

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.:       RULE TITLE:

40B-1.106       Interagency Agreements

**PURPOSE AND EFFECT:** The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend Rule 40B-1.106 for the purpose of incorporating by reference a revised memorandum of understanding between Suwannee River Water Management District and the Florida Department of Environmental Protection for the permitting of artificial recharge projects. The effect will be to reduce unnecessary regulatory burdens and achieve other streamlining benefits for the regulated public.

**SUBJECT AREA TO BE ADDRESSED:** Rule amendment to incorporate revised Interagency Agreement by reference in 40B-1.106(2)(a), F.A.C.

**RULEMAKING AUTHORITY:** 373.044, 373.046, 373.083, 373.113 FS.

**LAW IMPLEMENTED:** 373.016, 373.046, 373.083, 373.103 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: Warren Zwanka, Senior Hydrogeologist, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40B-1.106 Interagency Agreements.

(1) In order to eliminate duplicative permitting, to provide for consolidation of data collection, and to coordinate water-related programs, the District, as needed, enters into agreements with other agencies exercising powers that affect water resources of the State.

(2) The District has entered into the following agreements or memorandums of understanding which are on file with the District and which are hereby incorporated:

(a) By Agreement Number 15/16-062 dated February 29, 2016, the District and Florida Department of Environmental Protection entered into an agreement concerning applications for projects involving the construction and operation of underground injection of water facilities. ~~By Agreement Number 82/83-1 dated September 16, 1982, the District and the Florida Department of Environmental Regulation entered into an agreement in regards to public drinking water applications, applications for projects involving the construction and operation of artificial recharge facilities, and applications for projects utilizing land disposal of treated wastewaters.~~

(b) By Agreement Number 90/91-94 dated June 27, 1991, Florida Water Management Districts and the Florida Public Service Commission entered into an agreement which establishes the policies and procedures to be followed regarding the separate and distinct responsibilities of each agency.

(c) By Agreement Number 91/92-84 dated June 18, 1992, the District, the Florida Department of Environmental Regulation, and the Florida Department of Health and Rehabilitative Services entered into an agreement regarding the implementation of permitting requirements for Chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas.

(3) All District agreements are on file and available for inspection at District Headquarters, 9225 County Road 49, Live Oak, Florida 32060.

Rulemaking Authority 373.044, 373.046, 373.083, 373.113 FS. Law Implemented 373.016, 373.046, 373.083, 373.103 FS. History—New 9-15-81, Amended 3-14-83, 3-17-88, 12-21-88, 6-17-93, 3-13-94, 10-3-95, 12-3-98,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.:       RULE TITLE:

64B13-4.001       Examination Requirements

**PURPOSE AND EFFECT:** The Board proposes the development of a rule amendment to consider the criteria for examination requirements.

**SUBJECT AREA TO BE ADDRESSED:** To consider the criteria for examination requirements.

**RULEMAKING AUTHORITY:** 456.017(1), 463.005, 463.006(2) FS.

**LAW IMPLEMENTED:** 456.017(1), 463.006(2) 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: Anthony B. Spivey, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: RULE TITLE:

64B15-14.0081 Standards for Telemedicine Practice

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address prescribing of controlled substances for treatment of psychiatric disorders via telemedicine.

SUBJECT AREA TO BE ADDRESSED: The prescribing of controlled substances for treatment of psychiatric disorders via telemedicine.

RULEMAKING AUTHORITY: 459.015(1)(z), FS.

LAW IMPLEMENTED: 459.015(1)(z), 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: Claudia Kemp, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.: RULE TITLES:

69A-60.001	Title
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Fire Code, Florida 2012 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2012 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2012 Edition, and NFPA 101, the Florida 2012 Edition, Added to the Florida Fire Prevention Code
69A-60.006	Manufactured and Prototype Buildings
69A-60.007	Enforcement of the Florida Fire Prevention Code

PURPOSE AND EFFECT: To develop the 6th Edition of the Florida Fire Prevention Code. Pursuant to Section 633.202, F.S., the State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming two years pursuant to Section 633.202(2), F.S. Workshops will be announced in future editions of the Florida Administrative Register.

SUBJECT AREA TO BE ADDRESSED: The Department of Financial Services, Division of State Fire Marshal, announces that it is seeking written comments and proposals for Florida specific amendments to the editions of NFPA 1 (2015 edition) and NFPA 101 (2015 edition). The comment period ends July 1, 2016 at 5:00 p.m. Written comments should be addressed to: Casia Sinco, Chief, Bureau of Fire Prevention, Department of Financial Services, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. A proposal form is available on the Department's website at [www.myfloridacfo.com/Division/SFM/BFP](http://www.myfloridacfo.com/Division/SFM/BFP).

RULEMAKING AUTHORITY: 633.104, 633.202, 633.204, 633.208, 1013.12 FS.

LAW IMPLEMENTED: 633.104, 633.202, 633.204, 633.208, 1013.12 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: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire

Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342  
 (850)413-3620 or Casia.Sinco@myfloridacfo.com  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE  
 DEVELOPMENT IS NOT AVAILABLE.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Standards

RULE NOS.:      RULE TITLES:  
 5F-3.001       Adoption of Uniform Packaging and Labeling Regulation

5F-3.016       Package Testing Procedures

PURPOSE AND EFFECT: The purpose of this proposed rule is to update the National Institute of Standards and Technology (NIST) Handbooks 130 (Section: Uniform Packaging and Labeling Regulation) and 133 adopted in this rule chapter to the 2016 versions of each.

SUMMARY: This proposed rule will update the adopted versions of the National Institute of Standards and Technology (NIST) Handbooks 130 (Section: Uniform Packaging and Labeling Regulation) and 133 in Rule Chapter 5F-3, F.A.C.

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

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

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: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4), (13), 531.47, 531.49 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief, Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the “Uniform Packaging and Labeling Regulation” as published by the United States Department of Commerce, National Institute of Standards and Technology (NIST), in NIST Handbook 130, 2016 2006 Edition, as the rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST, Handbook 130 (Section: Uniform Packaging and Labeling Regulation), 2016 2006 Edition, may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899-2100 or <http://www.flrules.org/Gateway/reference>. ~~Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or [www.nist.gov/pml/wmd/index.cfm](http://www.nist.gov/pml/wmd/index.cfm). A copy of this handbook is also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services. Copies of this uniform regulation are available from the Division of Consumer Services Standards, Bureau of Standards Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)921-1570.~~

Rulemaking Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History—New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, 5-23-06, \_\_\_\_\_.

5F-3.016 Package Testing Procedures.

The Department of Agriculture and Consumer Services hereby adopts the National Institute of Standards and Technology (NIST) Handbook 133, “Checking the Net Contents of Packaged Goods,” 2016 Edition, Fourth Edition (January 2005)—as the rule for the procedures for testing packaged goods and commodities for net contents and incorporates said Handbook herein by this reference. A copy of NIST Handbook 133, 2016 Edition, Fourth Edition (January 2005) may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899-2100 or <http://www.flrules.org/Gateway/reference>. ~~National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, Nebraska 68508, Phone: (402)434-4880 or [www.nist.gov/pml/wmd/index.cfm](http://www.nist.gov/pml/wmd/index.cfm). A copy of this handbook is also available for public inspection during regular business~~

hours at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)921-1570.

Rulemaking Authority 531.41(3) FS. Law Implemented 531.41(13) FS. History--New 4-9-98, Amended 6-23-02, 6-29-03, 6-2-05,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Matthew Curran, Chief of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 3, 2016

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NO.: RULE TITLE:  
5F-4.001 Purpose

PURPOSE AND EFFECT: The purpose of this proposed rule is to update the National Institute of Standards and Technology (NIST) Handbook 130 (Section: Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices) as adopted in this rule chapter to the 2016 version.

SUMMARY: This proposed rule will update the adopted versions of the National Institute of Standards and Technology (NIST) Handbook 130 (Section: Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices) in Rule Chapter 5F-4, F.A.C.

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

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

party submitted additional information regarding the economic impact.

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: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief, Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-4.001 Purpose.

(1) The Florida Department of Agriculture and Consumer Services hereby adopts the "Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices"; ~~as published promulgated~~ by the United States Department of Commerce, National Institute of Standards and Technology, in NIST Handbook 130, 2016 ~~1995~~ Edition, as the ~~r~~Rule for voluntary registration of servicepersons and service agencies for commercial weighing and measuring devices, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130 (Section: Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices), ~~2016~~ 2016 ~~1995~~ Edition, may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899-2100 or <http://www.flrules.org/Gateway/reference>. ~~Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)783-3238. A copy of this handbook is also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services. Copies of this uniform regulation are available from the Division of Consumer Services Standards, Bureau of Standards Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)921-1570.~~

(2) through (3) No Change.

(4) Standards and Testing Equipment used by Servicepersons or Service Agencies in service and testing functions shall be examined and recertified by the Florida Department of Agriculture and Consumer Services, Division

of Consumer Services, Bureau of Standards ~~Weights and Measures~~ at least biennially.

(5) Reporting required by this rule shall be made to the Division of Consumer Services Standards, Bureau of Standards ~~Weights and Measures~~, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)921-1570.

