purchase of the jacket. The manufacturer's coupon does not reduce the sales price of the jacket. Tax is due on \$65, even though the customer only pays the retailer \$55 for the jacket.

(b)1. Store coupons and discounts. A coupon, discount, or rebate offered by the retail seller reduces the sales price of an item because it reduces the total amount received by the retail seller for the item. Therefore, a store coupon or discount can be used to reduce the sales price of a clothing item to \$60 or less, or a school supply item to \$15 or less, to determine if or to what extent an item qualifies for the exemption.

2. Example: A customer buys a \$400 suit and a \$65 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the suit is \$360, and the sales price of the shirt is \$58.50. The suit is taxable (its price is over \$60), and the shirt is exempt (its price

is less than \$60).

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased.

2. Example: A jacket sells for \$65. The customer receives a \$10 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$65.

(13) Repairs or Alterations to Eligible Items.

(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$55 and pays \$5 to the retailer to have the pants cuffed. The \$55 charge for the pants is exempt; however, tax is due on the \$5 alterations charge.

(14) Gift Cards.

(a) Eligible items purchased during the Holiday Period using a gift card will qualify for the exemption, regardless of when the gift card was purchased. Eligible items purchased after the Holiday Period using a gift card are taxable, even if the gift card was purchased during the Holiday Period. A gift card does not reduce the selling price of an item.

(b) Example: A customer purchases a dress priced at \$110 and uses a \$50 gift card. Tax is due on \$110. The gift certificate does not reduce the selling price to \$60 for purposes of the exemption.

(15) Rentals. Rentals of eligible items do not qualify for the exemption.

(16) License Fees or Other Fees imposed by Panama City and Panama City Beach.

(a) Panama City and Panama City Beach impose a 1 percent merchant's license fee or tax on retailers. The merchant's license fee is included in the sales price of each item. If the fee is separately stated, it must be assigned to the sales price of each item on the invoice to determine if an item is exempt during the holiday.

(b) Example: A jacket sells for \$59.95. The separately stated 1 percent gross receipts fee for this item is \$0.60. Since the gross receipts fee is part of the sales price of the item (\$60.55), the jacket will not qualify for the exemption.

(17) Option to not participate. Qualified businesses may choose not to participate in the tax holiday.

(a) Qualification. Businesses may choose to opt out of the tax holiday when less than five percent (5%) of their gross sales of tangible personal property during calendar year 2015 are sales of items that would be exempt during the tax holiday period. Businesses with multiple locations must include the gross sales of all of their Florida locations into this calculation. For businesses that were not in operation during the 2015

calendar year, this option is available when less than five percent (5%) of the inventory of items for sale by the business are items that would be tax exempt during the tax holiday.

(b) Election. Qualifying businesses choosing not to participate in the tax holiday must send a written notice to the Department by August 1, 2016. The notice must be on business letterhead and state that the business meets the qualifications stated in paragraph (a) and has chosen not to participate in the tax holiday. The notice must be signed by an individual authorized to sign on behalf of the business. Businesses with multiple locations may send a single notice stating that all of their Florida locations will not participate in the tax holiday. The notice may be delivered in one of three ways:

1. A letter can be mailed to the following mailing address:
Account Management MS 1-5730
Sales Tax Holiday
Florida Department of Revenue
5050 W Tennessee St
Tallahassee, FL 32399-0160

2. A scanned letter can be emailed to:
acctmaint@dor.state.fl.us

3. A letter can be faxed to 850-922-0859.

(c) Sample Notice. The notice may take any form as long as it clearly states that the business is electing not to participate in the holiday. An example of notice language is as follows: "In accordance with Chapter 2016-220, Laws of Florida, (Name of Business) has chosen not to participate in the Back to School Sales Tax Holiday, August 5-7, 2016. For questions, please contact (name of contact person at business) at (contact telephone number or email address)." The notice must be signed by an authorized individual.

(d) Posting of Notice. Businesses that do not participate in the tax holiday must post the notice at each business location stating their choice not to participate in the Back to School Sales Tax Holiday. The notice must be posted in a conspicuous location where it is easily visible to customers.

(18) List of Items of Clothing and Their Taxable Status During the Holiday Period. The following is a list of items of clothing and their taxable status during the Holiday Period, if they are sold for \$60 or less per item. This is not an inclusive list. T = Taxable, E = Exempt.

- A
- T Accessories (generally)
- E Barrettes and bobby pins
- E Belt buckles
- E Bow ties
- E Hair nets, bows, clips, and hairbands
- E Handbags
- T Handkerchiefs
- T Jewelry

- T Key cases
- E Neckwear
- E Ponytail holders
- E Scarves
- E Ties
- E Wallets
- T Watchbands
- T Watches
- E Aerobic/Fitness clothing
- E Aprons/Clothing shields
- T Athletic gloves
- T Athletic pads
- E Athletic supporters
- B
- E Baby clothes
- E Backpacks
- E Bandanas
- E Baseball cleats
- E Bathing suits, caps, and cover-ups
- E Belts
- E Bibs
- E Blouses
- E Book bags
- E Boots (except ski boots)
- E Bowling shoes (purchased)
- T Bowling shoes (rented)
- E *Braces and supports worn to correct or alleviate a physical incapacity or injury
- E Bras
- T Briefcases
- C
- E Caps and hats
- T Checkbook covers (separate from wallets)
- T Chest protectors
- E *Choir and altar clothing
- E Cleated and spiked shoes
- E *Clerical vestments
- T Cloth and lace, knitting yarns, and other fabrics
- T Clothing repair items, such as thread, buttons, tapes, iron-on patches, or zippers
- E Coats and wraps
- E Coin purses
- T Corsages and boutonnières
- T Cosmetic bags
- E Costumes
- E Coveralls
- T Crib blankets

D

E Diaper bags
E Diapers, diaper inserts (adult and baby, cloth or disposable)

T Diving suits (wet and dry)

E Dresses

T Duffel bags

E

T Elbow pads

E Employee uniforms

F

E Fanny packs

T Fins

T Fishing boots (waders)

