

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: RULE TITLES:

- 5J-4.004 Registration
- 5J-4.005 Exemption
- 5J-4.014 Security Requirements

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend a form incorporated by reference and to provide guidance to applicants seeking a veteran military fee waiver in compliance with 2016 legislative changes and the health studios law.

SUBJECT AREA TO BE ADDRESSED: Updated FDACS-10300, Health Studio Registration Application and initial registration fee waiver for an honorably discharged veteran or their spouse.

RULEMAKING AUTHORITY: 501.014(2), 501.016(1), (2), (3), 570.07(23) FS.

LAW IMPLEMENTED: 501.013, 501.015(1), (2), (3), (4), 501.016(1), (2), (3), 501.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Matthew D. Curran, Assistant Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone: (850)410-3800

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.: RULE TITLES:

- 5J-6.005 Licensing Requirement, Commercial Telephone Seller, Salesperson
- 5J-6.013 Exemption
- 5J-6.015 Security Requirements

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend forms incorporated by reference and to provide guidance to applicants seeking a veteran military fee waiver in

compliance with 2016 legislative changes and the Florida Telemarketing Act.

SUBJECT AREA TO BE ADDRESSED: Update FDACS-10001, Commercial Telephone Seller Business License Application, FDACS-10005, Commercial Telephone Salesperson Individual License Application, FDACS-10006 Florida Telemarketing Act Material Change Form, and provide guidance to applicants seeking a military veteran’s waiver of an initial registration fee.

RULEMAKING AUTHORITY: 501.611(3), (5), 501.626, 570.07(23) FS.

LAW IMPLEMENTED: 501.604, 501.605, 601.607, 501.608, 501.609, 501.611 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Matthew D. Curran, Ph.D., Assistant Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida, 32399-6500, or by phone: (850)410-3800

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

DEPARTMENT OF HEALTH

Optical Establishments

RULE NO.: RULE TITLE:

- 64B29-1.001 Optical Establishment Registration

PURPOSE AND EFFECT: This rulemaking updates the application for licensure as an optical establishment and corrects the website address where application forms can be located.

SUBJECT AREA TO BE ADDRESSED: Optical establishment licensure applications.

RULEMAKING AUTHORITY: 456.004, 456.037, 456.072, 484.007(3), 484.013(4), 484.014(4) FS.

LAW IMPLEMENTED: 456.004(1), (5), 456.025(7), 456.072, 484.007(3), 484.013(4), 484.014(4) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Wenhold, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399, (850)245-4460 or Jennifer.Wenhold@FIHealth.gov

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

Section II Proposed Rules

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE NOS.:	RULE TITLES:
58M-2.001	Professional Guardian Registration
58M-2.009	Standards of Practice
58M-2.011	Disciplinary Action and Guidelines

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to implement statutory changes to Parts I and II of Ch. 744, F.S., and to the Department’s oversight of public and professional guardians.

SUMMARY: The rulemaking establishes standards of practice, disciplinary guidelines, and credit investigation procedures for public and professional guardians as well as implements revisions of rules as needed based on legislative changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will 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 been prepared by the Agency.

The main economic impact of the proposed rule is likely generated through the rule’s requirement that professional guardians receive court approval of their guardianship fees and through the rule’s record keeping requirements. A full copy of the Statement of Estimated Regulatory Costs can be obtained online at

http://elderaffairs.state.fl.us/doea/oppg_rulemaking.php

The Agency has determined that the proposed rule is 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: Through the preparation of a SERC, the Department has determined that proposed rule 58M-2.009, Florida Administrative Code, concerning standards of practice for professional guardians, will have a significant regulatory impact on small businesses and is likely to increase regulatory costs in excess of \$1,000,000 within the first five years of implementation.

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: 744.2001(2)(b), 744.2002(6), 744.3135(5)(b), 744.20041 FS.

LAW IMPLEMENTED: 744.102(17), 744.2001(2)(b), 744.2002, 744.2003, 744.20041 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 9, 2016, 9:30 a.m. – 12:30 p.m.

PLACE: Florida Department of Elder Affairs, 4040 Esplanade Way, Room 301, Tallahassee, Florida 32399

To participate in the rule workshop by telephone please call: 1(888)670-3525 participation code: 5964230985

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: Jason Nelson at Department of Elder Affairs, Office of Public and Professional Guardians, 4040 Esplanade Way, Tallahassee, FL 32399; email: nelsonj@elderaffairs.org; telephone: (850)414-2113. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Nelson at Department of Elder Affairs, Office of Public and Professional Guardians, 4040 Esplanade Way, Tallahassee, FL 32399; email: nelsonj@elderaffairs.org; telephone: (850)414-2113

THE FULL TEXT OF THE PROPOSED RULE IS:

58M-2.001 Professional Guardian Registration and Credit Investigation.

Applicants must score a minimum of 75% on the Professional Guardian Competency Examination or must receive a waiver from the Department of Elder Affairs’ Office of Public and Professional Guardians (OPPG)Statewide Public Guardianship Office (SPGO) before the application for registration will be considered.

(1) Definitions. As used in this rule, the term:

(a) “Adverse credit history information” means the following:

1. Personal bankruptcy within the previous year.
2. Bankruptcy within the previous year of any organization based on events that occurred while the relevant person was a control person.
3. Outstanding tax lien or other governmental lien.
4. Outstanding judgment based upon grounds of fraud, embezzlement, misrepresentation, or deceit.
5. Open collection account or charged-off account that remains unpaid, except accounts related solely to unpaid medical expenses.

6. Foreclosure on personally owned property within the last 5 years.

(b) “Charged-off” means an account that has been identified by the creditor as an uncollectable debt.

~~(2)(4)~~ Persons who are required to register with the OPPG Department of Elder Affairs' Statewide Public Guardianship Office (SPGO) as a professional guardian must complete the Professional Guardian Registration Form, DOEA/OPPG SPGO Form 001, XXXX 2016 March 2008, which is incorporated herein by reference and may be obtained from the Office of Public and Professional Guardians Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, or at http://elderaffairs.state.fl.us/english/public.html. The Professional Guardian Employee Registration Form, DOEA/OPPG SPGO Form 002, XXX 2016 March 2008 which is incorporated herein by reference and may be obtained from the OPPG SPGO or at http://elderaffairs.state.fl.us/english/public.html must also be completed and submitted for all Professional Guardian Employees.

~~(3)(2)~~ The registration form shall be signed by the registrant or corporate officer if the registrant is a corporation.

~~(4)(3)~~ The completed registration form shall be filed with the OPPG Statewide Public Guardianship Office, by hand-delivery or mail. Facsimile submissions will not be accepted.

~~(5)(4)~~ The following items must either accompany the registration form or must be on file with the OPPG SPGO, for the registration to be deemed complete:

(a) A complete credit report, including all pages, from a nationally recognized credit agency. A nationally recognized credit agency shall mean a credit agency that obtains credit information both within and outside the State of Florida; validates, updates, and maintains the accuracy of credit information obtained. The report must reflect the financial responsibility of the registrant and provide full, accurate, current, and complete information regarding payment history and credit rating.

(b) Criminal history record for guardians as specified in Section 744.3135, F.S.;

(c) Documentation of bonding as required under Section 744.1085, F.S.;

~~(6)(5)~~ For the initial registration, the applicant must submit proof of completion of the required training, as well as, proof of competency by evidence of satisfactory completion of the Department of Elder Affairs approved examination unless waived in accordance with Section 744.1085(8), F.S. For annual renewals, proof of receipt of the minimum continuing education requirements must be submitted, if not on file.

~~(7)(6)~~ A registration fee of thirty-five dollars (\$35) for each professional guardian in the form of a personal check, money order, or cashier's check made payable to the Statewide Public Guardianship Office must be submitted with the registration form.

(8) Adverse Credit History Information. If an applicant's credit report or responses to the registration application contains adverse credit history information, the OPPG will notify the applicant in writing of the specific items constituting adverse credit history information. The notification will also inform the applicant of the:

(a) Opportunity to explain the circumstances surrounding the specific items and provide any other relevant information that the applicant wishes the OPPG to consider surrounding the specific items;

(b) Documents that the OPPG requires in order to complete its review of the specific items. The requested documents provided by the applicant must be legible.

If the documents requested above cannot be obtained, the applicant shall submit evidence of that fact in order for the registration application to be deemed complete. Evidence that documents cannot be obtained shall consist of a written statement from the agency's or creditor's records custodian that is written on the agency's or creditor's letterhead; indicates that the agency or the creditor does not have any record of such matter or that the record was lost, damaged, or destroyed, or cannot otherwise be produced and provide a statement as to why the record cannot be produced; and is signed by the agency's or creditor's records custodian.

(9) Procedure for Reviewing Adverse Credit History Information.

(a) When deciding whether to approve an application for registration as a professional guardian, the OPPG must make a determination regarding whether the applicant has demonstrated that he or she possesses the character, general fitness, and financial responsibility to warrant the OPPG's determination that the applicant will not violate any of the provisions of Chapter 744, Florida Statutes. In making this determination, the OPPG will consider the following information:

1. The Applicant's entire credit history as reflected in the credit report.

2. The information provided by the applicant under subsection (8).

3. The responses contained in the registration application.

4. The previous licensing history with the OPPG including whether the relevant person was named in any regulatory action by the OPPG.

5. Other information that reflects upon an applicant's character, general fitness, or financial responsibility.

6. The time and context of the information available and any pattern of behavior the information may demonstrate.

(b) Based on the totality of the circumstances as developed under paragraph (a), the OPPG will make a determination as to whether the applicant has demonstrated that he or she possesses the character, general fitness, and financial responsibility to warrant the OPPG’s determination that the applicant will not violate any of the provisions of Chapter 744, F.S.

(10)(7)(a) The registration period begins the day the registration is approved by the OPPG SPGO and ends on the registrant’s bond anniversary date. For multi year bonds, the annual registration expiration date will be determined by the day and month that the bond expires.

(b) The OPPG SPGO will prorate the registration fee up to 50% for initial registrants whose bond will expire in less than 6 months.

(11)(8) Annual Renewals: A completed DOEA/OPPG SPGO Form 001 for annual renewal of a registration shall be submitted to OPPG SPGO at least 30 days prior to the expiration date of the current registration to ensure that a lapse in registration does not occur. Registrants may request expedited processing for an additional fee. A schedule of those expedited fees is provided on DOEA/SPGO Form 001. All fees must be received with the completed registration form prior to the registration being processed by the OPPG SPGO.

(12)(9) If a professional guardian hires an employee with assigned fiduciary responsibilities during the registration period, the professional guardian shall submit an amended DOEA/OPPG SPGO Form 001 that includes the new employee information to the OPPG SPGO for approval prior to the employee assuming any fiduciary responsibilities. Rulemaking Authority 744.2002(6) 744.1083(6), 744.3135(5)(b) FS. Law Implemented 744.102(17), 744.2002 744.1083, 744.2003 744.1085, 744.3135 FS. History–New 5-4-03, Amended 12-12-05, 3-17-08,_____.

58M-2.009 Standards of Practice.

(1) DEFINITIONS

(a) In addition to the terms defined in Chapter 744, F.S., the following definitions are applicable in this rule:

1. “Interested Person” means a person identified as an interested person in a guardianship proceeding. The meaning as it relates to particular wards, may vary from time to time and must be determined the Court according to the particular matter involved.

2. “Family” or “Family Member” means a person or persons who are:

a. A relative of an individual within the third degree by blood or marriage, or

b. The stepparent of a minor if the stepparent is currently married to the parent of the minor and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent

jurisdiction involving one or both of the minor’s parents as an adverse party.

3. “Friend” means a person whom an individual knows and with whom the individual has a bond of mutual affection.

4. “Abuse” means any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a Ward’s physical, mental, or emotional health. Abuse includes acts and omissions.

5. “Neglect” means the failure or omission on the part of a caregiver or guardian to provide the care, supervision, and services necessary to maintain the physical and mental health of a Ward, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, which a prudent person would consider essential for the well-being of the Ward. The term “neglect” also means the failure of a caregiver or guardian to make a reasonable effort to protect a Ward from abuse, neglect, or exploitation by others.

6. “Exploitation” means:

a. Knowingly obtaining or using, or endeavoring to obtain or use, a Ward’s funds, assets, or property with the intent to temporarily or permanently deprive the Ward of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the Ward, or

b. Breach of a fiduciary duty to a Ward by the Ward’s guardian which results in an unauthorized appropriation, sale, or transfer of property, or

c. Intentionally or negligently failing to effectively use a Ward’s income and assets for the necessities required for that Ward’s support and maintenance, by the Ward’s guardian.

7. “Significant Occurrence” means an eventuality, event, incident, affair, episode, milestone, transaction, proceeding, business, concern, circumstance, particular; fact, matter of fact, phenomenon; happenstance, goings-on; adventure, happening; accident, or, casualty that affects a Ward.

(2) THE PROFESSIONAL GUARDIAN’S RELATIONSHIP TO THE COURT.

(a) Professional Guardians shall know the extent of the powers and the limitations of authority granted to them by the court and all their decisions and actions shall be consistent with court orders. Any action taken by a Professional Guardian pursuant to a court order shall not be deemed to be violation of this rule.

(b) Professional Guardians shall obtain court authorization for actions that are subject to court approval.

(c) Professional Guardians shall clarify with the court any questions about the meaning of orders or directions from the court before taking action based on the orders or directions.

(d) Professional Guardians shall seek assistance as needed to fulfill responsibilities to the Wards under their guardianship.

(e) All payments to Professional Guardians from the assets of a Ward shall be submitted to the court for prior approval and shall follow the requirements of Section 744.108, F.S.

(f) Professional Guardians shall submit reports regarding the status of their Wards to the court as ordered by the court and required by Chapter 744, F.S.