Rulemaking Authority 531.41(3) FS. Law Implemented 531.41(7) FS. History—New 1-1-73, Formerly 5F-4.01, Amended 6-14-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Matthew Curran, Chief of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 3, 2016

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NO.: 5F-5.001  
RULE TITLE: Adoption of Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices

PURPOSE AND EFFECT: The purpose of this proposed rule is to update the National Institute of Standards and Technology (NIST) Handbook 44 as adopted in this rule chapter to the 2016 version.

SUMMARY: This proposed rule will update the adopted version of the National Institute of Standards and Technology (NIST) Handbook 44 in Rule Chapter 5F-5, F.A.C.

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

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

party submitted additional information regarding the economic impact.

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: 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 531.40 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief, Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.001 Adoption of Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2016 2010 Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2016 2010 Edition, may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899-2100 or <http://www.flrules.org/Gateway/reference>. ~~Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or <http://www.flrules.org/Gateway/reference.asp?No=Ref-00115>.~~ A copy of this handbook is also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)921-1570.

(2) No change.

Rulemaking Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, 5-23-06, 9-2-07, 3-9-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Matthew Curran, Chief of Standards



NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 3, 2016

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NO.: RULE TITLE:

5F-7.005 Adoption of Uniform Methods of Sale

PURPOSE AND EFFECT: The purpose of this proposed rule is to update the National Institute of Standards and Technology (NIST) Handbook 130 (Section: Uniform Regulation for the Method of Sale of Commodities) as adopted in this rule chapter to the 2016 version.

SUMMARY: This proposed rule will update the adopted version of the National Institute of Standards and Technology (NIST) Handbook 130 (Section: Uniform Regulation for the Method of Sale of Commodities) in Rule Chapter 5F-7, F.A.C.

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

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

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: 531.41(3), (4), 531.45 FS.  
LAW IMPLEMENTED: 531.41(3), (4), 531.45 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief,

Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-7.005 Adoption of Uniform Method of Sale Regulation.

The Department of Agriculture and Consumer Services hereby adopts the “Uniform Regulation for the Method of Sale of Commodities”; as published by the United States Department of Commerce, National Institute of Standards and Technology (NIST), in NIST Handbook 130, 2016 ~~2006~~ Edition, as the rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130 (Section: Uniform Regulation for the Method of Sale of Commodities), 2016 ~~2006~~ Edition, may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899-2100 or <http://www.flrules.org/Gateway/reference>. ~~Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or [www.nist.gov/pml/wmd/index.cfm](http://www.nist.gov/pml/wmd/index.cfm). A copy of this handbook is also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Copies of this uniform regulation are available from the Division of Consumer Services Standards, Bureau of Standards Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)921-1570.~~

Rulemaking Authority 531.41(3), (4), 531.45 FS. Law Implemented 531.41(3), (4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, 5-23-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew Curran, Chief of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 3, 2016

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NO.: RULE TITLE:

5F-12.001 Adoption of Examination Procedure for Price Verification

PURPOSE AND EFFECT: The purpose of this proposed rule is to update the National Institute of Standards and

Technology (NIST) Handbook 130 (Section: Examination Procedure for Price Verification) as adopted in this rule chapter to the 2016 version.

SUMMARY: This proposed rule will update the adopted version of the National Institute of Standards and Technology (NIST) Handbook 130 (Section: Examination Procedure for Price Verification) in Rule Chapter 5F-12, F.A.C.

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

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

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: 531.41(3), 531.44(2) FS.

LAW IMPLEMENTED: 531.44 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matthew D. Curran, Ph.D., Chief, Bureau of Standards, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399, (850)921-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-12.001 Adoption of Examination Procedure for Price Verification.

The Department of Agriculture and Consumer Services hereby adopts the “Examination Procedure for Price Verification” as published by the United States Department of Commerce, National Institute of Standards and Technology (NIST), in NIST Handbook 130, 2016 2006 Edition, as the rule for the sampling procedures and compliance standards in testing the accuracy of pricing practices employed by businesses and other entities in the state and incorporates said regulation

herein by this reference. A copy of NIST Handbook 130 (Section: Examination Procedure for Price Verification), 2016 2006 Edition, may be obtained from the National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899-2100 or <http://www.flrules.org/Gateway/reference>. ~~Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or www.nist.gov/pml/wmd/index.cfm.~~ A copy of this handbook is also available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Consumer Services, Bureau of Standards, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)921-1570.

Rulemaking Authority 531.41(3), 531.44(2) FS. Law Implemented 531.44 FS. History—New 4-9-98, Amended 6-2-05, 5-23-06,

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew Curran, Chief of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 3, 2016

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

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

PURPOSE AND EFFECT: The Agency is proposing to create a new rule chapter regarding residents’ rights in assisted living facilities licensed by the Agency. Section 429.28, Florida Statutes, directs the Agency to adopt rules for uniform standards and compliance with residents’ rights.

SUMMARY: The Agency is responsible for conducting surveys in assisted living facilities to determine general compliance with facility standards and compliance with residents’ rights as a prerequisite to initial licensure or license renewal. The Agency is proposing to create a new rule chapter that would standardize the survey process for determining compliance with the residents’ rights requirements.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 429.28 (3)(a), 408.819 FS.

LAW IMPLEMENTED: 429.28 (3)(a) FS.

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

DATE AND TIME: April 4, 2016, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, Ft. Knox Bldg. 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Anne Avery, RN LNC, (850)412-4505 or email: Catherine.Avery@ahac.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Avery, RN LNC, (850)412-4505 or email: Catherine.Avery@ahac.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-36.001, Standards and Criteria for Determining Compliance with Facility Standards and Resident Rights

The Agency for Health Care Administration has the regulatory oversight of Assisted Living Facilities to determine compliance with facility standards and resident rights.

(1) DEFINITIONS.

In addition to the terms defined in Section 429.02, F.S., and Rule 58A-5.0131, F.A.C., the following definitions are applicable in this rule chapter.

(a) “Core Survey Task” means tasks conducted by Agency survey staff that focus on core areas of regulations. These are regulations that have the highest potential to affect outcomes related to the resident’s quality of life and quality of care.

(b) “Timely Manner” means as soon as possible, but not to exceed 24 hours of Agency staff having requested materials.

(2) SURVEY PROCESS FOR RESIDENT RIGHTS

The following core survey tasks shall be utilized during survey activities in order to determine the facility’s compliance with resident rights pursuant to 429.28, F.S. and 58A-5.0182, F.A.C.

1. The surveyor(s) conducts a tour of the facility to determine if the residents’ health, safety, and welfare are maintained. The tour includes observations and assessments of the following:

a. Resident behavior and demeanor;

b. Adherence to facility abuse prohibition policy and procedure;

c. Adherence to infection control policy and procedure;

d. General physical plant standards in accordance with 58A-5.023, F.A.C.;

e. Overall appearance of residents and observations of any special care needs;

f. Posting of Resident Bill of Rights and required phone numbers in accordance with 58A-5.0182, F.A.C.;

g. Resident access to phones and unrestricted private communication;

h. Resident ability to exercise;

i. Staff availability and responsiveness to resident care needs;

j. Medication storage and security;

k. Chemical and physical restraint use;

l. Positioning/transferring processes utilized by staff;

m. Any specialized care provided by the facility with a specialty license;

n. Any license conditions or restrictions as a result of Agency action.

2. The surveyor(s) conducts interviews with residents, family members/representatives, staff, and any other persons the surveyor(s) deems relevant to the survey in order to determine how the resident, family members/representatives and staff perceive the services delivered by the facility.

a. The facility may not restrict Agency staff from conducting confidential interviews pursuant to 429.14(6), F.S.

b. Interviews may be conducted both in person and telephonically.

3. The surveyor(s) reviews facility records to determine compliance with:

a. Licensure requirements in accordance with 58A-5.016, F.A.C.;

b. Inspection responsibilities in accordance with 58A-5.0161, F.A.C.;



c. Admissions procedures and appropriateness of placement and continued residency criteria in accordance with 58A-5.0182, F.A.C.;

d. Resident care standards in accordance with 58A-5.0182, F.A.C.;

e. Medication practices in accordance with 58A-5.0185, F.A.C.;

f. Do not resuscitate orders (DNROs) in accordance with 58A-5.0186, F.A.C.;

g. Staffing standards in accordance with 58A-5.019, F.A.C.;

h. Staff training requirements and competency training in accordance with 58A-5.0191, F.A.C.;

i. Alzheimer’s Disease or Related Disorders training provider and curriculum approval in accordance with 58A-5.0194, F.A.C.;

j. Food service standards in accordance with 58A-5.020, F.A.C.;

k. Fiscal standards in accordance with 58A-5.021, F.A.C.;

l. Physical plant stanards in accordance with 58A-5.023, F.A.C.;

m. Records in accordance with 58A-5.024, F.A.C.;

n. Resident contracts in accordance with 58A-5.025, F.A.C.;

o. Emergency management in accordance with 58A-5.026, F.A.C.

4. The facility must provide agency staff with requested documents in a timely manner and allow the agency staff to obtain copies.