E Fishing vests (nonflotation)

T Football pads

E Formal clothing (purchased)

T Formal clothing (rented)

G

T Garment bags

E Gloves (generally)

T Baseball

T Batting

T Bicycle

E Dress (purchased)

E Garden

T Golf

T Hockey

E Leather

T Rubber

T Surgical

T Tennis

E Work

T Goggles (except *prescription)

E Graduation caps and gowns

E Gym suits and uniforms

H

T Hard hats

E Hats

T Helmets (bicycle**, baseball, football, hockey, motorcycle, sports)

E Hosiery, including support hosiery

E Hunting vests

I - J

T Ice skates

T In-line skates

E Insoles

E Jackets

E Jeans

K

T Key chains

T Knee pads

L

E Lab coats

E Leg warmers

E Leotards and tights

T Life jackets and vests

E Lingerie

T Luggage

M - N

T Make-up bags

E Martial arts attire

O - P

E Overshoes and rubber shoes

T Pads (football, hockey, soccer, elbow, knee, shoulder)

T Paint or dust masks

E Pants

E Panty hose

T Patterns

T Protective masks (athletic)

E Purses

R

E Raincoats, rain hats, and ponchos

E Receiving blankets

E *Religious clothing

T Rented clothing (including uniforms, formal wear, and costumes)

T Repair of wearing apparel

E Robes

T Roller blades

T Roller skates

S

E Safety clothing

T Safety glasses (except *prescription)

E Safety shoes

E Scout uniforms

T Shaving kits/bags

E Shawls and wraps

T Shin guards and padding

- E Shirts
- E Shoe inserts
- E Shoes (including athletic)
- E Shoulder pads (e.g., dresses or jackets)
- T Shoulder pads (football, hockey, sports)
- E Shorts
- T Ski boots (snow)
- T Ski vests (water)
- E Ski suits (snow)
- T Skin diving suits
- E Skirts
- E Sleepwear (nightgowns and pajamas)
- E Slippers
- E Slips
- E Socks
- E Sports uniforms (except pads, helmets)
- T Suitcases
- E Suits, slacks, and jackets
- T Sunglasses (except *prescription)
- E Suspenders
- E Sweatbands
- E Sweaters
- T Swimming masks
- E Swim suits and trunks

- T
- E Ties (neckties - all)
- E Tights
- E Tuxedos (excluding rentals)

- U
- T Umbrellas
- E Underclothes
- E Uniforms (work, school, and athletic - excluding pads)

- V - W
- E Vests
 - E Vintage clothing
 - T Wigs
 - E Work clothes and uniforms

* These items are always exempt as religious, prescription, prosthetic, or orthopedic items.

** Bicycle helmets marketed for use by youth are always exempt from sales tax.

(18) List of School Supplies and Their Taxable Status During the Holiday Period. The following is a list of school supplies and their taxable status during the Holiday Period if they are sold for \$15 or less per item. This is not an inclusive

- list. T = Taxable, E = Exempt.
- E Binders
 - E Calculators
 - E Cellophane (transparent) tape
 - E Colored pencils
 - E Compasses
 - E Composition books
 - E Computer disks (blank CDs only)
 - T Computer paper
 - E Construction paper
 - T Correction tape, fluid, or pens
 - E Crayons
 - E Erasers
 - E Folders
 - E Glue (stick and liquid)
 - E Highlighters
 - E Legal pads
 - E Lunch boxes
 - E Markers
 - T Masking tape
 - E Notebook filler paper
 - E Notebooks
 - E Paste
 - E Pencils, including mechanical and refills
 - E Pens, including felt, ballpoint, fountain, highlighters, and refills
 - E Poster board
 - E Poster paper
 - T Printer paper
 - E Protractors
 - E Rulers
 - E Scissors
 - T Staplers
 - T Staples

This rule shall take effect on June 3, 2016. Rulemaking Authority 212.17(6), 212.18(2), 213.06(1), (2) FS, Section 24, Chapter 2016-220, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4), (9) FS, Chapter 2016-220, L.O.F. History-New

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: June 3, 2016

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-610.865 Blending of Demineralization Concentrate with Reclaimed Water

The Department of Environmental Protection hereby gives notice that it has issued an order on June 2, 2016, granting, Florida Governmental Utility Authority's Petition for Variance. The Petition was received on December 10, 2015. Notice of receipt was published in the Florida Administrative Register on January 11, 2016, Vol. 42/06. The petition requested a variance from the entirety of Rule 62-610.865, F.A.C., which applies to projects that blend demineralization concentrate with reclaimed water. No public comments were received. The Order, OGC File No. 15-1668, DEP File number FLA142140, granted the variance to Rule 62-610.865, F.A.C., based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner demonstrated that the purpose of the underlying statute will be or has been achieved by other means.

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

Gary Maier, South District, Department of Environmental Protection, P.O. Box 2549, Fort Myers, Florida 33902; gary.maier@dep.state.fl.us; (239)344-5664; or by obtained online through the Department's Information Portal at: <http://webapps.dep.state.fl.us/DepNexus/public/electronic-documents/FLA142140/facility!search>

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF CITRUS

The Florida Department of Citrus announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2016, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Commission will convene for the regularly scheduled meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation

measurements, licensing, issues pertaining to Chapter 601, F.S., rulemaking; and any other matter addressed during regular meetings of the Commission.

A copy of the agenda may be obtained by contacting: Heather Facey, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831 or hfacey@citrus.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: Dianne Screws at dscrews@citrus.myflorida.com or (863)537-3984. 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.

FLORIDA COMMISSION ON OFFENDER REVIEW

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

DATE AND TIME: Tuesday, June 28, 2016, 10:00 a.m. to 12:00 p.m. (noon).

PLACE: Office of the Commission Clerk's Conference Room, 4070 Esplanade Way, Tallahassee FL 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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) of 1(800)955-8770 (voice).

ENTERPRISE FLORIDA, INC.

The Enterprise Florida Board Executive Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 30, 2016; 10:00 a.m.