(g) Professional Guardians shall notify the court of any change in the capacity of a Ward that warrants a restriction of the Professional Guardian's authority within a reasonable period of time under the circumstances.

(3) THE PROFESSIONAL GUARDIAN'S PROFESSIONAL RELATIONSHIP WITH THE WARD.

(a) Professional Guardians shall avoid personal relationships with Wards under their guardianship, their Ward's family, or their Ward's friends, unless the Professional Guardian is a family member, or unless such a relationship existed before the appointment of the Professional Guardian.

(b) Professional Guardians may not engage in sexual relations with a Ward under their guardianship, unless the Professional Guardian is the Ward's spouse or the sexual relationship existed before the appointment of the Professional Guardian.

(4) THE PROFESSIONAL GUARDIAN'S RELATIONSHIP WITH FAMILY MEMBERS AND FRIENDS OF THE WARD. Professional Guardians shall promote social interactions and meaningful relationships consistent with the preferences of the Wards under their guardianship.

(a) Professional Guardians shall make reasonable efforts to encourage and support their Wards maintaining contact with family and friends, as defined by those Wards, unless such contact will subject the Wards to abuse as defined in Section 415.102, F.S.

(b) Professional Guardians may not interfere with their Ward's established relationships, unless necessary to protect them from abuse as defined in Section 415.102, F.S.

(c) Professional Guardians must maintain communication with their Wards' families and friends regarding significant occurrences that affect the Wards when that communication would benefit Wards.

(d) When disposing of a Ward's assets, a Professional Guardian must notify interested persons and give them the opportunity, with court approval, to obtain the Ward's assets (particularly those with sentimental value).

(e) Professional Guardians shall keep interested persons advised of any pertinent medical issues or decisions when ordered to do so by the Court.

(5) THE PROFESSIONAL GUARDIAN'S RELATIONSHIP WITH OTHER PROFESSIONALS AND PROVIDERS OF SERVICES TO THE WARD. Professional Guardians shall treat all professionals and service providers

with courtesy and respect and shall strive to enhance cooperation between all parties on behalf of their Wards.

(a) Professional Guardians who are not family members of their Wards may not provide any services other than guardianship services to those Wards except in an emergency. Professional Guardians shall coordinate and monitor services needed by Wards to ensure that Wards are receiving the appropriate care and treatment.

(b) Professional Guardians shall make a good faith effort to cooperate with other surrogate decision-makers for Wards. These include, where applicable, any other guardians, agents under a power of attorney, health care proxies, trustees, U.S. Department of Veterans' Affairs fiduciaries, and representative payees.

(6) INFORMED CONSENT.

(a) Decisions that Professional Guardians make on behalf of their Wards under guardianship shall be based on the principle of Informed Consent.

(b) Informed Consent is a decision maker's agreement to a particular course of action based on a full disclosure of the facts needed to make the decision intelligently.

(c) To have Informed Consent, a decision maker must have adequate information on the issue, must be able to take voluntary action, and must not be coerced.

(d) Professional Guardians stand in the place of Wards and are entitled to the same information and freedom of choice as a Ward would have received if the Ward were not under guardianship.

(e) In evaluating each requested decision, Professional Guardians shall do the following:

1. Have a clear understanding of the issue for which informed consent is being sought,

2. Have a clear understanding of the options, expected outcomes, risks and benefits of each alternative,

3. Determine the conditions that necessitate treatment or action,

4. Maximize the participation of Wards in understanding the facts and directing a decision, to the extent possible,

5. Determine whether a Ward has previously stated preferences in regard to a decision of this nature,

6. Determine why this decision needs to be made now rather than later,

7. Determine what will happen if a decision is made to take no action,

8. Determine what the least restrictive alternative is for the situation,

9. Obtain a second medical or professional opinion, if necessary,

10. Obtain information or input from a Ward's family and from other professionals; and,

11. Obtain written documentation of all reports relevant to each decision.

(7) STANDARDS FOR DECISION-MAKING.

(a) Professional Guardians shall assist and encourage Wards to act on their own behalf and to participate in decisions.

(b) Professional Guardians shall, consistent with court orders and state statutes, exercise authority only as necessitated by the limitations of the Ward.

(c) Each decision made by a Professional Guardian shall be an informed decision based on the principle of Informed Consent as set forth in subsection (6).

(d) Professional Guardians shall identify and advocate for the goals, needs, and preferences of their Wards.

1. Professional Guardians shall ask their Wards what they want.

2. If a Ward has difficulty expressing what he or she wants, his or her Professional Guardian shall, to the extent possible, help the Ward express his or her goals, needs, and preferences.

3. When a Ward, even with assistance, cannot express his or her goals and preferences, Professional Guardians shall seek input from others familiar with the Ward to determine what the Ward may have wanted.

4. To the extent that a Ward's goals and preferences have been made known to a Professional Guardian, the Professional Guardian shall honor those goals or preferences, except when following the Ward's goals and preferences would cause significant impairment to a Ward's physical, mental, or emotional health.

(e) Substituted Judgment.

1. Substituted Judgment is a principle of decision-making which requires the guardian to consider the decision their Ward would have made when the Ward had capacity and use that as the guiding force in any surrogate decision a guardian makes.

2. Substituted Judgment shall be used when making decisions on behalf of a ward except when following the Ward's wishes would cause significant impairment to a Ward's physical, mental, or emotional health, or when a Professional Guardian cannot establish a Ward's goals and preferences even with support.

(f) Best Interest.

1. Best Interest is the principle of decision-making that should be used only when a Ward has never had capacity, when a Ward's goals and preferences cannot be ascertained even with support, or when following a Ward's wishes would cause significant impairment to a Ward's physical, mental, or emotional health or his or her property.

2. The Best Interest principle requires a guardian to consider the least restrictive course of action to provide for the needs of a Ward.

3. The Best Interest principle requires guardians to consider a Ward's past practice and evaluate evidence of his or her choices.

4. The Best Interest principle requires the course of action that maximizes what is best for a Ward and that includes consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of the Ward.

(8) LEAST RESTRICTIVE ALTERNATIVE.

(a) When making a decision, Professional Guardians shall carefully evaluate the alternatives that are available and choose the one that best meets the personal and financial goals, needs, and preferences of Wards under their guardianship, while placing the least restrictions on their Wards' freedoms, rights, and ability to control their environments.

(b) Professional Guardians shall weigh the risks and benefits of each decision and develop a balance between maximizing the independence and self-determination of Wards and maintaining Wards' dignity, protection, and safety.

(c) Professional Guardians shall make individualized decisions. The least restrictive alternative for one Ward might not be the least restrictive alternative for another Ward.

(d) The following guidelines apply in the determination of the least restrictive alternative:

1. Professional Guardians shall become familiar with the available options for residence, care, medical treatment, vocational training, and education for their wards.

2. Professional Guardians shall strive to know their Wards' goals and preferences.

3. Professional Guardians shall consider assessments of their Wards' needs as determined by specialists. This may include an independent assessment of a Ward's functional ability, health status, and care needs.

(9) SELF-DETERMINATION OF THE WARD.

(a) Professional Guardians shall provide Wards under their guardianship with every opportunity to exercise those individual rights that the Ward might be capable of exercising as they relate to the personal and financial needs of the Ward.

(b) Professional Guardians shall maximize the self-reliance and independence of their Wards.

(c) Professional Guardians shall encourage their Wards to participate, to the maximum extent of their Wards' abilities, in all decisions that affect him or her, to act on his or her own behalf in all matters in which the Ward is able to do so, and to develop or regain his or her own capacity to the maximum extent possible.

(d) The Professional Guardian shall, whenever possible, seek to ensure that the Ward leads the planning process. If the Ward is unable to lead the process, the Professional Guardian shall, whenever possible, seek their participation.

(10) THE PROFESSIONAL GUARDIAN'S DUTIES REGARDING DIVERSITY AND PERSONAL PREFERENCES OF THE WARD.

(a) Professional Guardians shall determine the extent to which Wards under guardianship identify with particular ethnic, religious, and cultural values. To determine these values, Professional Guardians shall consider the following:

1. The Ward's attitudes regarding illness, pain, and suffering.
2. The Ward's attitudes regarding death and dying.
3. The Ward's views regarding quality of life issues.
4. The Ward's views regarding societal roles and relationships, and.
5. The Ward's attitudes regarding funeral and burial customs.

(b) Professional Guardians shall respect Wards' right to interpersonal relationships and sexual expression. Professional Guardians shall take steps to ensure that a Ward's sexual expression is consensual, that Wards are not victimized, and that an environment conducive to this expression in privacy is provided.

1. Professional Guardians shall ensure that Wards have information necessary to permit sexual expression to the extent a Ward desires and to the extent a Ward possesses the capacity to consent to the specific activity.

2. Professional Guardians shall take reasonable measures to protect the health and well-being of Wards.

(11) CONFIDENTIALITY.

(a) Professional Guardians shall keep the affairs of Wards under guardianship confidential.

(b) Professional Guardians shall respect Wards' privacy and dignity, especially when the disclosure of information is necessary.

(c) Disclosure of information shall be limited to what is necessary and relevant to the issue being addressed.

(d) Professional Guardians shall assist Wards in communicating with third parties unless the disclosure will substantially harm the Ward.

(e) Professional Guardians shall refuse to disclose information about a Ward where disclosure would be detrimental to the well-being of the Ward or would subject the Ward's estate to undue risk.

(12) DUTIES OF THE PROFESSIONAL GUARDIAN OF THE PERSON.

(a) Professional Guardians who are appointed to be guardians of the person shall have the following duties and obligations to Wards under guardianship; unless decision making authority has not been delegated to the Professional Guardian or the letters of guardianship provides otherwise:

1. To see that Wards are living in the most appropriate environment that addresses each Ward's goals, needs, and

preferences subject to limitations of his or her financial resources and availability of government benefits.

a. Professional Guardians must prioritize home or other community-based settings, when not inconsistent with a Ward's goals and preferences.

b. Professional Guardians shall authorize moving Wards to a more restrictive environment only after evaluating other medical and health care options and making an independent determination that the move is the least restrictive alternative at the time, fulfills the current needs of a Ward, and serves the overall best interest of a Ward.

c. Professional Guardians shall consider the proximity of the setting to those people and activities that are important to Wards when choosing a residential setting.

d. When Professional Guardians consider involuntary or long-term placement of a Ward in an institutional setting, the bases of the decision shall be to minimize the risk of significant impairment to a Ward's physical, mental, or emotional health, to obtain the most appropriate placement possible, and to secure the best treatment for the Ward.

2. To ensure that provision is made for the support, care, comfort, health, and maintenance of Wards.

3. To make reasonable efforts to secure for Wards medical, psychological, therapeutic, and social services, training, education, and social and vocational opportunities that are appropriate and that will maximize Wards' potential for self-reliance and independence.

4. To keep the personal information of Wards confidential, except when it is necessary to disclose such personal information for the best interests of a Ward.

5. To adhere to the requirements of subsection (17) Duties of the Professional Guardian of the Property and subsection (18) Professional Guardian of the Property: Initial and Ongoing Responsibilities, to the extent that the Professional Guardian of a Ward has been authorized by the court to manage a Ward's property.

6. To petition the court for limitation or termination of the guardianship when a Ward no longer meets the standard pursuant to which the guardianship was imposed, or when there is an effective alternative available, and

7. To report to the Office of Public and Professional Guardians, the Department of Children and Families' Adult Protective Services Unit and local law enforcement incidents of abuse, neglect and/or exploitation as defined by state statutes within a reasonable period of time under the circumstances.

(13) INITIAL AND ONGOING RESPONSIBILITIES

(a) With the proper authority, Professional Guardians shall take the following initial steps after appointment as a guardian:

1. Professional Guardians shall address all issues of Wards under guardianship that require immediate action.

2. Professional Guardians shall meet with Wards as soon after the appointment as is feasible. At the first meeting, Professional Guardians shall:

- a. Communicate to the Ward the role of the Professional Guardian,
- b. Explain the rights retained by the Ward,
- c. Assess the Ward's physical and social situation,
- d. Assess the Ward's educational, vocational, and recreational needs,
- e. Obtain the Ward's preferences,
- f. Assess the support systems available to the Ward; and,
- g. Attempt to gather any missing necessary information regarding the Ward.

3. After the first meeting with the Ward, the Professional Guardian shall notify relevant agencies and individuals of the appointment of a Professional Guardian, and shall complete the intake process by gathering information and ensuring that certain evaluations are completed, if appropriate. The Professional Guardian shall:

- a. Obtain an evaluation of the Ward's condition, treatment, and functional status from the Ward's treating physician or appropriate specialist, if a comprehensive medical evaluation was not completed as part of the petitioning process, or has not been done within the past year.
 - b. Obtain a psychological evaluation, if appropriate.
 - c. Obtain an inventory of advance directives. Such statements of intent would include, but are not limited to, powers of attorney, living wills, organ donation statements, and statements by the person recorded in medical charts.
 - d. Establish contact with and develop a regular pattern of communication with the Professional Guardian of the property or any other fiduciary for the Ward.
- (b) Professional Guardians shall develop and implement a written guardianship plan setting forth short-term and long-term objectives for meeting the goals, needs, and preferences of the Ward.

1. The plan must address medical, psychiatric, social, vocational, educational, training, residential, and recreational goals, needs, and preferences of the Ward.

2. If the Professional Guardian is appointed as guardian of the property, the plan must also address whether the Ward's finances and budget are in line with the services the Ward needs, and are flexible enough to deal with the changing status of the Ward.

3. Short-term goals must reflect the first year of guardianship, and long-term goals must reflect the time after the first year.