5. Surveyor(s) conducts specific and general observations throughout the survey to determine compliance with: dietary standards, medication standards, infection control standards, resident activities, assistance with activities of daily living, facility practices, and resident daily routines.

6. For facilities licensed to provide specialty services such as Limited Mental Health, Extended Congregate Care, and Limited Nursing Services: the surveyor(s) reviews the required components in accordance with 58A-5.029, F.A.C., 58A-5.030, F.A.C., and 58A-5.031, F.A.C.

Rulemaking Authority 429.28(3)(a) FS. Law Implemented 429.28, FS. New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anne Avery, RN LNC

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Secretary of the Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 29, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 22, 2015

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.140  
RULE TITLE: Hospice Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.140, Florida Administrative Code, is to incorporate by reference the Florida Medicaid Hospice Services Coverage Policy, \_\_\_\_\_.

SUMMARY: The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: April 5, 2016, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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: Shameria Davis. 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: Shameria Davis, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4235, e-mail: Shameria.Davis@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.140 Hospice Services.

1) This rule applies to any person or entity prescribing or reviewing a request for hospice services and to all providers of hospice services who are providers enrolled in or registered with the Florida Medicaid program.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Shameria Davis

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 7, 2015

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.251  
RULE TITLE: Florida Medicaid Prescribed Drugs Reimbursement Methodology

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.251, F.A.C., is to establish the reimbursement methodology for prescribed drug claims in the Florida Medicaid program. The amendment also revises the rule title to Prescribed Drugs Reimbursement Methodology.

SUMMARY: The rule amendment specifies who the rule applies to, revises the definition of estimated acquisition cost, makes technical edits throughout the rule text, and updates the name of the rule.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: April 5, 2015, 11:00 a.m. – 12:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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: Arlene Elliott. 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: Arlene Elliott, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4152, email: Arlene.Elliott@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.251 ~~Florida Medicaid~~ Prescribed Drugs Reimbursement Methodology.

(1) This rule applies to all prescribed drug service providers enrolled in the Florida Medicaid program that provide services under the fee-for-service delivery system in accordance with Rule 59G-4.250, Florida Administrative Code.

(2) Definitions. Usual and customary charge - The average charge to all other customers in any quarter for the same drug, quantity, and strength.

(3) Reimbursement Methodology. Florida Medicaid reimburses Reimbursement for services prescribed drug claims is made in accordance with the provisions of Title 42, Code of Federal Regulations, sSections 447.512-.516. Reimbursement amounts for covered drugs dispensed by a licensed pharmacy, approved as a Medicaid provider, by an enrolled dispensing physician filling his own prescriptions, or by a medical professional administering injectable medications, shall not exceed the lesser lower of:

(a) ~~The estimated acquisition cost, defined as the lower of:~~

(a)1. ~~Average Wholesale Price (AWP) minus 16.4%, or The wWholesaler aAcquisition cCost (WAC) plus 1.5%, plus a dispensing fee of \$3.73;~~

(b)2. ~~The fFederal uUpper LLimit (FUL) established by the Centers for Medicare and Medicaid Services, plus a dispensing fee of \$3.73;~~

(c)3. ~~The sState mMaximum aAllowable cCost (SMAC), plus a dispensing fee of \$3.73;~~

(d)4. ~~The provider's uUsual and cCustomary (U&C) charge, including inclusive the of dispensing fee.~~

(e)5. ~~For drugs purchased by qualified entities under Section 340B of the Public Health Service Act:~~

The actual acquisition cost, plus a dispensing fee of \$7.50. This provision only applies to cCovered entities, and fFederally qQualified hHealth cCenters or their contracted

agents, that dispense or administer fill Medicaid patient prescriptions with drugs purchased at prices authorized under sSection 340B of the Public Health Service Act must bill Medicaid for reimbursement at the actual acquisition cost plus a dispensing fee of \$7.50 for these drugs.

Rulemaking Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912(39)(a) FS. History--New 1-28-09, Amended 8-23-09, 5-20-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Arlene Elliott

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 28, 2015

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:	RULE TITLE:
62-730.020	Definitions
62-730.021	References, Variances and Case-by-Case Regulations
62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
62-730.220	Applications for Permits and Other Authorizations

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2014, and June 30, 2015, to the federal hazardous waste regulations. The Florida Department of Environmental Protection (DEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result, at least once a year DEP incorporates federal rule changes into Chapter 62-730, F.A.C., the state hazardous waste rule, in order to maintain consistency with federal regulations.

RULEMAKING AUTHORITY: 403.061, 403.087, 403.704, 403.72, 403.721, 403.722, 403.724, 403.8055 FS.

LAW IMPLEMENTED: 403.151, 403.704, 403.707, 403.72, 403.721, 403.722, 403.723, 403.724, 403.727 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Julie Rainey, Hazardous Waste Regulation Section, Department of

Environmental Protection, 2600 Blair Stone Road, Mail Station 4560, Tallahassee, Florida 32399-2400 or julie.c.rainey@dep.state.fl.us

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 Code of Federal Regulations (CFR) 260.10 revised as of July 1, 2015 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06405> 2008, the amendment to the definition of “New hazardous waste management facility or new facility” in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>, the amendment adding definitions for “no free liquids,” “solvent contaminated wipe,” and “wipe” in the Federal Register dated July 31, 2013 (78 FR 46448) <http://www.flrules.org/Gateway/reference.asp?No=Ref-03223>, the amendment adding the definition of “carbon dioxide stream” in the Federal Register dated January 3, 2014 (79 FR 350) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04892>, the amendment revising the definition of “manifest” and adding the definitions of “electronic manifest,” “Electronic Manifest System (or e Manifest System),” and “user of the electronic manifest system,” in the Federal Register dated February 7, 2014 (79 FR 7518) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04893>, and the amendment adding the definition of “CRT exporter” in the Federal Register dated June 26, 2014 (79 FR 36220) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04894>, except for the optional addition of “or 267.101” to subsection (2) of the definition of “facility” in the Federal Register dated September 8, 2005 (70 FR 53419).

(2) No change

(3)(a) No change

(b) Unless specifically indicated otherwise, when used in any provisions as may be adopted in this chapter from 40 CFR Parts 124 and 260 through 273: “United States” shall mean the State of Florida; “U.S. Environmental Protection Agency” or “EPA” shall mean DEP; and “Administrator” or “Regional Administrator” or “State Director” shall mean Secretary (including the Secretary’s designee, where appropriate).

1. Substitutions as described in paragraph (3)(b) of this section shall not be made in 40 CFR: 124.6(e); 124.10(c)(1)(ii); 260.10; 260.11(a); 261.10; 261.11; Part 261, Appendix IX; Part 262, Subparts E, ~~and F, and H~~; 263.20(g)(4); 264.12(a)(1); 264.12(a)(2); 264.71(a)(3); 264.71(d); 264.1082(c)(4)(ii); 265.12(a)(1); 265.12(a)(2); 265.71(a)(3); 265.71(d) 265.1083(c)(4)(ii); 268.1(e)(3); 268.2(j); 268.13; 268.40(b); 270.2; 270.10(e)(2) and (3); 270.10(f)(2) and (3); 270.10(g)(1); 270.11(a)(3); 270.32(b)(2); 270.72(a)(5) and (b)(5); and 273.32(a)(3).

2. through 3. No change

(c) through (e) No change

(4) through (6) No change

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13, 11-27-13, 6-17-15, \_\_\_\_\_.

62-730.021 References, Variances and Case-by-Case Regulations.

The Department adopts by reference the following Sections of 40 CFR Part 260 revised as of July 1, 2015 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06406> 2008 (~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02191>~~): for publications incorporated by reference, 260.11 except for the optional amendments to 260.11(c)(1), 260.11(c)(3)(xxvii) and 260.11(d)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); for general requirements which apply to rulemaking petitions, 260.20; for petitions for equivalent testing or analytical methods, 260.21; for petitions to exclude a waste at a particular facility, 260.22; for petitions to include additional hazardous wastes, 260.23; for variances from classification as a solid waste, 260.30; for standards and criteria for variances from classification as a solid waste, 260.31; for variances to be classified as a boiler, 260.32; for procedures for variances from classification as a solid waste or to be classified as a boiler, 260.33; for additional regulation of certain hazardous waste recycling activities on a case-by-case basis, 260.40 and for procedures for case-by-case regulation of hazardous waste recycling activities, 260.41. The language of 40 CFR 260.11 in effect on September 8, 2005 remains in effect. ~~The Department adopts by reference the March 18, 2010 (75 FR 12989) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00590> Federal Register which deletes Appendix I of Part 260.~~