PLACE: Hyatt Orlando Airport - Regency Ballroom, 9300 Jeff Fuqua Boulevard, Orlando, Florida 32827

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

A copy of the agenda may be obtained by contacting: Al Latimer, alatimer@enterpriseflorida.com, (407)956-5602.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by

contacting: Al Latimer, alatimer@enterpriseflorida.com, (407)956-5602. 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).

ENTERPRISE FLORIDA, INC.

The Enterprise Florida Inc., Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 1, 2016, 10:00 a.m.

PLACE: Conference call: 1(877)402-9753, Access Code: 6423569#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, deliberate new issues and consider other matters.

A copy of the agenda may be obtained by contacting: Al Latimer, alatimer@enterpriseflorida.com, (407)956-5602.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Al Latimer, alatimer@enterpriseflorida.com, 1(407)956-5602. 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).

OTHER AGENCIES AND ORGANIZATIONS

Concrete Masonry Education Council

The Florida Concrete Masonry Education Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 16, 2016, 3:00 p.m.

PLACE: Florida Concrete & Products Association, 6353 Lee Vista Blvd., Orlando, FL

Number: 1(650)479-3207, Access Code: 197 864 587

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2017 Budget.

A copy of the agenda may be obtained by contacting: Jim Painter, Executive Director, at: Jim@floridamasonrycouncil.org or via the Council's website: <http://www.floridamasonrycouncil.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 48 hours before the workshop/meeting by contacting: Jim Painter, Executive Director, at: Jim@floridamasonrycouncil.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: Jim Painter, Executive Director, at: Jim@floridamasonrycouncil.org or via the Council's website: <http://www.floridamasonrycouncil.org>. @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).

DEPARTMENT OF CORRECTIONS

The Florida Department of Corrections announces a public meeting to which all persons are invited.

DATE AND TIME: June 21, 2016, 10:00 a.m.

PLACE: Florida Department of Corrections Headquarters Building, 501 South Calhoun Street, Training Classroom 118, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Re-scheduled meeting previously advertised for June 8, 2016, on Vol. 42/108. Under the authority of the Criminal Justice Standards and Training Commission, Criminal Justice Standards and Training Region XVI, announces a regular meeting of the Region XVI Training Council. The primary business of the meeting will be to discuss training and budget issues.

A copy of the agenda may be obtained by contacting: Florida Department of Corrections, attention Oscar Paz Soldan, Bureau of Staff Development and Training, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

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: June 16, 2016, 9:00 a.m., Water Resource Advisory Commission (WRAC) - Monthly Meeting

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Yvette Bonilla, ybonilla@sfwmd.gov or at our website: <http://www.sfwmd.gov/wrac>.

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

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

For more information, you may contact: Yvette Bonilla, (561)682-6286.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority
The Tampa Bay Water - A Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 20, 2016, 9:00 a.m.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Budget Public Hearing and Regular Board Meeting

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

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: Records Department, (727)796-2355. 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: Records Department, (727)796-2355.

REGIONAL UTILITY AUTHORITIES

Withlacoochee Regional Water Supply Authority

The Withlacoochee Regional Water Supply Authority (WRWSA) announces a public meeting to which all persons are invited.

DATE AND TIME: Cancellation of a Board meeting scheduled for June 15, 2016

PLACE: 3600 W Sovereign Path, Room 166, Lecanto, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The WRWSA scheduled for Wednesday, June 15, 2016, has been canceled. The next regularly scheduled meeting will be held Wednesday, July 20, 2016, 3:30 p.m. at the Lecanto Government Building, Room 166, 3600 W Sovereign Path, Lecanto, Florida.

A copy of the agenda may be obtained by contacting: C. LuAnne Stout, 3600 W Sovereign Path, Suite 228, Lecanto, Florida 34461, email: lstout@wrwsa.org or by calling (352)527-5795.

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: C. LuAnne Stout, 3600 W Sovereign Path, Suite 228, Lecanto, Florida 34461, email: lstout@wrwsa.org or by

calling (352)527-5795. 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: C. LuAnne Stout, 3600 W Sovereign Path, Suite 228, Lecanto, Florida 34461, email: lstout@wrwsa.org or by calling (352)527-5795.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-26.017 Plans Submission and Fees Required

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

DATE AND TIME: Thursday, July 7, 2016, 2:30 p.m. - 4:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Agency is creating a rule relating to criteria for intermediate care facilities for the developmentally disabled that provides guidance on construction plans submission for demolition, site work, foundation and building structural frame, and fee requirements.

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

Public comments regarding this proposed rule will be accepted by the Agency prior to and at the hearing scheduled on July 7th, 2016. Comments must be provided to Jacqueline Williams, Agency for Health Care Administration, Long-Term Care Unit, 2727 Mahan Drive, Mail Stop #33, Building 1, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Terrosa Buie, 2727 Mahan Drive, Mail Stop #33, Tallahassee, FL 32308 or LTCStaff@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). 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: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, FL 32308 or via email at LTCStaff@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

The Electrical Contractors' Licensing Board announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, July 20, 2016, 3:00 p.m.; Thursday, July 21, 2016, 8:30 a.m. and Friday, July 22, 2016, 8:30 a.m.

PLACE: Hampton Inn & Suites St. Petersburg/Downtown, 80 Beach Drive NE, St. Petersburg, Florida 33701. (727)892-9900.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Wednesday, July 20, 2016, 3:00 p.m.: Board Member Training; Wednesday, July 20, 2016, 4:00 p.m.: Probable Cause Panel (portions may be closed to the public); Thursday, July 21, 2016, 8:30 a.m.: Discipline and General Business; Friday, July 22, 2016, 8:30 a.m.: General Business.

A copy of the agenda may be obtained by contacting: The Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399. (850)487-1395.

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 Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399. (850)487-1395. 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 Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399. (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, Fire TAC announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2016, 9:00 a.m.

PLACE: Meetings to be conducted using teleconference and webinar. Join the meeting. Tuesday, June 14, 2016 at 9:00 AM Eastern Daylight Time.