4. The plan must be updated no less often than annually.

(c) The Professional Guardian shall maintain a separate file for each Ward. The file must include, at a minimum, the following information and documents:

1. The Ward's name, date of birth, address, telephone number, Social Security number, medical coverage, physician, diagnoses, medications, and allergies to medications,

2. All legal documents involving the Ward,

3. Advance directives,

4. A list of key contacts,

5. A list of service providers, contact information, a description of services provided to the person, and progress/status reports,

6. A list of all over-the-counter and prescribed medications the Ward is taking, the dosage, the reason why it is taken, and the name of the doctor prescribing the medication,

7. Documentation of all client and collateral contacts, including the date, time, and activity,

8. Progress notes that reflect contacts made and work done regarding the Ward,

9. The initial guardianship plan and annual plans,

10. The initial inventory and annual accountings, if required,

11. Assessments regarding the Ward's past and present medical, psychological, and social functioning,

12. Documentation of the Ward's known values, lifestyle preferences, and known wishes regarding medical and other care and service,

13. Documentation of any goals or preferences expressed by the Ward that have been made known to the Professional Guardian and would require the expenditure of the Ward's assets in excess of \$1,000, and the date, time, location and individuals present when the goal or preference was expressed by the Ward; and,

(d) Professional Guardians shall visit Wards at least quarterly each year.

1. Professional Guardians shall assess the Ward's physical appearance and condition, the appropriateness of the Ward's current living situation, and the continuation of existing services while taking into consideration all aspects of social, psychological, educational, direct services, and health and personal needs as well as the need for any additional services.

2. Professional Guardians shall maintain substantive communication with service providers, caregivers, and others attending to Wards.

3. Professional Guardians shall participate in all care or planning conferences concerning the residential, educational, vocational, or rehabilitation program of Wards within the rights delegated to the professional guardian by the Court.

4. Professional Guardians shall regularly examine all services and all charts, notes, logs, evaluations, and other documents regarding Wards at the place of residence and at any program site to ascertain that the care plan is being properly followed.

5. Professional Guardians shall advocate on behalf of the Ward. Professional Guardians shall assess the overall quality of services provided to Wards, using accepted regulations and care standards as guidelines, and seeking remedies when care is found to be deficient.

6. Professional Guardians shall monitor the residential setting on an ongoing basis and take any necessary action when the setting does not meet the Ward's current goals, needs, and preferences, including but not limited to:

a. Evaluating the plan,

b. Enforcing residents' rights, legal, and civil rights, and,

c. Ensuring quality of care and appropriateness of the setting in light of the feelings and attitudes of the Ward.

(e) Professional Guardians shall fully identify, examine, and continue to seek information regarding options that will fulfill the Ward's goals, needs, and preferences.

1. Professional Guardians shall take full advantage of professional assistance in identifying all available options for long term services and support.

2. Sources of professional assistance include, but are not limited to Area Agencies on Aging, Centers for Independent Living, protection and advocacy agencies, Long Term Care Ombudsmen, Developmental Disabilities Councils, Aging and Disability Resource Centers, and community mental health agencies.

(14) DECISION-MAKING CONCERNING MEDICAL TREATMENT.

(a) Professional Guardians shall promote, monitor, and maintain the health and well-being of Wards under guardianship.

(b) Professional Guardians shall ensure that all medical care for Wards is appropriately provided and that Wards are treated with dignity.

(c) Professional Guardians shall ensure that Wards receive appropriate health care.

(d) Professional Guardians, in making health care decisions or seeking court approval for such decisions, shall:

1. Maximize the participation of Wards,

2. Acquire a clear understanding of the medical facts,

3. Acquire a clear understanding of the health care options and the risks and benefits of each option; and,

4. Encourage and support Wards in understanding the facts and directing a decision.

(e) Professional Guardians shall use the substituted judgment standard with respect to a health care decision, unless a Professional Guardian cannot determine a Ward's prior wishes.

(f) Professional Guardians shall determine whether a ward, before the appointment of a Professional Guardian, executed any advance directives, such as powers of attorney, living wills, organ donation statements and statements by a Ward recorded

in medical charts. On finding such documents, Professional Guardians shall inform the court and other interested parties of the existing health care documents.

(g) To the extent a Ward cannot participate in the decision making process, a Professional Guardian shall act in accordance with the Ward's prior general statements, actions, values, and preferences to the extent the Professional Guardian actually knows or should know of them.

(h) If a Ward's preferences are unknown and unascertainable, a Professional Guardian shall act in accordance with reasonable information received from professionals and persons who demonstrate sufficient interest in the Ward's welfare to determine the Ward's best interests, which determination shall include consideration of consequences for others that an individual in the Ward's circumstances would consider.

(i) Absent an emergency or a Ward's execution of a living will, durable power of attorney for health care, or other advance directive declaration of intent that clearly indicates a Ward's wishes with respect to a medical intervention, a Professional Guardian who has authority may not grant or deny authorization for a medical intervention until he or she has given careful consideration to the criteria contained in subsections (6) and (7).

(j) In the event of an emergency, a Professional Guardian who has authority to make health care decisions shall grant or deny authorization of emergency medical treatment based on a reasonable assessment of the criteria contained in subsections (6) and (7), within the time allotted by the emergency.

(k) Professional Guardians shall seek a second medical opinion for any medical treatment or intervention that would cause a reasonable person to do so or in circumstances where any medical intervention poses a significant risk to a Ward. Professional Guardians shall obtain a second opinion from a licensed physician.

(l) Professional Guardians shall communicate with the treating medical provider before authorizing or denying any treatment or procedure that has been previously approved.

(m) Professional Guardians shall seek to ensure that appropriate palliative care is incorporated into all health care, unless not in accordance with a Ward's preferences and values.

(15) DECISION-MAKING CONCERNING WITHHOLDING AND WITHDRAWAL OF MEDICAL TREATMENT

(a) There are circumstances in which, with the approval of the court, it is legally and ethically justifiable to consent to the withholding or withdrawal of medical treatment, including artificially provided nutrition and hydration, on behalf of a Ward under guardianship.

(b) If a Ward expressed or currently expresses a preference regarding the withholding or withdrawal of medical treatment,

a Professional Guardian shall follow the wishes of the Ward. If the Ward's current wishes are in conflict with wishes previously expressed when the Ward had capacity, Professional Guardians shall have this ethical dilemma submitted to the court for direction.

(c) When making this decision on behalf of a Ward, Professional Guardians shall gather and document information as outlined in subsection (6) and shall follow subsection (7).

(16) CONFLICT OF INTEREST: ANCILLARY AND SUPPORT SERVICES.

(a) Professional Guardians shall avoid all conflicts of interest and self-dealing, when addressing the needs of Wards under guardianship. A conflict of interest arises where a Professional Guardian has some personal or agency interest that can be perceived as self-serving or adverse to the position or best interest of a Ward. Self-dealing arises when a Professional Guardian seeks to take advantage of his or her position as a Professional Guardian and acts for his or her own interests rather than for the interests of the Ward.

(b) Guidelines relating to specific ancillary and support service situations include the following:

1. Professional Guardians may not directly provide housing, medical, legal, or other direct services to a Ward. Some direct services may be approved by the court.

a. Professional Guardians shall coordinate and assure the provision of all necessary services to Wards, other than guardianship services, rather than providing those services directly.

b. Professional Guardians shall be independent from all service providers and must challenge inappropriate or poorly delivered services and advocate on behalf of their Wards.

c. An exception to subsection (16) shall apply when a Professional Guardian can demonstrate unique circumstances indicating that no other entity is available to act as guardian, or to provide needed direct services provided that the exception is in the best interest of the Ward. Reasons for the exception must be documented and the court must be notified.

2. When a guardianship program operated by a Professional Guardian is a part of an organization or governmental entity, it shall have independent decision-making authority.

3. A Professional Guardian who is not a family member of the Alleged Incapacitate Person may act as a petitioner for the initial appointment of a guardian only when no other entity is available to act, provided all alternatives have been exhausted.

4. Professional Guardians may not employ their friends or family to provide services for a profit or fee unless no alternative is available and the Professional Guardian discloses this arrangement to the court and the services are provided at the going market rate.

5. Professional Guardians shall neither solicit nor accept incentives from service providers.

6. Professional Guardians shall consider various ancillaries or support service providers and select the providers that best meet the needs of the Ward.

7. Professional Guardians who are attorneys, or employ attorneys, may provide legal services to Wards only when doing so best meets the needs of the Wards and is approved by the court following full disclosure of the conflict of interest. Professional Guardians who are attorneys shall ensure that the services and fees are differentiated and are reasonable. The services and fees are subject to court approval.

8. Professional Guardians may enter into a transaction that may be a conflict of interest only when necessary, or when there is a significant benefit to a Ward under the guardianship, and shall disclose such transactions to the Court and obtain prior court approval.

(17) DUTIES OF THE PROFESSIONAL GUARDIAN OF THE PROPERTY

(a) Professional Guardians who are appointed to be guardians of the property shall have the following duties and obligations to Wards under guardianship; unless decision making authority has not been delegated to the Professional Guardian or the letters of guardianship provides otherwise:

(b) Professional Guardians, as a fiduciary, shall manage the financial affairs of Wards under guardianship in a way that maximizes the dignity, autonomy, and self-determination of the Ward.

(c) When making decisions Professional Guardians shall:

1. Give priority to the goals, needs, and preferences of the Wards; and,

2. Weigh the costs and benefits to the estate.

(d) Professional Guardians shall consider the current wishes, past practices, and evidence of likely choices of their wards. If significant impairment to a Ward's physical, mental, or emotional health would result or there is no evidence of likely choices, Professional Guardians shall consider the best interests of the Ward.

(e) Professional Guardians shall assist and encourage Wards to act on their own behalf and to participate in decisions.

(f) The Professional Guardians shall use reasonable efforts to provide oversight to any income and assets under the control of Wards.

(g) Professional Guardians shall, consistent with court orders and state statutes, exercise authority only as necessitated by the limitations of the Ward.

(h) Professional Guardians shall provide competent management of Wards' property and shall supervise all income and disbursements of the estate.

(i) Professional Guardians shall manage the estate only for the benefit of the Ward or as directed by the Court.

(j) Professional Guardians shall keep estate assets safe by keeping accurate records of all transactions and be able to fully account for all the assets in the estate at the time of the Professional Guardian's appointment by the Court.

(k) Professional Guardians shall keep estate money separate from their personal money.

(l) Professional Guardians shall make claims against others on behalf of the estate when deemed in the best interest of the Ward and shall defend against actions that would result in a loss of estate assets.

(m) Professional Guardians shall apply state law regarding prudent investment practices, including seeking responsible consultation with and delegation to people with appropriate expertise is necessary to manage the estate.

(n) Professional Guardians shall employ Generally Accepted Accounting Principles when managing an estate.

(o) Professional Guardians shall determine if a will exists and obtain a copy to determine how to manage estate assets and property.

(p) Professional Guardians shall report to the Office of Public and Professional Guardians, the Department of Children and Families' Adult Protective Services and local law enforcement incidents of abuse, neglect, and/or exploitation within a reasonable period of time under the circumstances.

(18) PROFESSIONAL GUARDIAN OF THE PROPERTY: INITIAL AND ONGOING RESPONSIBILITIES.

(a) With the proper authority, the initial steps after appointment as Professional Guardian are as follows:

1. Professional Guardians shall address all issues of the estate that require immediate action, which include, but are not limited to, securing all real and personal property, insuring it at current market value, and taking the steps necessary to protect it from damage, destruction, or loss.

a. Professional Guardians shall ascertain the income, assets, and liabilities of the Ward.

b. Professional Guardians shall ascertain the goals, needs, and preferences of the Ward.

c. Professional Guardians shall coordinate and consult with others close to the Ward.

2. Professional Guardians shall meet with Wards under guardianship as soon after the appointment as feasible. At the first meeting, Professional Guardians shall:

a. Communicate to the Ward the role of the Professional Guardian.

b. Outline the rights retained by the Ward and the grievance procedures available.

c. Assess the previously and currently expressed wishes of the Ward and evaluate them based on current acuity, and

d. Attempt to gather from the Ward any necessary information regarding the estate.

3. Professional Guardians shall become educated about the nature of any incapacity, condition, and functional capabilities of the Ward.

4. Professional Guardians shall develop and implement a budget for the management of income and assets that corresponds with the care plan for the Ward and aim to address the goals, needs, and preferences of the Ward. Professional Guardians of the property and the Professional Guardian of the Person (if one exists), or other health care decision-maker, shall communicate regularly and coordinate efforts with regard to the care and budget, as well as other events that might affect the Ward.

a. The budget shall include a listing of all of the Ward's known monthly income and assets. The budget shall also include a listing of all of the Ward's recurring monthly expenses, including but not limited to housing, clothing, medical, health insurance, entertainment, and transportation costs.

b. Professional Guardians shall prioritize the well-being of Wards over the preservation of the estate.

c. Professional Guardians shall maintain the goal of managing, but not necessarily eliminating, risks.

5. Professional Guardians shall assess the feasibility of pursuing all public and insurance benefits for which Wards may be eligible.

6. Professional Guardians shall thoroughly document the management of the estate and the carrying out of any and all duties required by statute or regulation.

7. Professional Guardians shall prepare an inventory of all property for which he or she is responsible. The inventory must list all the assets owned by Wards.

8. All accountings must contain sufficient information to clearly describe all significant transactions affecting administration during the accounting period. All accountings must be complete, accurate, and understandable.

9. Professional Guardians shall oversee the disposition of Wards' assets to qualify Wards for any public benefits program.

10. On the termination of the guardianship or the death of a Ward, Professional Guardians shall facilitate the appropriate closing of the estate and submit a final accounting to the court.

11. Professional Guardians may monitor, provide oversight, or manage the personal allowance of Wards.

12. Professional Guardians shall, when appropriate, open a burial trust account and/or make funeral arrangements for Wards.