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-

4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13,\_\_\_\_\_.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2015 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06407> 2008, and all appendices, ~~the amendments to 40 CFR Part 261 as published in the Federal Register dated December 1, 2008 (73 FR 72912), the corrections as published in the Federal Register dated March 18, 2010 (75 FR 12989) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00590>, the partial withdrawal of the corrections published in the Federal Register dated June 4, 2010 (75 FR 31716) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00591>, the amendments to 261.4(a)(16) and 261.38 as published in the Federal Register dated June 15, 2010 (75 FR 33712) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00592>, the amendments to 261.33 and 261 Appendix VIII as published in the Federal Register dated December 17, 2010 (75 FR 78918) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01165>, the correction to 261.32(a) as published in the Federal Register dated April 13, 2012 (77 FR 22229) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02190>), the conditional exclusions for solvent contaminated wipes in 261.4(a)(26) and 261.4(b)(18) as published in the Federal Register dated July 31, 2013 (78 FR 46448) <http://www.flrules.org/Gateway/reference.asp?No=Ref-03223>, the conditional exclusion for carbon dioxide streams in geologic sequestration activities in 261.4(h) as published in the Federal Register dated January 3, 2014 (79 FR 350) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04892>, revisions to the export provisions of the cathode ray tube rule in 261.39(a) and 261.41(a) and (b) published in the Federal Register dated June 26, 2014 (79 FR 36220) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04894>, and the correction to the definition of hazardous waste in 261.3(a)(2)(v) as published in the Federal Register dated June 20, 2014 (79 FR 35290) <http://www.flrules.org/Gateway/reference.asp?No=Ref-04895>, with the exceptions described in paragraphs (1)(a) through (c) of this section. 40 CFR Part 261 [as adopted in this subsection] contains EPA's rules on the identification and listing of hazardous waste. No delisting published by EPA in 40 CFR Part 261 is effective in Florida until it is adopted by the Department.~~

(a) through (b) No change

(c) The optional addition of "267" to 40 CFR 261.7(a)(1) in the Federal Register dated September 8, 2005 (70 FR

53419); ~~and~~ the optional amendments to 40 CFR 261.3(a)(2)(iv)(A), (B), (D), (F) and (G) in the Federal Register dated October 4, 2005 (70 FR 57769); ~~and the optional addition of "267" to 40 CFR 261.5(b), 261.5(e)intro, 261.5(f)(2), 261.5(g)(2), 261.6(a)(3), 261.6(c)(1), 261.6(d), 261.7(a)(1), 261.7(a)(2), and 261.30(c) in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>.~~

For the optional amendments in paragraph (1)(c) of this section, the language in effect on the date of the referenced Federal Registers remains in effect.

(2) through (4) No change

Rulemaking Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10, 10-12-11, 6-29-12, 4-23-13, 11-27-13, 6-17-15,\_\_\_\_\_.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2014 <http://www.flrules.org/Gateway/reference.asp?No=Ref-04896>, including the Appendix, with the exception of 40 CFR 262.34(e), ~~and~~ the Project XL site-specific regulations in 262.10(j) and Subparts I and J, and the optional addition of "267" to 262.10(f), 262.10(j)(1), 262.10(k), 262.11(d), 262.34(b), 262.34(f), 262.34(i), and 262.41(b) in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>.

(2) through (6) No change

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10, 10-12-11, 6-29-12, 4-23-13, 6-17-15,\_\_\_\_\_.

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 263 revised as of July 1, 2014 <http://www.flrules.org/Gateway/reference.asp?No=Ref-04897>, with the exception of the optional addition of "267" to 263.12 in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>.

(2) through (3) No change



Rulemaking Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13, 6-17-15,\_\_\_\_\_.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, 2012 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02189>, with the exception of the optional addition of “267” to 266.22, 266.70(d), 266.80(b), 266.101(c)(1), and 266.101(c)(2) in the Federal Register dated March 18, 2010 (75 FR 12989) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>.

(2) No change

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13,\_\_\_\_\_.

62-730.220 Applications for Permits and Other Authorizations.

(1) The Department adopts by reference the following sections of 40 CFR Part 270 revised as of July 1, 2015 <http://www.flrules.org/Gateway/reference.asp?No=Ref-06408> 2008: 270.1(c) except for the Project XL site-specific regulations in 270.1(c)(2)(ix); 270.2, except for the optional amendments to the definition of “permit” and “Standardized Permit” in the Federal Register dated September 8, 2005 (70 FR 53419); 270.3; 270.4, ~~including the corrections in the Federal Register dated March 18, 2010 (75 FR 12989)~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-00590>; 270.6; 270.10 except for the optional amendments to 270.10(a) and (h) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.11; 270.12 through 270.28; 270.30; 270.31; 270.32(b)(2); 270.33; 270.51 except for the optional amendments to 270.51(e) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.61; 270.62; 270.65; 270.66; 270.68; 270.72; 270.79 through 270.230; and 270.235. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect.

(2)(a) through (b) No Change

(3) through (11) No change

Rulemaking Authority 403.061, 403.087, 403.704, 403.721, 403.722, 403.8055 FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722, 403.723, 403.727 FS. History—New 7-9-82, Amended 1-5-

84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, 4-23-13,\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Economic Self-Sufficiency Program**

RULE NOS.: RULE TITLES:

65A-1.704 Family-Related Medicaid Eligibility Determination Process

65A-1.707 Family-Related Medicaid Income and Resource Criteria

65A-1.708 Family-Related Medicaid Budgeting Criteria

PURPOSE AND EFFECT: To revise the Family-Related Medicaid eligibility policies and procedure used to implement the Florida Family-Related Medicaid Program so that the requirements of the Affordable Care Act that govern the Florida Family-Related Medicaid coverage groups are met.

SUMMARY: The proposed rules amend the Family-Related Medicaid Program eligibility policies and procedures used in the eligibility determination process for the Family-Related Medicaid Program.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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

RULEMAKING AUTHORITY: [409.919](#) FS.

LAW IMPLEMENTED: [409.902](#), [409.903](#), [409.904](#), [409.919](#) FS.

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

DATE AND TIME: April 4, 2016, 1:00 p.m. – 3:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Vonsenita Tranquille. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vonsenita Tranquille, Economic Self-Sufficiency Program, (850) 717-4238, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, Vonsenita.Tranquille@myflfamilies.com

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 65A-1.704 follows. See Florida Administrative Code for present text.

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

(1) Public assistance staff determine eligibility for Family-Related Medicaid at application, or when a change in conditions of eligibility is reported, or not longer than a 12 month cycle.

(2) The Department must make a redetermination of eligibility for Medicaid without requiring information from the individual if able to do so based on reliable information contained in the individual's case or other more current information available to the Department. If able to renew eligibility based on the information, the Department will send a written notice of the eligibility determination. When the Department cannot redetermine eligibility based on the information available, the individual or designated representative will need to assist the Department with the completion of the renewal determination. If a renewal cannot be made based upon information already available, the Department will provide the individual with:

(a) A notice, at least 30 days prior to the end of the eligibility redetermination date, that it is time to renew their eligibility and the options available to the individual to complete the redetermination. These options are:

1. Via the internet Web site,
2. By telephone,
3. Via mail,
4. In person, or
5. By fax.

(b) Notice of the Department's decision concerning the renewal of eligibility;

(c) Timely and adequate notice of action taken to adversely affect their eligibility or to reduce or discontinue Medicaid benefits; and,

(d) If the individual fails to provide the information for renewal and a notice of adverse action discontinuing Medicaid benefits is sent, the individual can still provide the requested

information within three months of the date of the adverse action notice and receive up to three months retroactive coverage. The date of application determines the beginning of the three month retroactive period.

(3) Presumptive Eligibility for Pregnant Women. Qualified Designated providers determine presumptive eligibility for pregnant women. The period of presumptive eligibility for pregnant women begins when a Qualified Designated provider as defined in Rule 65A-1.701, F.A.C., determines that the woman is eligible based on her family income. Presumptive eligibility ends when a determination for full Medicaid is made or, on the last day of the month following the month the presumptive eligibility determination is made, if an application for ongoing Medicaid coverage is not filed. Citizenship/noncitizen status and providing a social security number (SSN) are not required for eligibility as a presumptively eligible pregnant woman. A pregnant woman determined presumptively eligible may receive no more than one period of presumptive eligibility per pregnancy

(4) Presumptive Eligibility by Hospitals: The Department provides Medicaid during a presumptive eligibility period to pregnant women, infants and children under age 19, parents and caretaker relatives and former foster care children who are determined by a qualified hospital as defined in Rule 65A-1.701, F.A.C. to be presumptively eligible. The period of presumptive eligibility by hospitals begins on the date the determination is made. Presumptive eligibility ends when a determination for full Medicaid is made or, on the last day of the month following the month the presumptive eligibility determination is made, if an application for ongoing Medicaid coverage is not filed. An individual determined presumptively eligible may receive no more than one period of presumptive eligibility within a twelve-month period, starting with the effective date of the initial presumptive eligibility period.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 2-7-01, 10-21-01, 4-1-03, 2-4-04, 6-26-08, 8-10-10, \_\_\_\_\_.

Substantial rewording of Rule 65A-1.707 follows. See Florida Administrative Code for present text.

65A-1.707 Family-Related Medicaid Income and Resource Criteria.

(1) The Department uses the Modified Adjusted Gross Income (MAGI) based methodologies to determine the financial eligibility of individuals applying for Medicaid, unless the individual qualifies for an eligibility group for which MAGI-based methodologies do not apply. Resources are not considered as part of the eligibility determination for individuals whose eligibility is determined using MAGI methodologies.