<https://global.gotomeeting.com/join/268277061>

Join the conference call: United States: +1 (224)501-3318

United States (toll-free): 1(866)899-4679, Access Code/Meeting ID: 268-277-061

Audio PIN: Shown after joining the meeting

Public point of access: 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and accept final draft report for research project titled "Evaluation of Fire Separation Requirements for Zero Lot Line Residential".

To review and accept final draft report for research project titled "Evaluation of the Cost Impact of the 2015 I-Code Changes".

Recommend and discuss potential research topics for consideration by the Building Commission.

A copy of the agenda may be obtained by contacting: Robert Benbow, Fire TAC, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or from the Commission website:

<https://floridabuilding.org/c/default.aspx>.

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: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Robert Benbow, Fire TAC, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824, fax (850)414-8436, or access the Commission's website:

<https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, Electrical Technical Advisory Committee - concurrently with Plumbing Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 15, 2016, 10:00 a.m.

PLACE: Meeting to be conducted using communications media technology, specifically teleconference and webinar: You must access both the teleconference number for audio only and the webinar for visual only. To join the online meeting (Now from mobile devices!) GoToMeeting® Online Meetings Made Easy® is a newly contracted vendor. Please note the access is different than previous meetings. Please join my meeting, Wednesday, June 15, 2016 at 10:00 a.m. Eastern Daylight Time.

<https://global.gotomeeting.com/join/982895941>

2. Join the conference call: United States: +1 (312)757-3119; United States (toll-free): 1 (877)309 2070; Access Code/Meeting Code: 982-895-941; Audio PIN: Shown after joining the meeting

Public point of access: Florida Building Commission, Department of Business and Professional Regulation, Capital Commerce Center, 2601 Blairstone Road, Suite C-416, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and accept draft final report for research project titled "Evaluation of the Cost Impact of the 2015 I-Code Changes". Recommend and discuss potential research topics for consideration by the Building Commission

A copy of the agenda may be obtained by contacting: Mr. Chip Sellers or Mr. Joe Bigelow, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit the calendar on

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: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, phone (850)487-1824 or fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of

the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Chip Sellers or Mr. Joe Bigelow, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, call (850)487-1824 or visit the calendar on

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

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

DATE AND TIME: June 15, 2016, 1:00 p.m.

PLACE: Meetings to be conducted using teleconference and webinar. Join the meeting at <https://global.gotomeeting.com/join/620250517>.

Join the conference call:

United States: +1 (646)749-3129

United States (toll-free): 1(877)568-4106

Access Code/Meeting ID: 620-250-517

Audio PIN: Shown after joining the meeting

Public point of access: 2601 Blair Stone Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and accept final draft report for research project titled “Evaluation of the Cost Impact of the 2015 I-Code Changes.

A copy of the agenda may be obtained by contacting: Mr. Norman Bellamy, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, calling (850)487-1824, or from the Commission website: <https://floridabuilding.org/c/default.aspx>.

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: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of

the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Norman Bellamy, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, call (850)487-1824, or access the Commission website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, Code Administration TAC announces a public meeting to which all persons are invited.

DATE AND TIME: June 23, 2016, 10:00 a.m.

PLACE: Meetings to be conducted using teleconference and webinar.

Join the meeting at <https://global.gotomeeting.com/join/418865765>

Join the conference call:

United States: +1 (571)317-3129

United States (toll-free): 1(877)309-2073

Access Code/Meeting ID: 418-865-765

Audio PIN: Shown after joining the meeting

Public point of access: 2601 Blairstone Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommend and discuss potential research topics for consideration by the Building Commission

A copy of the agenda may be obtained by contacting: Marlita Peters, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824 or by accessing the Commission website: <https://floridabuilding.org/c/default.aspx>.

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: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of

the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Marlita Peters, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824, fax (850)414-8436, or access information on the Commission's website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, Swimming Pools Technical Advisory Committee - concurrently with Special Occupancy Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 24, 2016, 9:00 a.m.

PLACE: Meetings to be conducted using teleconference and webinar.

Join the meeting at <https://global.gotomeeting.com/join/446673077>.

Join the conference call:

United States: +1 (646)749-3129

United States (toll-free): 1(877)568-4106

Access Code/Meeting ID: 446-673-077

Audio PIN: Shown after joining the meeting

Public point of access: 2601 Blair Stone Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommend and discuss potential research topics for consideration by the Building Commission.

A copy of the agenda may be obtained by contacting: Chip Sellers or Marlita Peters, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1827 or by accessing the Commission website: <https://floridabuilding.org/c/default.aspx>.

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 Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Chip Sellers or Marlita Peters, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1827 or by accessing the Commission website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

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

DATE AND TIME: June 24, 2016, 10:30 a.m.

PLACE: Meetings to be conducted using teleconference and webinar. Please join the meeting, Friday, June 24, 2016 at 10:30 a.m. Eastern Time.

<https://global.gotomeeting.com/join/724732581>

Join the conference call:

United States: +1 (571)317-3116

United States (toll-free): 1(877)309-2070

Access Code/Meeting ID: 724-732-581

Audio PIN: Shown after joining the meeting

Public point of access: 2601 Blairstone Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommend and discuss potential research topics for consideration by the Building Commission.

Consider potential of workshop giving guidance to help explain the difference between the Florida Accessibility Code and Fair Housing.

A copy of the agenda may be obtained by contacting: Chip Sellers, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1827 or by accessing the Commission website: <https://floridabuilding.org/c/default.aspx>.

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 Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street,

Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Chip Sellers, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1827 or by accessing the Commission website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

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

DATE AND TIME: June 24, 2016, 1:00 p.m.

PLACE: Meetings to be conducted using teleconference and webinar. Please join my meeting.

<https://global.gotomeeting.com/join/121219861>

Join the conference call:

United States (toll-free): 1 866 899 4679

Meeting ID / Access Code: 121-219-861

Public point of access: 2601 Blirstone Road, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and accept final draft report for research project titled "Field Study and Analytical Assessment of Sealed Attics Conducted for the State of Florida".