(19) PROPERTY MANAGEMENT.

(a) Professional Guardians may not dispose of a Ward's real or personal property without giving notice to interested parties and getting Court approval.

(b) In the absence of evidence of a Ward's views before the appointment of a Professional Guardian, Professional

Guardians, having the proper authority, may not sell, encumber, convey, or otherwise transfer property of a ward, or an interest in that property, unless doing so is in the best interest of the Ward.

(c) In considering whether to dispose of a Ward's property, Professional Guardians shall consider the following:

1. Whether disposing of the property will benefit or improve the life of the Ward,

2. The likelihood that the Ward will need or benefit from the property in the future,

3. The previously expressed or current desires of the Ward with regard to the property,

4. The provisions of the Ward's estate plan as it relates to the property, if any,

5. The tax consequences of the transaction,

6. The impact of the transaction on the Ward's entitlement to public benefits,

7. The condition of the entire estate,

8. The ability of the Ward to maintain the property,

9. The availability and appropriateness of alternatives to the disposition of the property,

10. The likelihood that property may deteriorate or be subject to waste; and,

11. The benefits versus the liability and costs of maintaining the property.

(d) Professional Guardians shall consider the necessity for an independent appraisal of real and personal property.

(e) Professional Guardians shall provide for insurance coverage, as appropriate, for property in the estate.

(20) CONFLICT OF INTEREST: ESTATE, FINANCIAL, AND BUSINESS SERVICES

(a) Professional Guardians shall avoid all conflicts of interest and self-dealing when addressing the needs of Wards under guardianship. Impropriety or conflict of interest arises where a Professional Guardian has some personal or agency interest that can be perceived as self-serving or adverse to the position or best interest of a Ward. Self-dealing arises when the Professional Guardian seeks to take advantage of his or her position as a Professional Guardian and acts for his or her own interests rather than for the interests of a Ward.

(b) Standards relating to specific situations that might create an impropriety or conflict of interest include the following:

1. Professional Guardians shall not commingle personal or program funds with the funds of Wards, except as follows:

a. This standard does not prohibit Professional Guardians from consolidating and maintaining Wards' funds in joint accounts with the funds of other Wards.

b. If Professional Guardians maintain joint accounts, separate and complete accounting of each Ward's funds shall also be maintained by the Professional Guardian.

c. If the court allows the use of comingled accounts, they should be permitted only where Professional Guardians have available resources to keep accurate records of the exact amount of funds in the account, including allocation of interest and charges attributable to each estate based on the asset level of the Ward.

2. Professional Guardians may not sell, encumber, convey, or otherwise transfer a Ward's real or personal property or any interest in that property to himself or herself, a spouse, a coworker, an employee, a member of the board of the agency or corporate Professional Guardian, an agent, or an attorney, or any corporation or trust in which the Professional Guardian has a substantial beneficial interest.

3. Professional Guardians may not sell or otherwise convey a Ward's property from any of the parties noted in subparagraph (20)(b)2.

4. Professional Guardians may not loan or give money or objects of worth from a Ward's estate unless specific prior approval is obtained from the court.

5. Professional Guardians may not use a Ward's income and assets to support or benefit other individuals directly or indirectly unless specific prior approval is obtained from the court.

6. Professional Guardians may not borrow funds from a Ward.

7. Professional Guardians may not lend funds to a Ward unless there is prior notice of the proposed transaction to interested persons and others as directed by the court or agency administering the Ward's benefits, and the transaction is approved by the court.

8. Professional Guardians may not profit from any transactions made on behalf of a Ward's estate at the expense of the estate, nor may the Professional Guardian compete with the estate, unless prior approval is obtained from the court.

9. Professional Guardians shall not give anything of value associated with a guardianship referral.

(21) TERMINATION AND LIMITATION OF PROFESSIONAL GUARDIANSHIP

(a) Professional Guardians shall assist Wards under guardianship to develop or regain the capacity to manage their personal and financial affairs.

(b) Professional Guardians shall seek termination or limitation of the guardianship in the following circumstances:

1. When a Ward has developed or regained capacity in areas in which he or she was found incapacitated by the court,

2. When less restrictive alternatives exist,

3. When a Ward expresses the desire to challenge the necessity of all or part of the guardianship,

4. When a Ward has died, or

5. When a guardianship no longer benefits the Ward.

(22) PROFESSIONAL GUARDIANSHIP SERVICE FEES.

(a) Professional Guardians are entitled to reasonable compensation for their services.

(b) All fees related to the duties of the guardianship must be reviewed and approved by the court. Fees must be reasonable and be related only to guardianship duties.

(c) A Professional Guardian may not abandon a Ward when estate funds are exhausted.

(d) Fees or expenses charged by a Professional Guardian shall be documented through billings maintained by the Professional Guardian and they shall clearly and accurately state:

1. The date and time spent on a task,
2. The duty performed,
3. The expenses incurred,
4. The collateral contacts involved; and,
5. The identification of the individual who performed the duty (e.g., guardian, staff, volunteer).
6. All parties should respect the privacy and dignity of the person when disclosing information regarding fees.

(23) MANAGEMENT OF MULTIPLE PROFESSIONAL GUARDIANSHIP CASES.

Professional Guardians shall limit his or her caseload to allow the Professional Guardian to properly carry out his or her duties for each Ward within statutory guidelines.

Rulemaking Authority 744.2001(2)(b) FS. Law Implemented 744.2001(2)(b) FS. History—New

58M-2.011 Disciplinary Action and Guidelines.

(1) Purpose. Pursuant to section 744.20041, F.S., the Office of Public and Professional Guardians provides disciplinary guidelines in this rule for applicants or guardians over whom it has oversight. The purpose of this rule is to notify applicants and guardians of the range of penalties which will routinely be imposed, unless the Office of Public and Professional Guardians finds it necessary to deviate from the guidelines for the stated reasons given in this rule. The range of penalties are based upon a single count violation of each provision listed. Multiple counts of the violated provisions or a combination of the violations may result in a higher penalty. Each range includes the lowest and highest penalties that may be imposed for that violation. For applicants, all offenses listed in the Disciplinary Guidelines are sufficient for refusal to certify an application for registration. The Office of Public and Professional Guardians may find it necessary to deviate from the guidelines for the reasons stated in subsection (3) of this rule.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and guardians, the Office of Public and Professional Guardians shall act in accordance with

guidelines and shall impose a penalty within a range corresponding to the violations set forth in form DOEA/OPPG Form 003, Office of Public and Professional Guardians Disciplinary Guidelines (XXX 2016), incorporated herein by reference and available at <https://www.flrules.org/XXXXXXX>, unless the Office of Public and Professional Guardians finds it necessary to deviate from the guidelines for the stated reasons given in subsection (3) of this rule.

(3) The Office of Public and Professional Guardians shall take into consideration the danger to the public; the number of repetitions of offenses; the length of time since date of violation; the number of disciplinary actions taken against the guardian; the length of time the guardian has practiced; the actual damage, physical or otherwise, to the ward; the deterrent effect of the penalty imposed; any efforts for rehabilitation; and any other mitigating or aggravating circumstances in determining the appropriate disciplinary action to be imposed. Rulemaking Authority 744.20041 F.S. Law Implemented 744.20041 F.S. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jason Nelson
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeffrey Bragg
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2016
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 1, 2016

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.004
RULE TITLE: Manner of Application
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 149, August 2, 2016 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the board at a public meeting held August 19, 2016. The changes are as follows:

64B13-4.004 Manner of Application

(1) Licensure as Certified Optometrist” number DH-MQA 1128 (07/16 2/2014), which is hereby incorporated by reference and can be obtained from the board office or at <http://www.floridaoptometry.gov>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04461>. All applications for licensure as a certified optometrist shall include the application fee as specified in subsection 64B13-6.001(5)(7), F.A.C., ~~the department administrative cost as specified in Rule 64B-1.016, F.A.C.,~~ and the initial licensure fee as specified in subsection 64B13-6.001(1), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule.

(2) through (3) No change.

Rulemaking Authority ~~456.013, 463.005, 463.006(2), 463.013~~ FS. Law Implemented 456.013, 456.0635, 463.002(3)(c), 463.006(1)(b), (2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03, 11-16-05, 10-30-08, 8-30-09, 10-18-10, 9-8-13, 2-27-14, 8-12-14, 7-13-16.

The following changes have been made to incorporated form DH-MQA 1128, 07/16:

The spacing between the words in the headings has been corrected.

The request for certified or notarized documentation has been deleted.

The quotation marks around “yes” have been corrected.

“You” was changed to “your.”

Punctuation was added to the end of the paragraph.

The language regarding social security numbers has been changed consistent with Section 456.013(1)(b), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER16-54
RULE TITLE: MEGA MILLIONS®

SUMMARY: This emergency rule replaces Emergency Rule 53ER13-70 and sets forth the provisions for the conduct of MEGA MILLIONS®.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER16-54 MEGA MILLIONS®.

(1) Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

(a) *Advertised Jackpot Prize*- The estimated annuitized Jackpot Prize amount as determined by the Mega Millions Lotteries prior to the Jackpot Prize drawing. The “Advertised Jackpot Prize” is not a guaranteed prize amount and the actual Jackpot Prize amount may vary from the advertised amount, except in circumstances where there is a guaranteed Jackpot Prize amount as described in paragraph (8)(e).

(b) *Drawing*- refers collectively to the formal draw event for randomly selecting the winning indicia that determine the number of winners for each prize level of the MEGA MILLIONS® game. Winning indicia include the Winning Numbers for the MEGA MILLIONS game.

(c) *Jackpot Prize*- The top prize in the MEGA MILLIONS game.

(d) *Mega Millions Lottery or Lotteries*- Lotteries that have joined under the Mega Millions Lottery Agreement; the group of lotteries that has reached a Cross-Selling Agreement with the MUSL Product Group for the selling of the MEGA MILLIONS Game.

(e) *MUSL*- The Multi-State Lottery Association.

(f) *MUSL Board*- The governing body of the MUSL.

(g) *Play*- The six numbers, the first five chosen from a field of seventy-five numbers and the last one chosen from a field of fifteen numbers, that appear on a ticket as a single lettered selection to be played by a player in the MEGA MILLIONS game.

(h) *Product Group*- The group of lotteries that has joined together to offer the MEGA MILLIONS lottery game under the terms of its Cross-Selling Agreement with the Mega Millions Lotteries, the MUSL Agreement and the MUSL Mega Millions Product Group rules.

(i) *Selling or Participating Lotteries*- A state lottery that is participating in selling the MEGA MILLIONS game and that may be a member of either MUSL or the Mega Millions Lotteries.

(j) *Set Prize*- All prizes except the Jackpot Prize and, except as set forth in paragraph (9)(i), will be equal to the prize amount established by the Product Group for the prize level.

(k) *Winning Numbers*- The indicia randomly selected during a drawing event which shall be used to determine winning Plays for the MEGA MILLIONS game contained on a ticket.

(2) How to Play MEGA MILLIONS.

(a) MEGA MILLIONS is a multi-state lottery draw game (also known as an online lottery game) which is offered to players in Florida by the Florida Lottery via authorized Florida Lottery retailers. In MEGA MILLIONS, players select five numbers from a field of one through seventy-five and one number (the “Mega Ball”) from a separate field of one through fifteen.

(b) Players may make their ticket selections by marking a play slip or by telling the retailer their desired selections. There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five numbers in the upper play area and one number in the lower play area from each panel played. Players may also mark the “QP” (Quick Pick) box located at the bottom of each play area for the terminal to randomly select one or more numbers from the applicable play area. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first five of the six numbers appearing in a single horizontal row on a ticket shall be the numbers selected from the upper play area of the play slip, and the last number shall be the number selected from the lower play area of the play slip.

(c) Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(d) Advance Play. Players may play up to twenty-six consecutive drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of available drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance play is not available with Jackpot Combo. In the event that a planned change in the MEGA MILLIONS game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery’s website.

(e) Jackpot Combo. Players may elect to play “Jackpot Combo” by marking the “Jackpot Combo \$5” box on the play slip or by telling the retailer. Players will receive three Quick Pick tickets for the next available drawing consisting of one \$2.00 FLORIDA LOTTO® with XTRA ticket, one \$2.00 POWERBALL® ticket and one \$1.00 MEGA MILLIONS® ticket. Tickets in Jackpot Combo play cannot be player selected and cannot be canceled.

(f) For an additional \$1.00 per play, players may mark the Megaplier® box to multiply the second through ninth prizes. Megaplier will apply to all panels and advance play marked.

(3) Drawings.

(a) MEGA MILLIONS drawings shall be conducted by the MEGA MILLIONS Lotteries two times per week, on Tuesdays and Fridays, at approximately 11:00 p.m. Eastern Time (ET).

(b) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket must match the official MEGA MILLIONS Winning Numbers in any order for the drawing date for which the ticket was purchased, in one of the following combinations:

(a) Jackpot Prize: Five numbers selected from the first set of balls plus the number selected from the second set of balls.

(b) Second Prize: Five numbers selected from the first set of balls and not the number selected from the second set of balls.

(c) Third Prize: Four numbers selected from the first set of balls plus the number selected from the second set of balls.

(d) Fourth Prize: Four numbers selected from the first set of balls and not the number selected from the second set of balls.

(e) Fifth Prize: Three numbers selected from the first set of balls plus the number selected from the second set of balls.

(f) Sixth Prize: Three numbers selected from the first set of balls and not the number selected from the second set of balls.

(g) Seventh Prize: Two numbers selected from the first set of balls plus the number selected from the second set of balls.

(h) Eighth Prize: One number selected from the first set of balls plus the number selected from the second set of balls.