MAGI methodologies will not apply to the following:

(a) Individuals whose eligibility for Medicaid does not require a determination of income by the Department including individuals receiving Supplemental Security Income (SSI).

(b) Individuals who are age 65 or older when age is a condition of eligibility.

(c) Individuals whose eligibility is being determined on the basis of being blind or disabled.

(d) Individuals who request coverage for long-term services and supports, including nursing facility services, or individuals who request a level of care in any institution equivalent to nursing facility services, or individuals who request home and community based services provided under a Medicaid waiver.

(e) Individuals who are being evaluated for Medicare cost sharing assistance.

(f) Individuals who are being evaluated for coverage as SSI-Related Medically Needy.

(2) Household income is defined as: The sum of the MAGI-based income of every individual included in the individual's household. The income of children and tax dependents who are not expected to be required to file a tax return is not included. Exceptions to this income determination are:

(a) Income of children and tax dependents: The MAGI-based income of children who are included in the household of his or her natural, adopted or step parent, but are not expected to be required to file a tax return for the year in which eligibility is being determined, are not included in the household income of the taxpayer, whether or not such individual files a tax return.

(b) Income of individuals claimed as a tax dependent: The MAGI-based income of an individual who is included in the household of the taxpayer, but is not expected to be required to file a tax return for the year in which eligibility is being determined, is not included in the household income of the taxpayer, whether or not such tax dependent files a tax return.

(c) Income of taxpayer not claimed as a tax dependent: The MAGI-based income of an individual who expects to file a tax return for the taxable year in which eligibility is being determined, or for the taxable year in which a renewal of eligibility is being made, and does not expect to be claimed as a tax dependent, the household is the taxpayer claiming such individual.

(d) If a taxpayer cannot reasonably establish that another individual is a tax dependent of the taxpayer for the tax year in which eligibility is being determined the inclusion of such individual in the household is determined in accordance to 65A-1.707(2)(C).

(3) In determining the eligibility of an individual using MAGI-based income an amount equivalent to 5% of Federal Poverty Level (FPL) for the family size is applied to determine the eligibility of the individual. If the individual's income is below the income limit for the coverage group the 5% is not applied if the individual is eligible without the additional 5%. This disregard is not applied in Medically Needy.

(4) Whose income is considered: Whose income is counted is determined pursuant to 42 C.F.R.435.603(d). Household income is the sum of the MAGI based income as defined in 42 C.F.R. 603(e) minus the MAGI disregard referenced in 65A-1.707(3).

(5) Income standards for infants and children under age 19. The maximum income standard for infants under age 1 is 200 percent of the FPL and the maximum income standard for children ages 1 through 18 is 133 percent of the FPL.

(6) Income standard for Parents and Caretaker Relatives. The maximum income standard for parents and caretaker relatives is the State's AFDC payment standard in effect as of July 16, 1996, converted to a MAGI equivalent standard.

(7) Income standard for Children 19 and 20. The maximum income standard for children 19 and 20 is the States's AFDC payment standard in effect as of July 16, 1996, converted to a MAGI equivalent standard.

(8) Income standard for pregnant women. The maximum income standard for pregnant women is 185 percent of the FPL.

(9) Medically Needy Income Level (MNIL). The Department considers income in excess of the Medically Needy Income Level available to pay for medical care and services. The Department deducts the MNIL month to determine the amount of excess countable income-available to meet medical care and services each month.

Rulemaking Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 11-23-04, 2-20-07, 5-6-08, 6-4-12,\_\_\_\_\_.

Substantial rewording of Rule 65A-1.708 follows. See Florida Administrative Code for present text.

65A-1.708 Family-Related Medicaid Budgeting Criteria.

(1) The Department uses a prospective budgeting method at the initial application and renewal of eligibility in the financial determination for Medicaid coverage. When eligibility is being determined for a prior month, the actual income and circumstances for that month shall be used.

(a) Weekly income is converted to a monthly amount by using, the conversion factor of 4.

(b) Biweekly income is converted to a monthly amount by using, the conversion factor of 2.

(c) Semi-monthly income is converted to a monthly amount by using the conversion factor of 2.

(d) When averaging income, all income from the most recent quarter provided to the State Wage Information Collection Agency (SWICA), within the Department of Revenue, shall be used if it is representative of the individual's future earnings. The four most recent weeks of income shall be used if it is representative of the individual's future earnings. A longer period of income history may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income, for example self-employment in a seasonal industry. In budgeting income received by an individual on a contractual basis, at the option of the individual, the income is prorated over the period of the contract or counted when received.

(2) There is no asset or resources test.

(3) The Department will apply a standard disregard and a MAGI disregard, based on the household size, to determine the financial eligibility for pregnant women, infants and children ages one through five, parents and other caretaker relatives and children 19 and 20 years of age:

(4) The Department will only apply the MAGI disregard to determine the financial eligibility for children under age 6.

(5) Budget periods. At the initial determination, renewal of eligibility or when a change is reported, the financial eligibility for Medicaid is based on the current monthly household's income and family size for each individual's standard filing unit (SFU) projected for the entire eligibility period.

(6) Budgeting for Medically Needy individuals.

(a) Determining countable income. The Department will deduct the following amounts from income to determine the individual's countable income:

1. For individuals under age 21, parents and other caretaker relatives and pregnant women, the Department will deduct the Medically Needy Income Level (MNIL) amounts found in 65A-1.716(2), for Family-Related Medicaid coverage groups.

2. For aged, blind, or disabled individuals, the Department will deduct the MNIL amounts found in 65A-1.716(2), SSI-Related Medicaid coverage groups.

(b) Deduction of incurred medical expenses. The Department shall deduct allowable medical expenses in chronological order, by date of service. To qualify as a medical expense deduction the following criteria must be met:

1. The medical expense must be unpaid and the payment of the expenses remains the responsibility of the individual or a member of the SFU, or

2. The medical expense was incurred and paid during the previous three calendar months preceding the month of application or the month eligibility is being requested. The

paid expense must not have been previously deducted from the countable income during a period of eligibility, or

3. Medical expenses reimbursed by a state or local government not funded in full by federal funds, excluding Medicaid program payments, are allowable deductions. Any other medical expenses reimbursable by a third party are not allowable deductions. Examples of recognized medical expenses include:

a. Allowable health insurance costs such as medical premiums, other health insurance premiums, deductibles and co-insurance charges; and,

b. Allowable medical expenses such as medical services, and personal care services in the home, provided or prescribed by a recognized member of the medical community.

Rulemaking Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 10-16-07,\_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dianna Laffey  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2016  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 18, 2015

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

#### AGENCY FOR HEALTH CARE ADMINISTRATION Certificate of Need

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

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 42 No. 20, February 1, 2016 issue of the Florida Administrative Register. The Notice of Proposed Rule, as advertised on February 1, 2016, did not properly cite the published development notice for 59C-1.040 and 59C-1.041, F.A.C. The notice of proposed rule development was published on October 22, 2015.

#### AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

RULE NO.:	RULE TITLE:
59G-4.060	Dental Services

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. 10, January 15, 2016 issue of the Florida Administrative Register.

The Dental Services Coverage Policy, incorporated by reference and available at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, has been changed as follows:

Section 3.2 Who Can Provide, the final sentence now reads: Registered dental hygienists (RDH) may provide services, within their scope of practice, in accordance with Chapter 466, F.S., to recipients in health access settings.

**Section IV  
Emergency Rules**

NONE

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

DEPARTMENT OF LAW ENFORCEMENT  
Division of Local Law Enforcement Assistance  
RULE NO.: RULE TITLE:

11D-10.003 Selection Committee  
The Florida Department of Law Enforcement hereby gives notice:

On February 12, 2016, pursuant to notice, at a meeting held in Tallahassee, Florida, the Florida Department of Law Enforcement (Department) considered a petition for temporary waiver of subsection 11D-10.003(3), F.A.C., by Steve Casey, Executive Director, Florida Sheriff’s Association. After careful consideration of the facts in this matter, the Department found that Petitioner had demonstrated an economic, technological, legal, or other type of hardship resulting from strict application of subsection 11D-10.003(3), F.A.C., that was particular to petitioner, significantly different from the way the rule affects similarly situated persons and issued an order granting Petitioner’s petition for temporary waiver of Rule 11D-10.003(3), F.A.C.

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-73.001 Public Transportation

NOTICE IS HEREBY GIVEN that on March 8, 2016, the Florida Department of Transportation (Department) received a petition for a variance from Hillsborough Area Regional Transit Authority (HART) seeking a variance from the provisions of Rule 14-73.001, F.A.C. Rule 14-73.001, F.A.C., establishes requirements for the recipients of the Department’s transit grant funds. HART proposes the Department grant a variance to the deadline for adoption of the HART’s Major Transit Development Plan update.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458, [FDOT.AgencyClerk@dot.state.fl.us](mailto:FDOT.AgencyClerk@dot.state.fl.us).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on March 4, 2016, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), F.A.C., and subsection 61C-4.010(6), F.A.C., from T&G Bakery & Restaurant located in North Miami. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 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: [Lydia.Gonzalez@myfloridalicense.com](mailto:Lydia.Gonzalez@myfloridalicense.com), Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards



NOTICE IS HEREBY GIVEN that on March 10, 2016, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Sand Dollar III located in St. Augustine, FL. Petitioner seeks a permanent variance of the requirements of ASME A17.1, Sections 211.3, 211.4, 211.5, 211.6, 211.7, 211.8, 1998 edition as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2016-053).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, [chr.elevators@myfloridalicense.com](mailto:chr.elevators@myfloridalicense.com).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

The Construction Industry Licensing Board hereby gives notice that the petition filed by Corrie Tomek Forman on September 1, 2015, seeking a variance or waiver from the rule stating that examination scores expire after four years and are not valid when applying for a license as a Certified General Contractor has been withdrawn. The Notice of Petition was published in Vol. 41, No. 197, of the October 9, 2015 issue of the Florida Administrative Register.