A copy of the agenda may be obtained by contacting: Marlita Peters, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824 or by accessing the Commission website:

<https://floridabuilding.org/c/default.aspx>.

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: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired,

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

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

For more information, you may contact: Marlita Peters, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, or call (850)487-1824 or by accessing the Commission website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF HEALTH

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

DATE AND TIME: Tuesday, June 28, 2016, 9:30 a.m. – 11:30 a.m., ET

PLACE: Department of Health, 4042 Bald Cypress Way, Capital Circle Office Center (CCOC), Conference Room 301, Tallahassee, FL 32399; conference call-in number: 1(888)670-3525, participant PIN: 848 155 3898#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Special Needs Shelter Interagency Committee Meeting is being hosted by the Florida Department of Health, Bureau of Preparedness and Response, to identify and resolve challenges related to special needs shelters that are not currently addressed in the state comprehensive plan. The meeting shall also serve as a forum to develop policies and procedures which support sheltering best practices throughout the state. The continuation of the committee work assures the best quality service to clients with special medical needs and Florida's vulnerable populations.

A copy of the agenda may be obtained by contacting: Nicole Kimbrel, (850)245-4440, Ext. 2603, email: Nicole.Kimbrel@flhealth.gov. The meeting may be accessed via conference call.

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: Nicole Kimbrel, (850)245-4440, Ext. 2603, email: Nicole.Kimbrel@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

The Board of Osteopathic Medicine Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 8, 2016, 1:00 p.m.
 PLACE: (UPDATE) Telephone conference: 1(888)670-3525, participant code 6607485549
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.
 A copy of the agenda may be obtained by contacting: Daisy King, (850)245-4588.
 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: Daisy King, (850)245-4588. 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: Daisy King, (850)245-4588.

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support
 RULE NO.: RULE TITLE:
 64J-2.006: Trauma Registry and Trauma Quality Improvement Program
 64J-2.010: Apportionment of Trauma Centers Among the Trauma Service Areas (TSA)
 64J-2.012: Process for the Approval of Trauma Centers
 64J-2.013: Extension of Application Period
 64J-2.016: Site Visits and Approval
 The Bureau of Emergency Medical Oversight announces a workshop to which all persons are invited.
 DATE AND TIME: June 21, 2016, 9:00 a.m. – 12:00 Noon
 THIS NOTICE REPLACES EARLIER WORKSHOP NOTICES PUBLISHED JUNE 1 (Vol. 42/106) and JUNE 2 (Vol. 42/107). THERE WILL BE NO TRAUMA RULES WORKSHOP ON JUNE 17.
 PLACE: Room 301, 4025 Bald Cypress Way, Tallahassee, FL
 A phone line has been established to allow participation in the workshop via telephone.
 Call-in number: 1(888)670-3525; Participant Code: 1043560135, then press #
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will reassess the allocation of trauma centers, the application process, verification process and changes to the Florida Trauma Registry Manual, Data Dictionary.

A copy of the agenda may be obtained by contacting: Michael Leffler, email Michael.Leffler@flhealth.gov, 4052 Bald Cypress Way, Bin #A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, ext. 2760.
 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: Michael Leffler at the contact information above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

OTHER AGENCIES AND ORGANIZATIONS

Citizens Property Insurance Corporation
 The Audit Committee of Citizens Property Insurance announces a public meeting to which all persons are invited.
 DATE AND TIME: June 21, 2016, 11:30 a.m.
 PLACE: Sheraton Orlando North Hotel, 600 N. Lake Destiny Dr., Maitland, FL 32751, Dial in: 1(866)361-7525, Access code: 3877541849#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: as per the agenda.
 A copy of the agenda may be obtained by contacting: Betty Veal at (904)407-0440 or 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: Betty Veal. 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: Barbara Walker, (850)513-3744, 2312 Killlearn Center Blvd., Building A, Tallahassee, FL 32309, Barbara.walker@citizensfla.com.

OTHER AGENCIES AND ORGANIZATIONS

Foundation for Indigent Guardianship
 The Foundation for Indigent Guardianship, Inc. announces a telephone conference call to which all persons are invited.
 DATE AND TIME: June 15, 2016, 10:00 a.m. ET
 PLACE: 1(888)670-3525, participant code 7919129022#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly General Business Meeting.
 A copy of the agenda may be obtained by contacting: lhflgator@gmail.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 8 days before the workshop/meeting by contacting: LeeAnn Herman at lhflgator@gmail.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).

**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
Florida Gulf Coast University

NOTICE TO PROFESSIONAL CONSULTANTS

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

Project No. BR- 1088

Project and Location: FGCU Academic Building 9
10501 FGCU Blvd. South
Fort Myers, Florida 33965-6565

Description of Project

This project will be located on the FGCU main campus. The academic building will include classrooms, research labs, teaching labs, offices, etc. With a total building area of approximately 116,505 gross square feet. The total project budget is approximately \$52,493,795. The selected firm will provide programming, design, construction documents, construction administration and LEED certification services for the referenced project. The scope of services will include architectural, civil, landscape, structural, mechanical, electrical and plumbing engineering professional services.

Project Context

See the Facilities Planning webpage (<http://www.fgcu.edu/Facilities/announcements.html>) for the campus map indicating the project location within the eastern portion of the Academic Core area on FGCU campus.

Selection of Firm

Included as part of the submittal, the architect should indicate the sub-consultants that are suggested for this project. Once proposals are submitted to the University, the submissions will be reviewed and ranked in order of most qualified. A shortlist will be established, after which time interviews of the shortlisted firms will be held. Upon approval of the selection, FGCU will negotiate a contract with the selected firm for professional design services. The fee for the professional services requested in this project will be negotiated between the selected firm and the University. If the fee cannot be successfully negotiated, the second selected firm will be invited to negotiate a fee. Complete funding for the construction phase of this project is forthcoming. Therefore, following completion of the Construction Documents, the University may delay bidding and construction activities until such funding is available. The method of project delivery for

construction is anticipated to be Construction Management at Risk.