(i) Ninth Prize: No numbers selected from the first set of balls and the number selected from the second set of balls.

(5) Limited to Highest Prize Won. The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn, and shall be entitled only to the prize won by those numbers in the highest matching prize category. All liabilities for a MEGA MILLIONS prize are discharged upon payment of a prize claim.

(6) Odds of Winning.

(a) The odds of winning the prizes described in subsection (4) are as follows:

1. Jackpot Prize- 1: 258,890,850.00

2. Second Prize- 1: 18,492,203.57

3. Third Prize- 1: 739,688.14

4. Fourth Prize- 1: 52,834.87

5. Fifth Prize- 1: 10,720.12

6. Sixth Prize- 1: 765.75

7. Seventh Prize- 1: 472.95

8. Eighth Prize- 1: 56.47

9. Ninth Prize- 1: 21.39

(b) The overall odds of winning a prize in a MEGA MILLIONS drawing are 1:14.71.

(7) MEGA MILLIONS Prize Pool.

(a) The MEGA MILLIONS Prize Pool for all prize categories shall consist of up to fifty-five percent of each drawing period's sales. The MEGA MILLIONS Prize Pool shall be funded in accordance with criteria set by the Product Group.

(b) Expected Prize Payout Percentages. The Jackpot Prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as set prizes with the following expected prize payout percentages, although the actual prize payout percentage per drawing will vary by drawing.

<u>Match</u>	<u>Prize Category</u>	<u>Prize Payment</u>	<u>Estimated Percentage of Prize Pool Allocated to Prize</u>
<u>Five first set numbers and the one number of the second set</u>	<u>Jackpot Prize</u>	<u>Jackpot Prize</u>	<u>65.154%</u>
<u>Five first set numbers and none of the second set</u>	<u>Second Prize</u>	<u>\$1,000,000</u>	<u>10.815%</u>
<u>Four first set numbers and the one number of the second set</u>	<u>Third Prize</u>	<u>\$5,000</u>	<u>1.352%</u>
<u>Four first set numbers and none of the second set</u>	<u>Fourth Prize</u>	<u>\$500</u>	<u>1.893%</u>
<u>Three first set numbers and the one number of the second set</u>	<u>Fifth Prize</u>	<u>\$50</u>	<u>0.933%</u>
<u>Three first set numbers and none of the second set</u>	<u>Sixth Prize</u>	<u>\$5</u>	<u>1.306%</u>
<u>Two first set numbers and the one number of the second set</u>	<u>Seventh Prize</u>	<u>\$5</u>	<u>2.114%</u>
<u>One first set number and the one number of the second set</u>	<u>Eighth Prize</u>	<u>\$2</u>	<u>7.083%</u>
<u>None of the first set numbers and the one number of the second set</u>	<u>Ninth Prize</u>	<u>\$1</u>	<u>9.350%</u>

(c) Prize money allocated to the Jackpot Prize category will be divided equally by the number of Plays determined to be winners of the Jackpot Prize.

(d) The number of plays determined to be winners of the Second through Ninth Prize levels will be paid as Set Prizes,

except as provided in paragraph (9)(i) below. If all or any portion of the set prize pool is not awarded in the current MEGA MILLIONS drawing, that portion of the set prize pool shall be carried forward to subsequent MEGA MILLIONS drawings.

(e) Any interest or earnings accrued on a MEGA MILLIONS Set Prize prior to prize payment shall accrue to MUSL and not to the winner.

(8) MEGA MILLIONS Jackpot Prize.

(a) The prize money available in the Jackpot Prize pool will be divided equally among all Jackpot prize winning Plays in all Participating Lotteries. Neither MUSL, Mega Millions Lotteries nor the Florida Lottery shall be responsible or liable for the difference between the Advertised or estimated Jackpot Prize amount and the actual Jackpot Prize amount after the prize payment method is known to MUSL and Mega Millions Lotteries.

(b) Players can choose one of two payment options for receiving their portion of the MEGA MILLIONS Jackpot Prize. Payment options are "Cash Option" and "Annual Payment." Jackpot Prize winners have sixty days after the winning draw date to choose between the two payment options. Once the Jackpot Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed except as provided in subparagraph (8)(d) 4. below.

(c) Cash Option Payment.

The Cash Option amount offered shall be the Grand Prize annuity amount as determined by the Mega Millions Lotteries, divided by a rate established by the Mega Millions Finance Committee prior to each drawing, divided by the number of total Jackpot Prize winning plays. In order to select the Cash Option, the Jackpot Prize winner must submit his or her ticket for payment within sixty days after the winning draw date. If the Jackpot Prize winner does not elect the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in subparagraph (8)(d)2. below. A Jackpot Prize winner who chooses the Cash Option payment will be paid in a single cash payment, less applicable federal income tax withholding.

(d) Annual Payment Option.

1. The prize amount of a Jackpot Prize winner electing the Annual Payment option shall be the Annuitized Jackpot Prize amount, as determined by the Mega Millions lotteries, divided by the number of total Jackpot Prize winning Plays. If a Jackpot Prize winner elects the Annual Payment option, his or her share of the Jackpot Prize will be paid in thirty graduated annual installments, each less applicable withholding taxes. The Florida Lottery will make the initial and any subsequent payments of a prize upon receipt of funds for such prize from MUSL. The initial payment shall be paid upon completion of

internal validation procedures. The subsequent twenty-nine payments shall be paid annually to coincide with the month of the Federal auction date at which the bonds were purchased to fund the annuity. Payments shall escalate by a factor of five percent annually, and annual payments shall be rounded down to the nearest even one thousand dollar increment. All such payments shall be made within seven days of the anniversary of the annual auction date.

2. If individual winners' shares of the cash held to fund Annual Payments are less than \$250,000.00, the Product Group is authorized to pay the winners their share of the cash held in the Jackpot Prize pool.

3. Annuitized payment of the Jackpot Prize or a share of the Jackpot Prize will be rounded to facilitate the purchase of an appropriate funding mechanism. Rounding differences on an annuitized Jackpot Prize win shall be added to the first cash payment to the winner or winners. Prizes other than the Jackpot Prize, which under this rule may become single-payment, pari-mutuel prizes, will be rounded down so that prizes can be paid in multiples of whole dollars. Rounding differences resulting from rounding these prizes shall be carried forward to the MEGA MILLIONS Prize Pool for the next drawing.

4. In the event of the death during the annuity payment period of a MEGA MILLIONS winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may file a petition with the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate. Such petition will be forwarded by the Florida Lottery to MUSL for processing. MUSL will decide, in its sole discretion, whether or not to grant the payment, and if so, the form of such payment, whether in securities or cash.

(e) Guaranteed Minimum Jackpot Prize. The minimum guaranteed annuity MEGA MILLIONS Jackpot Prize amount is \$15 million and each successive Jackpot Prize in the same roll cycle will be at least \$5 million more than the previously established Jackpot.

(f) Jackpot prizes won, including guaranteed Jackpot prizes, shall be funded by the Selling Lotteries in accordance with the formula set by the Mega Millions Lotteries.

(g) If the Jackpot Prize is not won in a drawing, the prize money allocated for the Jackpot Prize shall roll over and be added to the Jackpot Prize pool for the following drawing.

(h) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(i) Any interest or earnings accrued on a MEGA MILLIONS Jackpot Prize prior to prize payment shall accrue to MUSL and not to the winner.

(9) MEGA MILLIONS Megaplier®.

(a) The Megaplier Prize Pool. The Megaplier® Prize Pool for Megaplier prize categories shall consist of up to fifty-five percent of each drawing period's sales. The Megaplier Prize Pool shall be funded in accordance with criteria set by the Product Group. The actual prize payout percentage per drawing will vary by drawing. The Megaplier Prize Pool shall be carried forward to subsequent drawings if all or a portion of it is not needed to pay the Megaplier prizes awarded in the current drawing.

(b) The Megaplier option shall be available in association with the MEGA MILLIONS game. At the time of purchasing a ticket, a player may choose the Megaplier feature for an additional \$1.00 per play for each play on the MEGA MILLIONS ticket to increase the guaranteed prize amount for the second through ninth tier prizes. The MEGA MILLIONS Jackpot Prize is not eligible for increase under the Megaplier option.

(c) Megaplier Drawing. A separate random Megaplier drawing will occur before every MEGA MILLIONS drawing to determine one multiplier number for that drawing, which will be a 2, 3, 4, or 5. The multiplier number drawn will be used to multiply the value of the prizes for the second through ninth tiers. In the event the multiplier drawing does not occur prior to the MEGA MILLIONS drawing, the multiplier number will be a 5. The multiplier number may also be referred to as the Megaplier number.

(d) The following table sets forth the probability of the various multiplier numbers being drawn during a single Megaplier drawing.

Multiplier	Probability of Prize Increase
5	6 in 15
4X	3 in 15
3X	4 in 15
2X	2 in 15
Multiplier numbers do not apply to the MEGA MILLIONS Jackpot Prize	

(e) Application of multiplier number.

1. Second through Ninth Prizes. The multiplier number selected is the number that is used to increase the prize amount for the Second through Ninth Prizes. A Second through Ninth Prize winner who purchases the Megaplier feature with his or her MEGA MILLIONS ticket shall be paid a prize in the amount of the set prize amount multiplied by the multiplier number for that drawing.

2. Jackpot Prize. The Megaplier feature does not apply to the Jackpot Prize.

(f) The Product Group is authorized to conduct sales promotions in which the multiplier features are changed.

(g) MEGA MILLIONS tickets that win the Second through Ninth Prizes with the Megaplier option will pay the amounts shown below:

Mat ch	Prize	Without Megaplier	With Megaplier 2X	With Megaplier 3X	With Megaplier 4X	With Megaplier 5X
Mat ch 5+0	Second	\$1,000,000	\$2,000,000	\$3,000,000	\$4,000,000	\$5,000,000
Mat ch 4+1	Third	\$5,000	\$10,000	\$15,000	\$20,000	\$25,000
Mat ch 4+0	Fourth	\$500	\$1,000	\$1,500	\$2,000	\$2,500
Mat ch 3+1	Fifth	\$50	\$100	\$150	\$200	\$250
Mat ch 3+0	Sixth	\$5	\$10	\$15	\$20	\$25
Mat ch 2+1	Seventh	\$5	\$10	\$15	\$20	\$25
Mat ch 1+1	Eighth	\$2	\$4	\$6	\$8	\$10
Mat ch 0+1	Ninth	\$1	\$2	\$3	\$4	\$5

(h) If, with respect to a single MEGA MILLIONS drawing, the total of the MEGA MILLIONS Set Prizes and the Megaplier prizes awarded in a drawing exceeds the percentage of the prize pools allocated to the Set Prizes, and there are insufficient funds from all sources to pay the Set Prizes for a particular MEGA MILLIONS drawing (including Megaplier prize amounts), then the highest Set Prize (including the Megaplier prize amount) shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid on a pari-mutuel basis, drops to or below the next highest Set Prize and there are still not sufficient funds to pay the remaining Set Prizes, the next highest Set Prize, including the Megaplier prize amount, shall become a pari-mutuel prize. This procedure shall continue down through all Set Prize levels, if necessary, until all Set Prize levels become pari-mutuel. MEGA MILLIONS and Megaplier prizes will be reduced by the same percentage.

(i) MEGA MILLIONS set prizes that become pari-mutuel will be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next MEGA MILLIONS drawing.

(j) MEGA MILLIONS with Megaplier prizes shall be paid in single, lump-sum payment, less any applicable federal income tax withholding.

(10) MEGA MILLIONS Rules and Prohibitions.

(a) By purchasing a MEGA MILLIONS ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) Florida MEGA MILLIONS prizes shall be claimed only through a Florida Lottery retailer or Lottery office beginning on the day following the drawing. The Florida Lottery is not authorized to accept claims or pay prizes for MEGA MILLIONS tickets purchased in other jurisdictions. MEGA MILLIONS prize payments shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer’s hours of operation and on-line system availability, MEGA MILLIONS lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, ET. Ticket sales for a specific MEGA MILLIONS drawing will close at 10:00 p.m., ET, on the night of the drawing. Any ticket sold after the close of game will be printed with the next MEGA MILLIONS drawing date.

(d) MEGA MILLIONS tickets cannot be canceled.

(11) The effective date of this emergency rule is October 18, 2016.

Rulemaking Authority 24.105(9)(a), (b), (c), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c) (e), (f), (h), 24.115(1), 24.124(1) FS. History—New 10-18-16, Replaces 53ER13-70.

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: 10-18-16.

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER16-55
RULE TITLE: POWERBALL®

SUMMARY: This emergency rule sets forth the provisions for the conduct of the lottery draw game, POWERBALL®, and replaces Rule 53ER16-10, F.A.C.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER16-55 POWERBALL®.

(1) Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

(a) Advertised Jackpot Prize – The estimated annuitized Jackpot Prize amount as determined by MUSL prior to the Jackpot Prize drawing. The “Advertised Jackpot Prize” is not a guaranteed prize amount and the actual Jackpot Prize amount may vary from the advertised amount, except in circumstances where there is a guaranteed Jackpot Prize amount as described in paragraph (8)(e).

(b) Drawing – refers collectively to the formal draw event for randomly selecting the winning indicia that determine the number of winners for each prize level of the POWERBALL® game and the Power Play® multiplier. Winning indicia include the Winning Numbers for the POWERBALL game, and the Power Play multiplier.

(c) Jackpot Prize – The top prize in the POWERBALL game.

(d) MUSL – The Multi-State Lottery Association.

(e) MUSL Board – The governing body of the MUSL.

(f) Product Group (“Product Group”) – The group of lotteries that have joined together to offer the POWERBALL lottery game under the terms of the MUSL Agreement and MUSL Powerball Product Group rules.