The person to be contacted regarding this petition is: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)487-1395 or by electronic mail: [Amanda.Wynn@myfloridalicense.com](mailto:Amanda.Wynn@myfloridalicense.com).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver, filed on September 18, 2015, by Kent M. Kolovich. The Notice of Petition for Waiver or Variance was published in Vol. 41, No. 193, of the October 5, 2015, Florida Administrative Register. Petitioner sought a waiver or variance to use his test scores from a license exam taken in February 2007, in order to upgrade his current license to a General Contractor License. The Board considered the instant Petition at a duly-noticed public meeting held on November 13, 2015, in Altamonte Springs, Florida.

The Board's Order, filed on February 4, 2016, denied the Petition for a Variance or Waiver because the Petitioner did not demonstrate that the purpose of the underlying statute will

be or has been achieved by other means. Additionally, the Petitioner did not demonstrate that the application of the rule would create a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, at the above address, (850)487-1395 or by email: [Amanda.Wynn@myfloridalicense.com](mailto:Amanda.Wynn@myfloridalicense.com).

**DEPARTMENT OF HEALTH**

**Board of Nursing**

NOTICE IS HEREBY GIVEN that on March 10, 2016, the Board of Nursing, received a petition for waiver or variance filed by Nursing School of Excellence Inc., from subsection 64B9-15.005(6), F.A.C., with regard to the program's lack of test takers. Comments on this petition should be filed with the Board of Nursing, Joe R. Baker, Jr, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252, [Joe.Baker@flhealth.gov](mailto:Joe.Baker@flhealth.gov), within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

**Section VI**

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

**DEPARTMENT OF STATE**

**Division of Elections**

The Elections Canvassing Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 29, 2016, 9:00 a.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Elections Canvassing Commission will meet to certify the official results for the March 15, 2016, Presidential Preference Primary Election per Sections 102.111 and 103.101, Florida Statutes.

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: Kristi Bronson, Florida Department of State, (850)245-6240, [Kristi.Bronson@dos.myflorida.com](mailto:Kristi.Bronson@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: Kristi Bronson, Bureau of Election Records, Florida Department of State, (850)245-6240, Kristi.Bronson@dos.myflorida.com.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Florida Forest Service

The Florida Forest Service announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 5, 2016, 10:30 a.m.

PLACE: South Walton Coastal Branch Library, 437 Greenway Trail, Santa Rosa Beach, Florida 32459

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To allow the PWSF Management Plan Advisory Group to prepare for a public hearing (10:30 a.m.); to solicit comments from the public on the management of the PWSF (11:00 a.m.); to allow the PWSF Management Plan Advisory Group to review comments from the public hearing of April 5, 2016 and provide recommendations to the FFS to help in preparation of a management plan for the PWSF (1:00 p.m.).

A copy of the agenda may be obtained by contacting: PWSF at 5865 Highway 98 East, Santa Rosa Beach, Florida 32459, contacting Forestry Operations Administrator Mike Mathis at (850)691-0812 or online at [http://www.freshfromflorida.com/public\\_notices/](http://www.freshfromflorida.com/public_notices/).

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 72 hours before the workshop/meeting by contacting: PWSF at 5865 Highway 98 East, Santa Rosa Beach, Florida 32459, contacting Forestry Operations Administrator Mike Mathis at (850)691-0812. 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: PWSF at 5865 Highway 98 East, Santa Rosa Beach, Florida 32459, contacting Forestry Operations Administrator Mike Mathis at (850)691-0812.

**DEPARTMENT OF TRANSPORTATION**

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

DATE AND TIME: Tuesday, March 22, 2016, 5:00 p.m. open house, 6:00 p.m. formal presentation

PLACE: Willow Oak Assembly of God, 4045 Bailey Road, Mulberry, FL 33860

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** FDOT is designing a project on State Road 60 for 5.3 miles from Diesel Road to the Hillsborough County Line. The project resurfaces the roadway and includes drainage improvements, guardrail installation and median modifications. As a safety improvement, FDOT will modify the existing full median opening at Bailey Road/Shady Hammock Drive by restricting left turn movements at Shady Hammock Drive. Construction should begin early 2017.

A copy of the agenda may be obtained by contacting: Wayne Shelton, Project Manager, Florida Department of Transportation, (863)519-2353, Wayne.Shelton@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: Shelly Smith, District One Title VI Coordinator, (863)519-2761, shelly.smith@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: Wayne Shelton, Project Manager, Florida Department of Transportation, (863)519-2353, Wayne.Shelton@dot.state.fl.us.

**STATE BOARD OF ADMINISTRATION**

The Participant Local Government Advisory Council (PLGAC) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 28, 2016, 11:00 a.m. until conclusion of business

PLACE: State Board of Administration, 1801 Hermitage Blvd., Hermitage Conference Room, Tallahassee, Florida 32308

Attendees should check-in at the reception desk. On-site parking available.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly scheduled meeting of the Participant Local Government Advisory Council. The PLGAC is a six-member advisory council, which reviews the administration of the Local Government Surplus Funds Trust Fund (aka Florida PRIME) and makes recommendations regarding such administration to the Trustees. The Council operates under S. 218.409 (10)(a) of the Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, (850)413-1253, diane.bruce@sbafla.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: Eddie McEwen, (850)413-1104, or eddie.mcewen@sbafla.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).

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**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council  
The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.  
DATE AND TIME: March 24, 2016, 7:30 p.m.  
PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council  
The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.  
DATE AND TIME: March 24, 2016, 6:30 p.m.  
PLACE: Holiday Inn Hotel and Suites, Olustee Room, 213 Southwest Commerce Boulevard, Lake City, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Program Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council  
The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: March 24, 2016, 6:00 p.m.  
PLACE: Holiday Inn Hotel and Suites, Olustee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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**REGIONAL PLANNING COUNCILS**

North Central Florida Regional Planning Council  
The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: March 24, 2016, 6:30 p.m.  
PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by calling (352)955-2200. 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.

**REGIONAL PLANNING COUNCILS**

**North Central Florida Regional Planning Council**  
The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** March 24, 2016, 6:00 p.m.  
**PLACE:** Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by calling (352)955-2200. 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.

**REGIONAL PLANNING COUNCILS**

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

**DATE AND TIME:** Monday, April 4, 2016, 10:30 a.m.  
**PLACE:** South Florida Regional Council, 3440 Hollywood Boulevard, Hollywood, FL 33021

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Any Development Order received prior to the meeting; any Generally Consistent Comprehensive Plan Amendment Review received prior to the meeting; any Generally Inconsistent Comprehensive Plan Amendment Review received prior to the meeting; meeting on monthly Council business.

A copy of the agenda may be obtained by writing to: the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

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 writing to: the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021, (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021, (954)985-4416.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**  
The Board of Pilot Commissioners announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** March 21, 2016, 9:00 a.m.  
**PLACE:** 1(888)670-3525, participant pass code: 5243947159#  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1982.

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: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1982. 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: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: March 28, 2014, 9:00 a.m. – 4:00 p.m., Eastern Time

PLACE: Room 609, Bob Martinez Building, 2600 Blair Stone Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop relates to Notices of Rule Development published on November 19, 2013, Vol. 39, No. 225 of the Florida Administrative Register, for both Rule Chapters 62-761 and 62-762, F.A.C. Based on input from regulated entities, the department is proposing revisions to Chapters 62-761, F.A.C. and 62-762, F.A.C. for Underground Storage Tank Systems and Aboveground Storage Tank Systems, respectively. This workshop will be in three sections. 1. Presentation of the proposed revisions to Chapter 62-761, F.A.C., public comment, to be immediately followed by; 2. Presentation of the proposed revisions to Chapter 62-762, F.A.C.; 3. Presentation and discussion of the amendments to the financial responsibility requirements in Rules 62-761.420, F.A.C. and 62-762.421, F.A.C.

The workshop will also be available by teleconference at 1(888)670-3525, participant code: 8642459684#, and webinar at

<https://meet.lync.com/floridadep/kimberley.curran/YNJ06KW> N (note: this link is case sensitive).

A copy of the agenda may be obtained by contacting: William E. Burns, Jr., Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL 32399, bill.burns@dep.state.fl.us or (850)245-8842.

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: William E. Burns, Jr., Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL 32399, bill.burns@dep.state.fl.us or (850)245-8842. 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: William E. Burns, Jr., Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL 32399, bill.burns@dep.state.fl.us or (850)245-8842.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

The Florida Greenways and Trails Council announces a public meeting to which all persons are invited.