Instructions

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached the following:

1. A completed Florida Gulf Coast University “Professional Qualifications Supplement” dated February 2013, and following the instructions provided at <http://www.fgcu.edu/Facilities/ProfessionalSupplements.html>, under Architectural and Other Professional Services.

2. Applications on any other form will not be considered, however, you may choose the electronic “fillable” DOC version or the PDF version of this form.

3. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) hard bound copies of the above requested data and as specifically bound in the order listed above and an electronic copy in PDF file format on a USB flash drive or compact disk. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontract, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms can be obtained as noted above. Any questions may be directed to:

Tom Mayo, Director of Facilities Planning, 10501 FGCU Blvd. South, Fort Myers, Florida 33965-6565, Phone:

(239)590-1500, Fax (239)590-1505, or by e-mail: tmayo@fgcu.edu.

Submittals must be received in the Facilities Planning Office, by 3:00 p.m. local time, on June 30, 2016. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF MILITARY AFFAIRS
 216017 G4 Admin Facility Design Build
 STATE OF FLORIDA, DEPARTMENT OF MILITARY AFFAIRS
 PUBLIC ANNOUNCEMENT
 REQUEST FOR QUALIFICATIONS

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests qualifications from State of Florida registered licensed General/Building Contractors (GC) and Architect/Engineering (A/E) Teams for Design-Build Services for the following project located at Camp Blanding Joint Training Center, 5629 SR 16 West, Starke, Florida 32091

FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER 6/3/2016 AT http://vbs.dms.state.fl.us/vbs/main_menu.

PROJECT NUMBER: 216017
 PROJECT NAME: G4 Administration Building

FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

QUALIFICATIONS SUBMITTAL DEADLINE: As stated in the advertisement on the Vendor Bid System.

STATEMENT OF WORK (See Vendor Bid System for complete details): Construct an approximate 5,500 square foot specialty Administration Building of permanent construction with standing seam metal roof system structure, mechanical and electrical equipment to match current Camp Blanding Joint Training Center.

This building will be designed to meet Florida Building Code, State Fire Marshall, local Authorities Having Jurisdiction and Area Water Management requirements, and any other permits and fees required by other county, local or state authorities. Design and construction will also include all utility services, information systems, storm drainage, parking and site

improvements.

The Requirement of this project is to attain LEED Silver Certification.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch (904)823-0255 ng.fl.flarng.list.ngfl-cfmo-contracting@mail.mil.

Faxed or e-mailed qualifications are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner’s representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

OTHER AGENCIES AND ORGANIZATIONS

Florida Sheriffs Association
 Cooperative Purchasing Program Bid FSA16-VEL24.0 Police Rated, Administrative, Utility Vehicles, Trucks & Vans
FLORIDA SHERIFFS ASSOCIATION
 P.O. BOX 12519
 TALLAHASSEE, FLORIDA 32317-2519

Florida Sheriffs Association Invitation to Bid
 Cooperative Purchasing Program Bid FSA16-VEL24.0
 Bid Number: FSA16-VEL24.0
 Police Rated, Administrative, Utility Vehicles, Trucks & Vans
 June 06, 2016 & June 15, 2016
 Mandatory Vehicle Contract Specification Workshop:

June 27, 2016 - 9:00 AM EST
 Mandatory Pre-Bid Conference: August 1, 2016 - 9:00 AM EST

Workshop and Pre-Bid Conference to be held at:
 Marion County Sheriff’s Office
 Jail Multi-Purpose Room
 3300 NW 30TH Avenue
 Ocala, FL 34475

Electronic Responses Due: September 7, 2016 at 12:00 Noon EST

Paper Documents (*sealed bids*) Due: September 9, 2016 by 5:00 PM EST

Bid Submittal Received at: FLORIDA SHERIFFS ASSOCIATION

Attn: Cooperative Bid Coordinator
 2617 Mahan Drive
 Tallahassee, FL 32308

The Florida Sheriffs Association and the Florida Association of Counties invite interested vendors, including Motor Vehicle Manufacturers and Dealers/Certified Representatives to submit responses in accordance with these solicitation documents. The Florida Sheriffs Association will serve as the “Contract Administrator” in the solicitation process and the administration of the resulting contract. The purpose of this bid is to establish a twelve (12) month contract, beginning October 1, 2016 and ending September 30, 2017, with manufacturer’s authorized dealers for the purchase of 2017 vehicles, trucks and heavy equipment on a “no trade-in basis.” All prospective bidders are required to attend the MANDATORY Vehicle Workshop(s) and Pre-Bid Meeting.

ADVERTISEMENT

Police Rated, Administrative, Utility Vehicles, Trucks & Vans

BID NO.: FSA16-VEL24.0

The Florida Sheriffs Association and Florida Association of Counties invite interested bidders to submit bid proposals for 2017 Police Rated, Administrative, Utility Vehicles, Trucks & Vans.

This contract shall be awarded to the lowest and best responsive bidder by specification, by manufacturer, by zone. No bidder may withdraw his bid for a period of sixty (60) calendar days after the date set for the posting thereof.

Bidders are hereby advised that the Florida Sheriffs Association reserves the right to reject any and all bids, or separate portions thereof, and to waive any irregularity, technicality or omission if the FSA determines that doing so will serve in the FSA’s best interest. The FSA may also reject any Response not submitted in the manner specified by the solicitation documents.