(g) Play – The six numbers, the first five chosen from a field of sixty-nine numbers and the last one chosen from a field of twenty-six numbers, that appear on a ticket as a single lettered selection to be played by a player in the POWERBALL game.

(h) Set Prize – All prizes except the Jackpot Prize and, except as set forth in paragraphs (10)(g) and (h), will be equal to the prize amount established by the Product Group for the prize level.

(i) “Winning Numbers” means the indicia randomly selected during a drawing which shall be used to determine winning Plays for the POWERBALL game contained on a ticket.

(2) How to Play POWERBALL.

(a) POWERBALL is a multi-state lottery draw game (also known as an online lottery game) which is offered to players in Florida by the Florida Lottery via authorized Florida Lottery retailers. In POWERBALL, players select five numbers from a field of one through sixty-nine and one Powerball number from a separate field of one through twenty-six for each Play.

(b) Players may make their POWERBALL ticket selections by marking a play slip or by telling the retailer their desired selections. There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$2.00 per Play, per drawing. Players may mark their desired numbers on the play slip by selecting six numbers (five in the upper play area and one in the lower play area) from each panel played. Players may also mark the “QP” (Quick Pick) box located at the bottom of each play area for the terminal to randomly select any or all of the six numbers from

either or both play areas. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first five of the six numbers appearing in a single horizontal row on a POWERBALL ticket shall be the numbers selected from the upper play area of the play slip, and the last number shall be the Powerball number selected from the lower play area of the play slip.

(c) Players must use only blue or black ink or pencil for making selections. Play slips may be processed through a Florida Lottery full service vending machine or processed by a retailer to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(d) Advance Play. Players may play up to fifty-two consecutive POWERBALL drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. In the event that a planned change in the POWERBALL game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery’s website. Advance play is not available with Jackpot Combo.

(e) Jackpot Combo. Players may elect to play “Jackpot Combo” by marking the “Jackpot Combo \$5” box on the play slip or by telling the retailer. Players will receive three Quick Pick tickets for the next available drawing consisting of one (1) \$2.00 FLORIDA LOTTO® with XTRA ticket, one \$2.00 POWERBALL® ticket and one \$1.00 MEGA MILLIONS® ticket. Tickets in Jackpot Combo play cannot be player selected and cannot be canceled.

(f) For an additional \$1.00 per Play, players may mark the Power Play box to increase the second through ninth prizes. Power Play will apply to all panels and advance play marked.

(3) POWERBALL Drawings.

(a) POWERBALL drawings to determine the Winning Numbers shall be conducted by MUSL two times per week, on Wednesday and Saturday, at approximately 10:59 p.m. (ET).

(b) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official Winning Numbers.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket must match the official POWERBALL Winning Numbers in any order for the drawing date for which the ticket was purchased, in one of the following combinations:

(a) Jackpot Prize: Five numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(b) Second Prize: Five numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(c) Third Prize: Four numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(d) Fourth Prize: Four numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(e) Fifth Prize: Three numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(f) Sixth Prize: Three numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(g) Seventh Prize: Two numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(h) Eighth Prize: One number selected from the first set of balls plus the Powerball number selected from the second set of balls.

(i) Ninth Prize: No numbers selected from the first set of balls and the Powerball number selected from the second set of balls.

(5) Limited to Highest Prize Won. The holder of a winning ticket may win only one prize per Play in connection with the Winning Numbers drawn and shall be entitled only to the prize won by those numbers in the highest matching prize category. All liabilities for a POWERBALL prize are discharged upon payment of a prize claim.

(6) POWERBALL Odds of Winning.

(a) The odds of winning the prizes described in subsection (4) are as follows:

1. Jackpot Prize – 1: 292,201,338.0000
2. Second Prize – 1: 11,688,053.5200
3. Third Prize – 1: 913,129.1813
4. Fourth Prize – 1:36,525.1673
5. Fifth Prize – 1:14,494.1140
6. Sixth Prize – 1:579.7646
7. Seventh Prize – 1:701.3281
8. Eighth Prize – 1:91.9775
9. Ninth Prize – 1:38.3239

(b) The overall odds of winning a prize in a POWERBALL drawing are 1:24.8671.

(7) POWERBALL Prize Pool.

(a) The POWERBALL Prize Pool for all prize categories shall consist of fifty percent of each drawing period’s sales. The POWERBALL Prize Pool shall be funded in accordance with criteria set by the Product Group.

(b) Expected Prize Payout Percentages. The Jackpot Prize payout shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as Set Prizes with the following expected prize payout percentages, although the actual prize payout percentage per drawing will vary by drawing.

	Prize	Prize	Estimated Percentage of Prize Pool Allocated to Prize Category
Match Five first set numbers and the Powerball number	Jackpot Prize	Jackpot Prize	68.0131%
Five first set numbers	Second Prize	\$1,000,000	8.5558%
Four first set numbers and the Powerball number	Third Prize	\$50,000	5.4757%
Four first set numbers	Fourth Prize	\$100	0.2738%
Three first set numbers and the Powerball number	Fifth Prize	\$100	0.6899%
Three first set numbers	Sixth Prize	\$7	1.2074%
Two first set numbers and the Powerball number	Seventh Prize	\$7	0.9981%
One first set number and the Powerball number	Eighth Prize	\$4	4.3489%
The Powerball number	Ninth Prize	\$4	10.4373%

(c) Prize money allocated to the Jackpot Prize category will be divided equally by the number of Plays determined to be winners of the Jackpot Prize.

(d) The number of Plays determined to be winners of the second through ninth prize categories will be paid as Set Prizes, except as provided in paragraphs (10)(g) and (h), below. If all or any portion of the Set Prize pool is not awarded in the current POWERBALL drawing, that portion of the Set Prize pool shall be carried forward to subsequent POWERBALL drawings.

(e) Any interest or earnings accrued on a POWERBALL Set Prize prior to prize payment shall accrue to MUSL and not to the winner.

(8) POWERBALL Jackpot Prize Payment.

(a) Shares of the Jackpot Prize shall be determined by dividing the funds available in the Jackpot Prize pool equally among all winning plays of the Jackpot Prize. Neither MUSL nor the Florida Lottery shall be responsible or liable for the difference between the Advertised or estimated Jackpot Prize amount and the actual Jackpot Prize amount after the prize payment method is known to MUSL.

(b) Players can choose one of two payment options for receiving their portion of the POWERBALL Jackpot Prize. Payment options are “Cash Option” (which may be referred to as a “single lump sum payment”) and “Annual Payment.” Jackpot Prize winners have sixty days after the winning draw date to choose between the two payment options. Once the Jackpot Prize winner signs the Winner Claim Form, files a claim and exercises the winner’s chosen option, the election of

that option shall be final and cannot be revoked, withdrawn or otherwise changed except as provided in subparagraph (8)(d)6., below.

(c) Cash Option Payment.

If the Jackpot Prize is not a guaranteed amount, the Cash Option amount offered shall be the cash amount available in the Jackpot Prize pool divided by the number of winners. If the Jackpot Prize is a guaranteed amount, the Cash Option amount offered shall be determined as set forth in subparagraphs (8)(e) 2. and 3., as applicable. In order to select the Cash Option, the Jackpot Prize winner must submit his or her ticket for payment within sixty days after the winning draw date. If the Jackpot Prize winner does not elect the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in subparagraph (8)(d)4., below. A Jackpot Prize winner who chooses the Cash Option payment will receive his or her share in a single lump sum payment, less applicable federal income tax withholding.

(d) Annual Payment Option.

1. If a Jackpot Prize winner elects the Annual Payment option, his or her share of the Jackpot Prize will be paid in thirty graduated annual installments that will increase by a rate determined by the Product Group, less applicable federal income tax withholding.

2. The Florida Lottery will make the initial annual payment of a prize and all further annual payments upon receipt of funds from MUSL.

3. The amount of the annual prize payment shall be determined by multiplying the winner's share of the Jackpot Prize pool by a process as approved by the MUSL Board. MUSL shall purchase and hold the investments to fund the Jackpot Prize winner's annual prize payments.

4. If the winner's share of the Jackpot Prize is less than \$250,000, the Product Group is authorized to pay such winner their Grand Prize share in one lump sum payment, without regard either to the winner's choice of prize payment method or to whether the winner claimed the Grand Prize share more than sixty days after the drawing.

5. Annuitized payment of the Jackpot prize or a share of the Jackpot prize will be rounded down to the nearest one thousand dollars (\$1,000) to facilitate the purchase of an appropriate funding mechanism. Rounding differences on an annuitized Jackpot prize win shall be added to the first payment to the winner or winners. Prizes other than the Jackpot prize, which become single-payment, pari-mutuel prizes, will be rounded down so that prizes can be paid in multiples of whole dollars. Rounding differences resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

6. In the event of the death during the annuity payment period of a POWERBALL winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may make a written request to the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate. Such request will be forwarded by the Florida Lottery to MUSL for processing. MUSL will decide, in its sole discretion, whether or not to grant the payment, and if so, the form of such payment, whether in securities or cash.

(e) Guaranteed Minimum Jackpot Prize. The minimum guaranteed annuity Jackpot Prize amount is \$40 million and each successive Jackpot Prize in the same roll cycle will be at least \$10 million more than the previously established jackpot. When the Jackpot Prize is won at the guaranteed minimum, the Jackpot Prize shares shall be determined as follows:

1. If there are multiple Jackpot Prize winners during a single drawing, each selecting the Annual Payment option, then a winner's share of the guaranteed Jackpot Prize shall be determined by dividing the guaranteed minimum Jackpot Prize by the number of winning plays.

2. If there are multiple Jackpot Prize winners during a single drawing and at least one of the Jackpot Prize winners has elected the Annual Payment option, then the MUSL Annuity Factor shall be utilized to determine the cash pool. The cost of the annuitized prize(s) will be determined at the time the annuity is purchased through a process as approved by the MUSL Board.

3. If no winner of the Jackpot Prize during a single drawing has elected the Annual Payment option, then the amount of cash in the Jackpot Prize pool shall be an amount equal to the guaranteed minimum amount divided by the MUSL Annuity Factor.

(f) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(g) Any interest or earnings accrued on a POWERBALL Jackpot Prize prior to prize payment shall accrue to MUSL and not to the winner.

(h) If the Jackpot Prize is not won in a drawing, the prize money allocated for the Jackpot Prize shall roll over and be added to the Jackpot Prize pool for the following drawing.

(9) Set Prize Payment. Set Prizes shall be paid in a single cash payment, less any applicable federal income tax withholding.

(10) Power Play®.

(a) Power Play Prize Pool. The Power Play Prize Pool for all Power Play prize categories shall consist of fifty percent of each drawing period's sales. The Power Play Prize Pool shall be funded in accordance with criteria set by the Product Group. The actual prize payout percentage per drawing will vary by

drawing. The Power Play Prize Pool shall be carried forward to subsequent drawings if all or a portion of it is not needed to pay the Power Play prizes awarded in the current drawing.

(b) The Power Play option shall be available in association with the POWERBALL game. At the time of purchasing a POWERBALL ticket, a player may choose the Power Play option for an additional \$1.00 per play for each play on the POWERBALL ticket to increase the guaranteed prize amount for the second through ninth tier prizes. The POWERBALL Jackpot Prize will not be eligible for increase under the Power Play option.

(c) Power Play Drawing. A separate, random Power Play drawing will be conducted and the results announced during each of the regular POWERBALL drawings. In each Power Play drawing, the number 2, 3, 4, 5 or 10 shall be drawn (the Power Play number, sometimes called the multiplier number). When the initially Advertised Jackpot Prize for a drawing is \$150 million or less, the possible Power Play numbers included in the Power Play drawing will be 2, 3, 4, 5 and 10. When the initially Advertised Jackpot Prize for a drawing is greater than \$150 million, the possible Power Play numbers included in the Power Play drawing will be 2, 3, 4 and 5. The Power Play number drawn will increase the value of the prizes for the second tier as provided below. The Power Play number will be used to multiply the value of the prizes for the third through ninth tiers.

(d) The following table sets forth the probability of the various Power Play numbers being drawn during a single Power Play drawing.

When the 10X Power Play is available:		
Multiplier	Probability of Prize Increase	Chance of Occurrence
10X	1 in 43	2.3255%
5X	2 in 43	4.6512%
4X	3 in 43	6.9767%
3X	13 in 43	30.2326%
2X	24 in 43	55.8140%

When the 10X Power Play is not available:		
Multiplier	Probability of Prize Increase	Chance of Occurrence
10X	0 in 42	0.00%
5X	2 in 42	4.7619%
4X	3 in 42	7.1429%
3X	13 in 42	30.9523%
2X	24 in 42	57.1429%

(e) Application of Power Play Number.

1. Second Prize. The Power Play number selected increases the Second Prize for a winning POWERBALL with Power Play ticket to \$2,000,000.00, except as provided in paragraphs (10)(g) and (h).

2. Third through Ninth Prizes. The Power Play number selected increases the prize amount for the Third through Ninth Prizes. A Third through Ninth Prize winner who purchased the Power Play feature with his or her POWERBALL ticket shall

be paid a prize in the amount of the Set Prize amount multiplied by the Power Play number for that drawing.