DATE AND TIME: March 31, 2016, 9:00 a.m.

PLACE: Conference Room A, Douglas Building, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council as well as discuss, select and prioritize the regional trail system projects that will be recommended to the Florida Department of Transportation for consideration to receive Shared Use Non-motorized Trail funding.

A copy of the agenda may be obtained by contacting: Britney Moore, Office of Greenways and Trails, Division of Recreation and Parks, Florida Department of Environmental Protection, 3800 Commonwealth Boulevard, MS 795, Tallahassee, Florida 32399-3000, Britney.Moore@dep.state.fl.us, (850)245-3069. The agenda and meeting materials will be available and posted at the Office of Greenways and Trails' website (FloridaGreenwaysandTrails.com) 7 days prior to the meeting. 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: Britney Moore, Office of Greenways and Trails, Division of Recreation and Parks, Florida Department of Environmental Protection, 3800 Commonwealth Boulevard, MS 795, Tallahassee, Florida 32399-3000, Britney.Moore@dep.state.fl.us, (850)245-3069. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 25, 2016, 1:00 p.m. – 3:00 p.m.

PLACE: Teleconference at 1(888)670-3525, participant code: 2922384719#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Biomedical Research Advisory Council (BRAC) Conference Call.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Derek Schwabe-Warf, Derek.Schwabe-Warf@flhealth.gov, (850)245-4034.



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**

Division of Medical Quality Assurance

The Board of Osteopathic Medicine announces a public meeting to which all persons are invited.

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

PLACE: St Petersburg Marriott Clearwater, 12600 Roosevelt Blvd., St. Petersburg, FL 33716

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
General business of the Board.

A copy of the agenda may be obtained by contacting: Daisy King, Program Operations Administrator at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Daisy King, Program Operations Administrator at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Daisy King, Program Operations Administrator at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

**CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.**

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: March 29, 2016, 8:00 a.m.

PLACE: 720 North Denning Drive, Winter Park, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Full Board Meeting to review agency Strategic Plan.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

For more information, you may contact: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

**FLORIDA INDEPENDENT LIVING COUNCIL**

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

DATES AND TIMES: Monday, May 23, 2016; Tuesday, May 24, 2016; Wednesday, May 25, 2016: Full Council Meetings; times to be announced at ilcflorida.org.

PLACE: Embassy Suites by Hilton, 1100 SE 17th Street Causeway, Fort Lauderdale, FL 33316; teleconference at 1(888)670-3525, participant code: 5073148497

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

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

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

**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The Sunshine State Governmental Financing Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 21, 2016, 1:00 p.m., ET

PLACE: This special meeting of the Commission will be conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes. Persons desiring to attend the meeting may do so by conference call which may be in listen-only mode during Commission deliberations and action, or at other times not designated for public comment. A copy of the agenda, conference call dial-in instructions, and directions to the hosting facility may be obtained from the agency contact listed below. Anyone not having access to a telephone will be entitled to use the telephone facilities located in Room 100, Clerk of the Circuit Court – Leon County, 301 South Monroe Street, Tallahassee, FL, 32301.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Special Meeting of Board of Directors.

A copy of the agenda may be obtained by contacting: Richard C. Dowdy, Program Administrator, at ssgfc@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). For more information, you may contact: the agency contact as noted above.

**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: April 13, 2016, 10:00 a.m., ET

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include an investment policy & guidelines review as well as a portfolio compliance review.

A copy of the agenda may be obtained by contacting: Ms. Coyne or at [www.fwcjua.com](http://www.fwcjua.com).

**ATKINS - BARTOW**

The Florida Department of Transportation (FDOT), District One, is holding public hearings as part of the Project Development and Environment (PD&E) Study of a 19-mile segment of US 27 from the Highlands County line to north of State Road (SR) 60 in Polk County. The FDOT invites all members of the public to attend.

DATE AND TIME: Tuesday, March 22, 2016, 6:00 p.m. – open house, 7:00 p.m. – formal hearing

PLACE: South Lake Wales Church of God, 210 Presidents Drive, Lake Wales, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing offers people the opportunity to express their views about the location, conceptual design, and social, economic, and environmental effects of the proposed widening of this segment of US 27 from existing four lanes to six lanes and improvements to the US 27/SR 60 interchange, Financial Project ID 419243-1-22-01. The FDOT sent notices of the public hearing to property owners located within 300 feet on either side of US 27 within the study limits. Draft project reports and conceptual plans are available for public review through April 1, 2016 at Lake Wales Public Library, 290 Cypress Garden Lane, Lake Wales, 9:00 a.m. – 6:30 p.m. Monday, Tuesday, Thursday; 9:00 a.m. – 5:30 p.m. Wednesday, Friday; 9:00 a.m. – 3:00 p.m. Saturday; and at Latt Maxcy Memorial Library, 15 North Magnolia Avenue, Frostproof, 8:30 a.m. – 8 p.m. Monday; 8:30 a.m. – 5 p.m. Tuesday, Wednesday and Friday; 8:30 a.m. – 7:00 p.m. Thursday; 9:00 a.m. to noon Saturday.

The FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability or family status. People who require special accommodations under the Americans with Disabilities Act of 1990, or who require translation services (free of charge), should contact: Shelly Smith District One Title VI Coordinator, Florida Department of Transportation, 801 N. Broadway Avenue, Bartow, FL 33830, (863)519-2761, [Shelly.smith@dot.state.fl.us](mailto:Shelly.smith@dot.state.fl.us), at least seven days prior to the public hearing. If you are hearing or speech impaired, please contact the FDOT using the Florida Relay Service, 1 (800)955-8771 (TDD) or 1 (800) 955-8770 (Voice).

For more information about the project or the public hearing, please contact: project manager Tony Sherrard at (863)519-2304, email: [antone.sherrard@dot.state.fl.us](mailto:antone.sherrard@dot.state.fl.us), or visit the project website: [www.swflroads.com](http://www.swflroads.com) and click on Future Projects.

**HDR ENGINEERING, INC. - PENSACOLA**

The Florida Department of Transportation, District 3 announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, April 7, 2016, 5:30 p.m. – 6:30 p.m., CT

PLACE: Springfield Community Center, 3728 East Third Street, Springfield, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), in cooperation with the Federal Highway Administration (FHWA) and the U.S. Department of Defense (DoD) at Tyndall Air Force Base (Tyndall AFB), will hold a public hearing for the above-referenced project on Thursday, April 7, 2016 from 5:30 p.m. to 6:30 p.m. CDT at the Springfield Community Center, 3728 East Third Street, Springfield.

This hearing is being held as part of a current Project Development and Environment (PD&E) Study that is being conducted to evaluate proposed transportation solutions for this segment of S.R. 30 (U.S. 98/Tyndall Parkway) and to provide documented information necessary for FDOT to reach a decision on the type, design, and location of the improvements. The project is being developed to reduce travel delays on U.S. 98 and Tyndall AFB while minimizing potential impacts to the natural and human environments. The project is currently in the PD&E study phase. No funding has been allocated for subsequent phases of right-of-way, design, or construction.

The hearing will begin as an open-house format at 5:30 p.m., with a formal presentation at 6:00 p.m. Draft project documents are available for public review from February 24, 2016 through April 22, 2016 at the Bay County Public Library, 898 West 11th Street, Panama City, from 9:00 a.m. – 8:00 p.m. Monday through Saturday, and from 1:00 p.m. –

5:00 p.m. on Sunday. The draft Environmental Assessment is also available through the FDOT Environmental Screening Tool at: <https://etdmpub.fla-etat.org/est/> as project number 13991.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act, or persons who require translation services (free of charge) should contact: Alan Vann, FDOT Project Manager, at 1(888)638-0250, ext. 1523 or via email at [alan.vann@dot.state.fl.us](mailto:alan.vann@dot.state.fl.us) at least seven days prior to the meeting. You may also contact Ian Satter, FDOT District Three Public Information Director, toll-free at (888)638-0250, ext. 1205 or via email at [ian.satter@dot.state.fl.us](mailto:ian.satter@dot.state.fl.us).

A copy of the agenda may be obtained by contacting: No agenda. The hearing will begin as an open-house format at 5:30 p.m., with a formal presentation at 6 p.m.

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: Alan Vann, FDOT Project Manager, 1(888)638-0250, ext. 1523 or via email at [alan.vann@dot.state.fl.us](mailto:alan.vann@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: Alan Vann, FDOT Project Manager, at 1(888)638-0250, ext. 1523 or via email at [alan.vann@dot.state.fl.us](mailto:alan.vann@dot.state.fl.us) or Ian Satter, FDOT District Three Public Information Director, toll-free at 1(888)638-0250, ext. 1205 or via email at [ian.satter@dot.state.fl.us](mailto:ian.satter@dot.state.fl.us).