FLORIDA SHERIFFS ASSOCIATION

By: Steve Casey
 FSA Executive Director

PUBLISH: *FLORIDA ADMINISTRATIVE REGISTER*

June 06, 2016

June 15, 2016

OTHER AGENCIES AND ORGANIZATIONS

Florida Sheriffs Association
 Cooperative Purchasing Program Bid FSA16-VEH14.0 Cab &
 Chassis Trucks & Other Fleet Equipment

FLORIDA SHERIFFS ASSOCIATION

P.O. BOX 12519

TALLAHASSEE, FLORIDA 32317-2519

Florida Sheriffs Association Invitation to Bid

Cooperative Purchasing Program Bid FSA16-VEH14.0

Bid Number: FSA16-VEH14.0

Cab & Chassis Trucks & Other Fleet Equipment

June 06, 2016 & June 15, 2016

Mandatory Vehicle Contract

Specification Workshop: June 28, 2016 - 9:00 AM

EST

Mandatory Pre-Bid Conference August 1, 2016 - 9:00

AM EST

Workshop and Pre-Bid Conference to be held at:

Marion County Sheriff's Office

Jail Multi-Purpose Room

3300 NW 30TH Avenue

Ocala, FL 34475

Electronic Responses Due: September 7, 2016 at
 12:00 Noon EST

Paper Documents (sealed bids) Due: September 9, 2016 by
 5:00 PM EST

Bid Submittals Received at: FLORIDA SHERIFFS
 ASSOCIATION

Attn: Cooperative Bid Coordinator

2617 Mahan Drive

Tallahassee, FL 32308

The Florida Sheriffs Association and the Florida Association of Counties invite interested vendors, including Motor Vehicle Manufacturers and Dealers/Certified Representatives to submit responses in accordance with these solicitation documents. The Florida Sheriffs Association will serve as the "Contract Administrator" in the solicitation process and the administration of the resulting contract. The purpose of this bid is to establish a twelve (12) month contract, beginning October 1, 2016 and ending September 30, 2017, with manufacturer's authorized dealers for the purchase of 2017 vehicles, trucks and heavy equipment on a "no trade-in basis." All prospective bidders are required to attend the MANDATORY Vehicle Workshop(s) and Pre-Bid Meeting.

ADVERTISEMENT

Police Rated, Administrative, Utility Vehicles, Trucks & Vans
 BID NO.: FSA16-VEH14.0

The Florida Sheriffs Association and Florida Association of Counties invite interested bidders to submit bid proposals for 2017 Cab & Chassis Trucks & Other Fleet Equipment.

This contract shall be awarded to the lowest and best responsive bidder by specification, by manufacturer, by zone.

No bidder may withdraw his bid for a period of sixty (60) calendar days after the date set for the posting thereof.

Bidders are hereby advised that the Florida Sheriffs Association reserves the right to reject any and all bids, or separate portions thereof, and to waive any irregularity, technicality or omission if the FSA determines that doing so will serve in the FSA's best interest. The FSA may also reject any Response not submitted in the manner specified by the solicitation documents.

FLORIDA SHERIFFS ASSOCIATION

By: Steve Casey

FSA Executive Director

PUBLISH: FLORIDA ADMINISTRATIVE REGISTER

June 06, 2016

June 15, 2016

OTHER AGENCIES AND ORGANIZATIONS

MERIDIAN ENGINEERING, LLC

OCEANSIDE MARINA SEWER PROJECT

MERIDIAN ENGINEERING, LLC

is soliciting formal competitive bids from certified or registered contractors licensed to work in the jurisdiction for the project listed below:

PROJECT NAME: Oceanside Marina Sewer Project

SCOPE OF WORK: The Contractor will provide all equipment, materials, supplies, and labor necessary to construct the complete sewer pumpout system, and all other features specified in the plan sets, in accordance with the specifications contained in this document and any related documents including the plan set; technical specifications; general and special conditions; Florida Department of Environmental Protection (DEP) permits; local, State, and Federal laws, rules, and guidelines; and, generally accepted construction practices. In addition, the Contractor will provide all equipment, materials, supplies, and labor following the conclusion of construction activities needed to repair erosion or damage due to construction activities on the project site and surrounding properties. This project includes the following work:

Construction of a new sanitary sewer pumpout system at an existing marina, consisting of approximately 1,527 LF of 2" HDPE SDR-11 vacuum pipe, 3 isolation valves, three simplex peristaltic pump stations, and 27 pumpout access nozzles.

PROJECT LOCATION: Oceanside Marina is located at 5950 Peninsular Avenue, in Section 35, Township 67 South, Range 25 East, in Stock Island, FL, Monroe County. The marina is bordered by a residential community to the north, Key West Harbour Yacht Club to the east, the Straits of Florida to the

south, and a City of Key West Utility Board property to the west.

PREQUALIFICATION: Per Chapter 60D-5 of the Florida Administrative Code (F.A.C.), when the total Bid including alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489, or 633 Florida Statutes, for licensure or certification, must submit prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date. If clarification or additional information is required, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder. Prequalification requirements are outlined in Chapter 60D-5.004 F.A.C., Bidder's Qualification Requirements and Procedures.

BID BOND: If the Base Bid or the Base Bid plus the sum of any alternates exceed \$100,000, the bidder shall enclose a certified check, cashier's check, treasurer's check, bank draft or Bid Bond in the amount of not less than five percent (5%) of the Bid, payable to the Owner as a guarantee for the purpose set out in Instructions to Bidders. *(Failure to submit a bid bond will result in disqualification)*

INSTRUCTIONS: Any firm desiring plans for this project may obtain a copy at the following location: Meridian Engineering, LLC, 201 Front St., Suite 203, Key West, FL, 33040. Any questions should be directed to Rick Milelli, P.E., (305)293-3263.

PRE-BID MEETING/SITE VISIT: A non-mandatory pre-bid meeting and site visit will be held on Wednesday, June 8, 2016 at 10:00 a.m. (ET) at the project site, 5950 Peninsular Ave, Stock Island, FL.

BID SUBMITTAL DUE DATE: Sealed bids must be delivered no later than 3:00 PM (ET), Friday, June 24, 2016 to the following address: Meridian Engineering, LLC, 201 Front St., Suite 203, Key West, FL, 33040; attn: Rick Milelli; (305)293-3263. It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the destination stated above prior to the bid opening date and time listed.

BID OPENING DATE: Sealed bids received by the date and time above will be opened in a public forum immediately after the Bid Submittal deadline listed above.

BID AWARD POSTING DATE: On or after 8:30 a.m. (ET), Friday, July 1, 2016 unless extended for good cause.