3. Jackpot Prize. The Power Play feature does not apply to the Jackpot Prize.

(f) POWERBALL tickets that win the Second through Ninth Prizes with the Power Play option will pay the amounts shown below:

Match	Prize	Without Power Play	With Power Play 2X	With Power Play 3X	With Power Play 4X	With Power Play 5X	With Power Play 10X
Match 5+0	Second	\$1,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Match 4+1	Third	\$50,000	\$100,000	\$150,000	\$200,000	\$250,000	\$500,000
Match 4+0	Fourth	\$100	\$200	\$300	\$400	\$500	\$1,000
Match 3+1	Fifth	\$100	\$200	\$300	\$400	\$500	\$1,000
Match 3+0	Sixth	\$7	\$14	\$21	\$28	\$35	\$70
Match 2+1	Seventh	\$7	\$14	\$21	\$28	\$35	\$70
Match 1+1	Eighth	\$4	\$8	\$12	\$16	\$20	\$40
Match 0+1	Ninth	\$4	\$8	\$12	\$16	\$20	\$40

(g) If, with respect to a single POWERBALL drawing, the total of the POWERBALL Set Prizes and the Power Play prizes awarded in a drawing exceeds the percentage in the prize pools allocated to the Set Prizes and the Power Play prizes and there are insufficient funds from all sources to pay the Set Prizes for a particular POWERBALL drawing and the associated Power Play prizes, the highest Set Prize, including the Power Play prize amounts, shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid as a pari-mutuel prize, is less than or equal to the next highest Set Prize and there are still not sufficient funds to pay the remaining prizes, the next highest Set Prize, including the Power Play prize amounts, shall become a pari-mutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding Set Prize level shall be converted to a pari-mutuel prize, in order, until all Set Prizes become pari-mutuel. In that instance, the money available from the funding sources shall be divided among the winning Plays in proportion to their respective prize percentages. POWERBALL and Power Play prizes will be reduced by the same percentage.

(h) When the POWERBALL Set Prizes become pari-mutuel, the POWERBALL Set Prize amounts will be less than the amount shown in paragraph (7)(b) above, and the Power Play prizes shall be changed to an amount announced after the drawing.

(i) Power Play Set Prizes which become pari-mutuel will be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next drawing.

(j) All Power Play prizes shall be paid in a single lump-sum payment, less any applicable federal income tax withholding.

(11) POWERBALL Rules and Prohibitions.

(a) By purchasing a POWERBALL ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) Florida POWERBALL prizes shall be claimed only through a Florida Lottery retailer (for prizes less than \$600) or Lottery office beginning on the first business day following the drawing. The Lottery is not authorized to accept claims or pay prizes for POWERBALL tickets purchased in other jurisdictions. POWERBALL prize payments shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer’s hours of operation and on-line system availability, POWERBALL lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight (ET). Ticket sales for a specific POWERBALL drawing will close at 10:00 p.m. (ET), on the night of the drawing. Any ticket sold after the close of game will be printed with the next POWERBALL drawing date.

(d) POWERBALL tickets cannot be canceled.

(12) The effective date of this rule is October 19, 2016.

Rulemaking Authority 24.105(9)(a), (b), (c), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c) (e), (f), (h), 24.115(1), 24.124(1) FS. History—New 10-19-16. Replaces 53ER16-10.

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: 10-19-16.

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

NOTICE IS HEREBY GIVEN that on October 11, 2016, the South Florida Water Management District (SFWMD), received a petition for Variance (Application No. 161011-9) from Southport Ranch Mitigation Bank, PO Box 540285, Orlando, FL 32854, for its mitigation bank located in Osceola County, Sections 21-23, 25-27, 34-36, Township 27 South, Range 29 East and Sections 30, 31, Township 27 South, Range 30 East. The Petition seeks relief from Section 4.4.10.5 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District to waive the requirement that it provide proof of financial responsibility for long term management of its mitigation bank through a fully funded trust fund agreement. The Petition requests

authorization to use an escrow account established with the Florida Department of Financial Services in lieu of the required trust fund agreement. Any interested person or other agency may submit written comments on the Petition within 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Regulation Division, during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406; by telephone at (561)682-6911; by e-mail at permits@sfwmd.gov or by accessing the District’s website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on October 17, 2016, the The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code from Sun on The Beach located in Kissimmee. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink.

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-818.016 Consideration of Recipient's Request for Land Exchanges

NOTICE IS HEREBY GIVEN that on October 13, 2016, the Department of Environmental Protection, received a petition for Waiver of paragraph 62-818.016(1)(a), F.A.C., and for temporary waiver of paragraph s 62-818.016(2)(d) and (e), F.A.C., from Seminole County, Florida, a political subdivision of the State of Florida. The petition requested a waiver from paragraph 62-818.016(1)(a), F.A.C., which requires that a proposed land exchange parcel for a Florida Communities Trust

(FCT) project must be contiguous to a FCT project site. The petition also requested a temporary waiver from paragraphs 62-818.016(1)(d) and (e), F.A.C., which require submission of a survey and legal description of the parcel to be acquired and the parcel to be provided by the Recipient/Trust, and submission of a title policy of the parcel to be acquired in order for FCT staff to further evaluate a land exchange request under the FCT program. The petition has been assigned OGC File No. 16-1342.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Attn: Linda Reeves, 3900 Commonwealth Blvd., Mail Station #103, Tallahassee, Florida, 32399-3000, telephone: (850)245-2702, Linda.Reeves@dep.state.fl.us, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on October 07, 2016, the Board of Massage Therapy, received a petition for Debra Spears, seeking a variance or waiver of 456.017 and 480.041 F.S. regarding examination for licensure. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4162, or by electronic mail - Kama.Monroe@flhealth.gov.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agent and Agency Services

RULE NO.: RULE TITLE:

69B-211.042 Effect of Law Enforcement Records on Applications for Licensure

NOTICE IS HEREBY GIVEN that on October 5, 2016, the Department of Financial Services received a petition for Variance or Waiver submitted by Brandon A. Williams, seeking a permanent waiver or variance from subparagraph 69B-211.042(10)(a)6., F.A.C., a non-existent subsection of the aforementioned cited rule, with regard to the restriction on the licensure of persons who have been found guilty of or have pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of one (1) year or more. Comments on this petition should be filed with the: Department of Financial Services, 200 East Gaines Street, Suite 612, Tallahassee, Florida 32399-0333, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Julie L. Jones, Agency Clerk, Department of Financial Services, at the above address, (850)413-4241 or Julie.Jones@myfloridacfo.com.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

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

DATE AND TIME: November 1, 2016, 4:00 p.m.

PLACE: R.A. Gray Building, 500 S. Bronough Street, Room 428, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, Florida Statutes, a response opening is hereby noticed for the following Request for Proposal Number: DOS RFP 10/16-05 – Access to Online Newspaper Databases. The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and need not re-advertise notice in the Florida Administrative Register. Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Vonda Murray, (850)245-6590, Vonda.Murray@dos.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: Vonda Murray, (850)245-6590, Vonda.Murray@dos.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).

For more information, you may contact: Vonda Murray, (850)245-6590, Vonda.Murray@dos.myflorida.com.

DEPARTMENT OF LEGAL AFFAIRS

The Statewide Council on Human Trafficking announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 26, 2016, 2:00 p.m. until conclusion

PLACE: Telephone conference: dial-in number: 1(888)670-3525, participant code: 8470026713

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council Business.

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

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

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: Lynn Guyton at Lynn.Guyton@myfloridalegal.com or (813)287-7950.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs
The Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 27, 2016, 2:00 p.m. – 4:00 p.m.
PLACE: Toll Free Dial in Number: 1(888)670-3525, Conference Code: 3785472431

GENERAL SUBJECT MATTER TO BE CONSIDERED: Various Subcommittee's will focus on the Council's 2016 Annual Report.

A copy of the agenda may be obtained by contacting: <http://www.cssbmb.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: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF EDUCATION

State Board of Education
The State Advisory Committee for the Education of Exceptional Students Subgroup on legal research announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 29, 2016, 9:30 a.m.
PLACE: 1(888)670-3525, passcode: 8006155226

GENERAL SUBJECT MATTER TO BE CONSIDERED: Exploration and discussion of information pertaining to students with disabilities transfer of rights and related parental rights.

A copy of the agenda may be obtained by contacting: State Advisory Committee, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399-0400, (850)245-0475

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 28 days before the workshop/meeting by contacting: Bureau of Exceptional Education and Student Services, at (850)245-0475. 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 REVENUE

RULE NO.: **RULE TITLE:**

12-24.011 Public Use Forms

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

DATE AND TIME: October 25, 2016, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level - 03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Cabinet meeting previously scheduled for October 4, 2016, was cancelled due to Hurricane Matthew. Accordingly, the Department of Revenue will now be presenting at the October 25, 2016, meeting seeking approval to publish a Notice of Proposed Rulemaking for the following rules:

Rule 12-24.011 Public Use Forms

Rule 12A-1.0115 Sales of Food Products Served, Prepared, or Sold in or by

Restaurants, Lunch Counters, Cafeterias, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies

Rule 12A-1.087 Exemption for Power Farm Equipment; Electricity Used

for Certain Agricultural Purposes; Suggested Exemption Certificate for Items Used for Agricultural Purposes

Rule 12A-1.097 Public Use Forms

Rule 12A-13.002 Collection and Remittance of Fee

Rule 12A-17.003 Registration

Rule 12A-17.005 Public Use Forms

Rule 12A-19.100 Public Use Forms

Rule 12B-5.150 Public Use Forms

Rule 12B-5.300 Aviation Fuel Licensees

Rule 12B-6.005 Payment of Tax; Reports; Public Use Forms

Rule 12B-8.003 Tax Statement; Overpayments
 Rule 12C-1.013 Adjusted Federal Income Defined
 Rule 12C-1.0222 Returns; Extensions of Time; Payments of Tentative Tax
 Rule 12C-1.034 Special Rules Relating to Estimated Tax
 Rule 12C-1.051 Forms

A copy of the agenda may be obtained by contacting: Tammy Miller at (850)717-6309 or by going to the Department's website at <http://dor.myflorida.com/dor/rules>.

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: Becky Nall at (850)717-6799. 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The Contracts Review Committee of the Financial Emergency Board announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2016, 9:00 a.m., ET
 PLACE: City Commission Chambers, 215 N. Perviz Avenue, Opa-locka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Contracts Review Committee of the Financial Emergency Board for the City of Opa-locka to discuss the current state of the City's contractual and financial affairs.

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: JoAnn Osborne by email: joann.osborne@eog.myflorida.com or Phone: (850)717-9264. 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The Financial Emergency Board for the City of Opa-locka announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2016, 10:00 a.m., ET
 PLACE: City Commission Chambers, 215 N. Perviz Avenue, Opa-locka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Financial Emergency Board for the City of Opa-locka to discuss the current state of the City's financial affairs and to consider action items related to the ongoing work of the Board.

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: JoAnn Osborne by email: joann.osborne@eog.myflorida.com or Phone: (850)717-9264. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL UTILITY AUTHORITIES

Peace River/Manasota Regional Water Supply Authority
 The Peace River Manasota Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: October 31, 2016, 9:00 a.m.
 PLACE: PRF Water Quality Training Center, 8998 SW County Road 769, Arcadia, FL 34269

GENERAL SUBJECT MATTER TO BE CONSIDERED: Selection Committee will meet to evaluate and rank Requests for Proposals submitted for As-needed Construction Services. A copy of the agenda is available at www.regionalwater.org.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, (941)316-1776, peacriver@regionalwater.org.

SPACE FLORIDA

Space Florida announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 26, 2016, 1:00 p.m., ET

PLACE: Teleconference: call-in number: 1(888)204-5987; participant code: 4503386 #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Special Purpose Board of Directors Meeting.

A copy of the agenda may be obtained by contacting: Emma Newsham, enewsham@spaceflorida.gov, (321)730-5301, ext. 231.

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: Emma Newsham, enewsham@spaceflorida.gov, (321)730-5301, ext. 231. 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: Emma Newsham, enewsham@spaceflorida.gov, (321)730-5301, ext. 231.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Experience Application Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 8, 2016, 1:00 p.m.

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303; telephone conference number: 1(888)392-4560, contact Rebecca Sammons at (850)521-0500, ext. 114, for the participant code

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Review applications for licensure and other general business of the committee.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board Professional Engineers Educational Advisory Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 8, 2016, 3:00 p.m.

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Review applications for licensure and other general business of the committee. If you would like to participate in the call, please contact: Rebecca Sammons at (850)521-0500, ext. 114, at least 48 hours prior to the date of the meeting.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Division of Environmental Assessment and Restoration, announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2016, 9:00 a.m. – 11:30 a.m. for Fisheating Creek and Kissimmee Basins

PLACE: SFWMD St. Cloud Field Station – Conference Room, 3800 Old Canoe Creek Road, Saint Cloud, Florida

DATE AND TIME: October 26, 2016, 9:00 a.m. – 11:30 a.m. for Southeast Coast – Biscayne Bay Basin

PLACE: SFWMD Ft. Lauderdale Field Station – Joe Lopez Conference Room, 2535 Davie Road, Ft. Lauderdale, Florida

DATE AND TIME: November 2, 2016, 1:00 p.m. – 3:30 p.m. for Pensacola Basin

PLACE: FDEP Northwest District Office, Conference Room 502, 160 W. Government Street, Suite 308, Pensacola, Florida

DATE AND TIME: November 3, 2016, 1:30 p.m. – 4:00 p.m. for Nassau – St. Marys Basin

PLACE: American Beach Community Center and Museum, 1600 Julie Street, Fernandina Beach, Florida

DATE AND TIME: November 10, 2016, 1:00 p.m. – 3:30 p.m. for Withlacoochee Basin

PLACE: Dunnellon City Hall, 20750 River Drive, Dunnellon, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department’s Division of Environmental Assessment and Restoration (DEAR) is holding public meetings in several locations throughout the state to discuss DEAR’s water quality assessment efforts. These public meetings are to present the draft assessment lists for the Group 4 basins, developed pursuant to chapter 62-303, Florida Administrative Code. The draft assessment lists will be available on the Department’s Watershed Assessment website (www.dep.state.fl.us/water/watersheds/assessment/index.htm) by October 18, 2016, and will be provided upon request to interested parties by mail or via email distribution. Any

comments and/or questions on the Draft Assessment Lists should be directed to Kevin O'Donnell, Watershed Assessment Section, Florida Department of Environmental Protection, 2600 Blair Stone Rd, MS 3560, Tallahassee, Florida 32399-2400 or by email at Kevin.ODonnell@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Kevin O'Donnell, Watershed Assessment Section, Florida Department of Environmental Protection, 2600 Blair Stone Rd, MS 3560, Tallahassee, Florida 32399-2400 or by email at Kevin.ODonnell@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Wanda Harpley, (850)245-8433. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The Florida Department of Health, Biomedical Research Section announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 25, 2016, 10:00 a.m.