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## Section VII

### Notice of Petitions and Dispositions Regarding Declaratory Statements

#### FLORIDA COMMISSION ON OFFENDER REVIEW

RULE NO.: RULE TITLE:

23-21.0155 Extraordinary Review Procedures

NOTICE IS HEREBY GIVEN that Florida Commission on Offender Review has declined to rule on the petition for declaratory statement filed by Inmate Anthony Peek on February 22, 2016. The following is a summary of the agency's declination of the petition:

Inmate Petitioner's third request to Initiate Rulemaking was denied as successive, abusive, and not supported by the law.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Sarah Rumph; [FCORLegal@fcor.state.fl.us](mailto:FCORLegal@fcor.state.fl.us), (850)488-4460.

Please refer all comments to: Sarah Rumph; [FCORLegal@fcor.state.fl.us](mailto:FCORLegal@fcor.state.fl.us), (850)488-4460.

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#### DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the Public Employees Relations Commission has issued an order disposing of the petition for declaratory statement filed by the Edison State College Faculty Federation (Federation) on March 3, 2016. The following is a summary of the agency's disposition of the petition:

The Federation asked two questions. The first question is whether a union's participation as a party to a grievance procedure is limited to those circumstances where a union has specifically negotiated whether or not it may file or process grievances in its own name. The second question is whether a certified bargaining agent's right to initiate and process grievances in its own name flows from its duty to bargain on behalf of bargaining unit employees and from its status as a signatory to a collective bargaining agreement. The Commission ruled on the first question in the negative and second question in the affirmative. The Commission stated that Section 447.401, Florida Statutes (2015), does not limit a union's participation as a party to a grievance procedure and does not require a union to negotiate the authority to file and process grievances in its own name. This right flows from the certified bargaining agent's duty to bargain on behalf of employees in the bargaining unit and from its status as a signatory to a collective bargaining agreement.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4708 Capital Circle NW, Suite 300, Tallahassee, Florida 32303-7256.

Please refer all comments to: The Clerk, Public Employees Relations Commission, 4708 Capital Circle NW, Suite 300, Tallahassee, Florida 32303-7256.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Construction Industry Licensing Board

The Construction Industry Licensing Board hereby gives notice that the petition filed on behalf of the City of Port St. Lucie on February 5, 2016, seeking a declaratory statement as to whether Section 489.113(2), FS., would apply to residential properties when a local construction licensing ordinance requires licensure to work in the business or occupation of contractor as opposed to Section 489.117(4)(d), FS., has been withdrawn. The Notice of Petition was published in Vol. 42, No. 36, of the February 23, 2016, issue of the Florida Administrative Register.

The person to be contacted regarding this petition is: Dan Biggins, Executive Director, Construction Industry Licensing Board, at 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF HEALTH  
Board of Medicine

Notice is hereby given that the Board of Medicine has received a Petition for Declaratory Statement filed on behalf of Ricardo Mejia, M.D., on March 9, 2016. The Petitioner seeks a declaratory statement from the Board with regard to whether it is appropriate for Petitioner to delegate certain aspects of the hair restoration surgery known as Follicular Unit Transplantation (“FUT”) utilizing the Follicular Unit Extraction (“FUE”) technique to medical assistants under his direct supervision pursuant to Section 458.3485, Florida Statutes. The Board will consider this petition at its meeting currently scheduled for April 8, 2016. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice. Copies of the petition may be obtained by writing: Adrienne Rodgers, Interim Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**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**

FLORIDA HOUSING FINANCE CORPORATION  
RFA 2016-105 Financing To Build Or Rehabilitate Smaller  
Permanent Supportive Housing Properties  
For Persons With Developmental Disabilities

This Request for Applications (RFA) will make available \$5,740,684.50 in grant funding to finance small Permanent Supportive Housing Developments consisting of no more than four (4) Units. Of this funding, \$4,312,000 will be allocated in this RFA for proposed Developments that will add Units that serve Persons with Developmental Disabilities, and \$1,428,684.50 will be allocated in this RFA for proposed Developments that will Renovate existing Units that are occupied by Persons with Developmental Disabilities.

The Corporation will offer the funding through a competitive grant program to private Non-Profit organizations that have a primary mission which includes serving Persons with Developmental Disabilities. Funding must be used for new construction and Renovation of existing housing Units, including Community Residential Homes as defined in Section 419.001, F.S. or Supported Living Units. The Corporation is required to consider the extent to which funds from local and other sources will be used by Applicants to leverage these grant funds; employment opportunities and supports that will be available to Residents of the proposed housing; a plan for Residents to access community-based services, resources, and amenities; and partnerships with supportive services agencies.

Applications shall be accepted until 11:00 a.m., Eastern Time, on Thursday, May 5, 2016, and sent to the attention of Ken Reecy, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact: Ken Reecy at Ken.Reecy@floridahousing.org. The RFA, which outlines selection criteria and Applicant’s responsibilities, can be downloaded from the Florida Housing Finance Corporation website at:

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-105/>.

Any modifications that occur to the Request for Applications will be posted at the web site and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

FISH AND WILDLIFE CONSERVATION COMMISSION  
 FWC 15/16-092 - WEST BAY ESTUARINE HABITAT  
 RESTORATION PROJECT, PHASE-II  
 ADVERTISEMENT FOR BIDS

BIDS ARE REQUESTED FROM QUALIFIED, CERTIFIED/REGISTERED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTGION OF:

BID NO: FWC 15/16-092

BID NAME: WEST BAY ESTUARINE HABITAT RESTORATION PROJECT, PHASE-II

PROJECT LOCATION: West Bay, St. Andrew Bay, Bay County, Florida

FOR: To construct up to fifty-three 2,250 sq. ft. (approximately 150 ft. by 15 ft.) curvilinear subtidal oyster reef units in 3-5 ft. (MLLW) waters at the deep edge of historic seagrass distribution along the western shoreline of West Bay in St. Andrew Bay (Figures 1 & 2 of the Technical Specifications; Sheet 3 of the Drawings). Each oyster reef unit will be constructed using oyster shell bags (consisting of biodegradable coir fiber materials and cured recycled or pre-washed fossilized oyster shell) to build a perimeter wall secured to the substrate with rebar stakes and with loose oyster shell fill placed throughout the center. All work done on this project shall be done in accordance with the technical specifications and construction plans.

SEALED BIDS WILL BE RECEIVED, PUBLICLY OPENED AND READ ALOUD ON:

Date and Time: April 11, 2016 @ 3:30 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission  
 Purchasing Office, Suite 100  
 2590 Executive Center Circle  
 Tallahassee, Florida 32301  
 Phone: (850)488-6551

BID DOCUMENTS: Can be downloaded from the Vendor Bid System at the link below:

[http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu)  
 Search by bid number FWC 15/16-092

PURCHASING MANAGER: (Direct questions to the following)

Bryan Tucker, Procurement Manager  
 Florida Fish & Wildlife Conservation Commission  
 Tallahassee Purchasing Office 2590 Executive Center Circle,  
 Tallahassee, Florida 32301, Phone: (850)617-9614,  
[bryan.tucker@myfwc.com](mailto:bryan.tucker@myfwc.com)

BRASFIELD & GORRIE, LLC  
 INVITATION TO BID

Brasfield & Gorrie, LLC will now be taking sealed bid proposals for the CONCRETE PAVING SCOPE on the UF Stephen C. O’Connell Center Expansion and Renovation project in Gainesville, FL. Sealed Bids are due by no later than March 30, 2016. Sealed bids must either be hand delivered or mailed to the following address:

Brasfield & Gorrie, LLC  
 c/o Adam Cowan  
 941 West Morse Blvd., Suite 200  
 Winter Park, FL 32789

For any questions, please contact:  
 Steven Nickels  
[snickels@brasfieldgorrie.com](mailto:snickels@brasfieldgorrie.com)  
 (407)562-4661

Section XII  
 Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 Siting Coordination Office

NOTICE OF INTENT TO ISSUE  
 PROPOSED MODIFICATION OF POWER PLANT  
 CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Crystal River Energy Complex, Power Plant Siting Application No. PA 77-09R, OGC Case No. 16-0036. On January 26, 2016, the Department received a petition to modify the Conditions of Certification for Crystal River Energy Complex from Duke Energy Florida pursuant to Section 403.516(1)(c), Florida Statutes, request renewal of a water quality criteria exemption for sodium pursuant to subsection 62-520.500(1), Florida Administrative Code (F.A.C.) and the Conditions of Certification. A copy of the proposed modification may be obtained by contacting: Ann Seiler, Department of Environmental Protection, 2600 Blair Stone Rd., MS 5500, Tallahassee, Florida 32399-2400, (850)717-9000. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party’s last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose

substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, (850)245-2242, fax: (850)245-2298, [agency\\_clerk@dep.state.fl.us](mailto:agency_clerk@dep.state.fl.us). If no objections are received, then a Final Order approving the modification shall be issued by the Department.

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DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development

Final Order No.: DEO-16-036

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-036 on March 10, 2016, in response to an application submitted by the Fairways at Sandestin for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order denied the application for covenant revitalization after determining that the application did not meet the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or [Katie.zimmer@DEO.MyFlorida.com](mailto:Katie.zimmer@DEO.MyFlorida.com).

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**Section XIII**  
**Index to Rules Filed During Preceding**  
**Week**

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.

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