THIS PROJECT IS FUNDED IN PART BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CLEAN VESSEL ACT GRANT PROGRAM.

Section XII Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION Certificate of Need DECISION ON BATCHED GENERAL HOSPITAL APPLICATION

The Agency for Health Care Administration made the following decision on Certificate of Need application for Hospital Beds and Facilities batching cycle with an application due date of March 2, 2016:

County: Volusia Service District: 4-5
 CON #10429 Decision Date: 06/03/16 Decision: A
 Applicant/Facility/Project: Halifax Hospital Medical Center
 Project Description: Establish a 95-bed acute care hospital

AGENCY FOR HEALTH CARE ADMINISTRATION Certificate of Need DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of March 2, 2016:

County: Lake Service District: 3-7
 CON # 10425 Decision Date: 6/3/2016
 Decision: A
 Facility/Project: Leesburg Regional Medical Center North
 Applicant: Leesburg Regional Medical Center, Inc.
 Project Description: Convert a Class III rehabilitation hospital to a Class III adult psychiatric hospital of up to 21 beds
 Approved Cost: \$2,851,469

County: Duval Service District: 4-3
 CON # 10426 Decision Date: 6/3/2016
 Decision: A
 Facility/Project: Wolfson Children's Hospital of Jacksonville, Inc.
 Applicant: Wolfson Children's Hospital of Jacksonville, Inc.
 Project Description: Establish a new 132-bed children's specialty hospital
 Approved Cost: \$2,531,088

County: Duval Service District: 4
 CON # 10427 Decision Date: 6/3/2016
 Decision: A
 Facility/Project: Wolfson Children's Hospital of Jacksonville, Inc.
 Applicant: Wolfson Children's Hospital of Jacksonville, Inc.

Project Description: Establish a new 24-bed Level II NICU
 Approved Cost: \$10,000

County: Duval Service District: 4
 CON # 10428 Decision Date: 6/3/2016
 Decision: A
 Facility/Project: Wolfson Children's Hospital of Jacksonville, Inc.
 Applicant: Wolfson Children's Hospital of Jacksonville, Inc.
 Project Description: Establish a new 32-bed Level III NICU
 Approved Cost: \$100,559.

County: Sarasota Service District: 8-6
 CON # 10431 Decision Date: 6/3/2016
 Decision: D
 Facility/Project: Sarasota Memorial Hospital
 Applicant: Sarasota County Public Hospital District
 Project Description: Establish a new 80-bed acute care hospital
 Approved Cost: \$0

County: Miami-Dade Service District: 11-1
 CON # 10432 Decision Date: 6/3/2016
 Decision: D
 Facility/Project: East Florida - DMC, Inc.
 Applicant: East Florida - DMC, Inc.
 Project Description: Establish a new 80-bed acute care hospital
 Approved Cost: \$0

County: Miami-Dade Service District: 11-1
 CON # 10433 Decision Date: 6/3/2016
 Decision: D
 Facility/Project: The Public Health Trust of Miami-Dade County Florida
 Applicant: The Public Health Trust of Miami-Dade County Florida
 Project Description: Establish a new 100-bed acute care hospital
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 NOTICE OF CANCELLATION

The Department of Environmental Protection announces the cancellation of a hearing:

DATE AND TIME: June 20, 2016, 9:00 a.m., continuing to June 24, 2016 if necessary

PLACE: the Holiday Inn Express and Suites, 3101 U.S. Highway 441 South, Okeechobee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

CANCELLATION OF HEARING: The certification hearing scheduled for June 20, 2016, and noticed on May 5, 2016, for the proposed Florida Power and Light Company Okeechobee Clean Energy Center Project, Power Plant Site Certification Application number PA 15-58, DOAH Case number 15-5540EPP, DEP Office of General Counsel Case Number 15-0607 has been cancelled. In accordance with the Florida Electrical Power Plant Siting Act, Section 403.508(6), F.S., on May 24, 2016, all parties to this proceeding stipulated that there are no disputed issues of material fact or law to be raised at the certification hearing and filed a motion requesting that the Administrative Law Judge cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection pursuant to Section 403.508(6)(a), F.S. On May 24, 2016, Administrative Law Judge Bram D. E. Canter issued an order granting the request pursuant to Section 403.508(6)(b), F.S. Pursuant to Section 403.509(1), F.S., the Department of Environmental Protection will prepare and issue a Final Order within 40 days of the Judge's Order. For more information, you may contact: Ann Seiler, Department of Environmental Protection, 2600 Blair Stone Rd., MS 5500, Tallahassee, Florida 32399-2400, (850)717-9000.

DEPARTMENT OF HEALTH
 Board of Nursing

Notice of Emergency Action

On June 2, 2016, State Surgeon General issued an Order of Emergency Suspension of Certification with regard to the certificate of Scott Michael Barbarito, C.N.A., Certification #CNA 286889. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development

Final Order No. DEO-16-078

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-078

on May 28, 2016, in response to an application submitted by Paddocks Homeowners' 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 it did not meet the statutory requirements as the Association's submission failed to include a full, complete and verified copy of the previous declaration of covenants and other previous governing documents for the community, including any amendments thereto, violating Section 720.406(1)(b), Florida Statutes, failed to include the legal description of each parcel to be subject to the revived declaration and other governing documents and a plat or other graphic depiction of the affected properties in the community, violating Section 720.406(1)(c), Florida Statutes, failed to include a verified copy of the written consents of the requisite number of the affected parcel owners or verified copies of the notice of the meeting, attendance, and voting results if the approval was obtained by a vote at a meeting of affected parcel owners violating Section 720.406(1)(d), Florida Statutes, failed to include an affidavit by a current or former officer of the association or by a member of the organizing committee verifying that the requirements for the revived declaration set forth in section 720.404, Florida Statutes, have been satisfied, violating Section 720.406(e), Florida Statutes, and the notice provided to parcel owners does not meet the requirements of Sections 720.405(1) and (5), Florida Statutes.

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 agency.clerk@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.