PLACE: Telephone conference: call-in number: 1(888)670-3525, participant code: 5311418626

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on the Ed and Ethel Moore Alzheimer's Disease Research Grant peer review process. Planning for next steps.

A copy of the agenda may be obtained by contacting: Teresa Mathew, Teresa.Mathew@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Credentials Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 3, 2016, 8:00 a.m.

PLACE: Crowne Plaza Jacksonville Airport Hotel, 14670 Duval Road, Jacksonville, Florida 32218-2460

The hotel phone #: (904)741-4404 or Toll Free: 1(877)559-0015.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block deadline is Thursday, October 20, 2016.

A copy of the agenda may be obtained by contacting: Wendy Alls at wendy.alls@flhealth.gov or call (850)245-4135.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Wendy Alls at wendy.alls@flhealth.gov or call (850)245-4135. 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: Wendy Alls at wendy.alls@flhealth.gov or call (850)245-4135.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – Council on Physician Assistants announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 3, 2016, 1:00 p.m.

PLACE: Crowne Plaza Jacksonville Airport Hotel, 14670 Duval Road, Jacksonville, Florida 32218-2460

The hotel phone #: (904)741-4404 or Toll Free: 1(877)559-0015.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850) 245-4131 for information. The hotel public block deadline is Thursday, October 20, 2016.

A copy of the agenda may be obtained by contacting: Wendy Alls at wendy.alls@flhealth.gov or call (850)245-4135.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Wendy Alls at wendy.alls@flhealth.gov or call (850)245-4135. 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: Wendy Alls at wendy.alls@flhealth.gov or call (850)245-4135.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine - Rules/Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 3, 2016, immediately following the Council on Physician Assistants Meeting.

PLACE: Crowne Plaza Jacksonville Airport Hotel, 14670 Duval Road, Jacksonville, Florida 32218-2460

The hotel phone #: (904)741-4404 or Toll Free: 1(877)559-0015.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information. The hotel public block deadline is Thursday, October 20, 2016.

A copy of the agenda may be obtained by contacting: Crystal Sanford at crystal.sanford@flhealth.gov or call at (850)245-4132.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Crystal Sanford at crystal.sanford@flhealth.gov or call at (850)245-4132. 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: Crystal Sanford at crystal.sanford@flhealth.gov or call at (850)245-4132.

DEPARTMENT OF HEALTH

Board of Medicine

The Board of Medicine – Full Board Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 3, 2016, immediately following the Rules/Legislative Committee Meeting.

PLACE: Crowne Plaza Jacksonville Airport Hotel, 14670 Duval Road, Jacksonville, Florida 32218-2460

The hotel phone #: (904)741-4404 or Toll Free: 1(877)559-0015.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. The Board of Medicine announces that certain committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.FLBoardofMedicine.gov for cancellations or changes to meeting dates or call the Board of Medicine at (850) 245-4131 for information. The hotel public block deadline is Thursday, October 20, 2016.

A copy of the agenda may be obtained by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137. 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: Rebecca Hewett at Rebecca.Hewett@flhealth.gov or call (850)245-4137.

DEPARTMENT OF HEALTH

Division of Family Health Services

The Florida Department of Health, Community Health Promotion, Florida Coordinating Council for the Deaf and Hard of Hearing/Biennial Report Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 26, 2016, 2:00 p.m. – 3:00 p.m.

PLACE: Telephone Conference Call: 1(888)670-3525, Participant Code: 833-841-1399#

Communication Access Real-Time Translation Services (CART) will be provided remotely via <http://www.streamtext.net/text.aspx?event=FCCDHH>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss the FCCDHH upcoming Biennial Report.

A copy of the agenda may be obtained by contacting: Megan Callahan, (850)245-4913.

For more information, you may contact: Megan Callahan, Florida Department of Health, (850)245-4913.

DEPARTMENT OF HEALTH

Division of Public Health Statistics and Performance Management

The Florida Department of Health announces public meetings to which all persons are invited.

DATES AND TIMES: Tuesday, November 1, 2016, 12:00 Noon – 1:00 p.m.; Wednesday, November 2, 2016, 1:00 p.m. – 2:00 p.m.; Thursday, November 3, 2016, 4:00 p.m. – 5:00 p.m.

PLACE: Telephone conference number: 1(888)670-3525, participant code: 548 807 2525

GENERAL SUBJECT MATTER TO BE CONSIDERED: Physician Workforce Advisory Council to evaluate and make recommendations for processes related to Florida’s physician workforce.

Strategic Plan Workgroup – 11/1

Physician Survey Workgroup – 11/2

HPSA Workgroup – 11/3

A copy of the agenda may be obtained by contacting: Health Resources and Access Section at (850)245-4009.

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: Health Resources and Access Section at (850)245-4009. 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: Health Resources and Access Section at (850)245-4009.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATES AND TIMES: November 16th and 17th, 2016, 8:30 a.m. each day

PLACE: USF Student Center, 200 6th Avenue South, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues. The meeting may include fact finding field trips to Commission managed areas or facilities and to other areas to learn about management, and enforcement activities.

A copy of the agenda may be obtained by contacting: Lisa Zullo, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

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 ADA Coordinator, at (850)488-6411. 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. Bud Vielhauer, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.: **RULE TITLE:**

68C-22.001 Scope and Purpose

The Florida Fish and Wildlife Conservation Commission announces public meetings to which all persons are invited.

DATES AND TIMES: October 25, 2016, 9:00 a.m.; October 26, 2016, 9:00 a.m.

PLACE: Florida Fish and Wildlife Research Institute, 100 8th Ave., S.E., 3rd Floor Conference Room, St. Petersburg, FL 33701

Participation by teleconference also will be available at the following location, and remotely via the Internet and telephone (see contact information below for who to contact for details).

Additional remote location: Florida Fish and Wildlife Conservation Commission, 1320 Executive Center Drive, Atkins Building, Suite 101 (ground floor), Tallahassee, FL 32301.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is exchange of information and fact finding, to solicit input from stakeholders to the agency and its federal partners in evaluating current issues concerning the manatee. The public can attend the meeting; however, space is limited. This meeting will be structured and facilitated. Limited public comments will be taken.

A copy of the agenda may be obtained by contacting: Mr. Ron Mezich at (850)922-4330 or Ron.Mezich@MyFWC.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: the FWC at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Ron Mezich, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section 6A, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

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

DATE AND TIME: November 2, 2016, 1:00 p.m.

PLACE: 1801 Hermitage Boulevard, Room 440C, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a quarterly meeting of the Chief Financial Officer's Treasury Investment Committee pursuant to Section 17.575, Florida Statutes. The purpose of the meeting is to provide an overview of Treasury operations and performance.

A copy of the agenda may be obtained by contacting: Karen Ashworth, (850)413-3304.

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: Karen Ashworth, (850)413-3304. 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: Karen Ashworth, (850)413-3304.

PLEASE NOTE: The Hermitage Building is a secure facility. Persons wishing to attend should call Ms. Ashworth to obtain access to the elevator that accesses the Fourth Floor.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

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

DATE AND TIME: October 26, 2016, 9:30 a.m.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The First Florida Governmental Financing Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 4, 2016, 1:00 p.m. (ET)

PLACE: Room 513, Broward County Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting of the member representatives of the Commission.

A copy of the agenda may be obtained by contacting: Richard C. Dowdy, Executive Director, at ffgfc@embarqmail.com or (850)878-1874.

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: Richard C. Dowdy. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The Florida Local Government Finance Commission announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2016, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Local Government Finance Commission announces a public meeting to which all interested persons are invited. The meeting will be held on Thursday, November 3, 2016, at 10:30 a.m., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida. The meeting of the Commission will be for purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Anna Doughty, Florida Association of Counties, 100 S. Monroe Street, Tallahassee, Florida 32301.

SOUTH DADE SOIL AND WATER CONSERVATION DISTRICT

The South Dade Soil & Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 20, 2016, 9:30 a.m.

PLACE: USDA Florida City Service Center, 1450 N. Krome Ave., #102, Florida City

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda items for presentation to the Board of Supervisors, Ag Lab Report, Mil Report, and District Projects. A copy of the agenda may be obtained by contacting: Viviana Perez, (305)242-1288.

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: SDSWCD (305)0242-1288. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Morgan Levy, District Administrator, (305)242-1288.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Reinsurance Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 28, 2016, 3:00 p.m. (Eastern Time)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include the 2016 reinsurance program options and a reinsurance program update.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Audit Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 10, 2016, 10:00 a.m. (Eastern Time).

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items shall include a committee & financial overview, 2017 meeting schedule and Audit Committee Charter procedures checklist.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 15, 2016, 10:00 a.m. (Eastern Time)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include an investment marketplace update; portfolio compliance review; and investment policy & guidelines review.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC

The Florida Department of Transportation (FDOT) District Six announces a hearing to which all persons are invited.

DATE AND TIME: November 2, 2016, 6:00 p.m.

PLACE: City of Hialeah, Council Chambers, 501 Palm Avenue, Hialeah, FL 33010

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a public hearing for a roadway improvement project along SR 934/East 25 Street/NW 79 Street from East 4 Avenue/NW 47 Avenue to East 12 Avenue/NW 37 Avenue, in Miami-Dade County, to discuss the project's scope of work. The project identification number is 436404-1-52-01. The hearing will begin as an open house, from 6:00 p.m. to 8:00 p.m., with a formal presentation starting at 6:30 p.m. Graphic displays will be shown and FDOT representatives will be available to discuss the project and answer questions.

A copy of the agenda may be obtained by contacting: Public Information Specialist Rodolfo Roman, (305)470-5477, Rodolfo.Roman@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeannine Gaslonde, (305)470-5225, in writing at FDOT, 1000 NW 111 Avenue, Miami, FL 33172, or by email to Jeannine.Gaslonde@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Public Information Specialist Rodolfo Roman, (305)470-5477, Rodolfo.Roman@dot.state.fl.us.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC
The Florida Department of Transportation District Six announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, November 1, 2016, 6:00 p.m. – 8:00 p.m.

PLACE: Miami-Dade College, Hialeah Campus, Room 5101-B, 1780 West 49 Street, Hialeah, FL 33012

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a Public Hearing for a roadway project from State Road (SR) 932/NW 103 Street/West 49 Street from SR 826/Palmetto Expressway Interchange to East 5 Avenue, in Miami-Dade County, to discuss the project’s scope of work. The project identification numbers are 434768-1/2-52-01. The hearing will begin as an open house, from 6:00 p.m. to 8:00 p.m., with a formal presentation starting at 6:30 p.m. Graphic displays will be shown during the hearing, and FDOT representatives will be available to discuss the project.

A copy of the agenda may be obtained by contacting: Public Information Specialist Monica Diaz, (305)573-0089, monica@iscprgroup.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeannine Gaslonde at (305)470-5225 or in writing at FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at: Jeannine.Gaslonde@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Public Information Specialist Monica Diaz at (305)573-0089, Monica@iscprgroup.com.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

NONE

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.

**INDEX TO RULES FILED BETWEEN OCTOBER 10,
2016 AND OCTOBER 14, 2016**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF EDUCATION
State Board of Education**

6A-1.0014	10/10/2016	10/30/2016	42/169	
6A-1.099822	10/10/2016	10/30/2016	42/166	
6A-6.0573	10/10/2016	10/30/2016	42/169	
6A-6.0574	10/10/2016	10/30/2016	42/169	
6A-6.0950	10/10/2016	10/30/2016	42/169	
6A-6.0981	10/10/2016	10/30/2016	42/159	42/178
6A-6.0982	10/10/2016	10/30/2016	42/159	
6A-10.0342	10/10/2016	10/30/2016	42/159	
6A-14.0305	10/10/2016	10/30/2016	42/159	
6A-20.036	10/10/2016	10/30/2016	42/159	42/175

DEPARTMENT OF CITRUS

20-3.010	10/12/2016	1/25/2017	42/161	
----------	------------	-----------	--------	--

DEPARTMENT OF THE LOTTERY

53ER16-54	10/14/2016	10/18/2016	42/203	
53ER16-55	10/14/2016	10/19/2016	42/203	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

**Miscellaneous Businesses and Professions – Asbestos
Consultants/Asbestos Consultant Examination**

61E1-3.001	10/12/2016	11/1/2016	42/160	
------------	------------	-----------	--------	--

DEPARTMENT OF HEALTH

Board of Pharmacy

64B16-32.001	10/14/2016	11/3/2016	42/104	42/175
--------------	------------	-----------	--------	--------

**DEPARTMENT OF CHILDREN AND FAMILIES
Family Safety and Preservation Program**
65C-16.013 10/10/2016 10/30/2016 42/171

**LIST OF RULES AWAITING LEGISLATIVE
APPROVAL PURSUANT TO SECTION 120.541(3),
FLORIDA STATUTES**

**DEPARTMENT OF MANAGEMENT SERVICES
E911 Board**
60FF1-5.009 7/21/2016*****42/105

**DEPARTMENT OF HEALTH
Board of Medicine**
64B8-9.009 6/15/2016*****42/89
64B8-10.003 12/9/2015*****39/95 41/49