

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09981 School and District Accountability

PURPOSE AND EFFECT: To adopt the learning gains calculation model for the Florida Standards Alternate Assessments in English Language Arts and Mathematics, as well as to bring the rule into compliance with 2017 statutory changes and an update to the referenced federal regulation for the four-year adjusted cohort graduation rate.

SUBJECT AREA TO BE ADDRESSED: School Grades.

RULEMAKING AUTHORITY: 1001.02, 1008.22, 1008.34, 1008.345, FS.

LAW IMPLEMENTED: 1008.22, 1008.34, 1008.345, FS.

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

DATE AND TIME: November 13, 2017, 3:00 p.m.

PLACE: Florida Department of Education, Room 1706, 325 W. Gaines St., Tallahassee, FL 32399; and via webinar at 1(888)419-5570, Conference Code 42550550, #. Please register for the webinar at (<https://attendee.gotowebinar.com/register/3028370968670471427>). After registering, a confirmation email will be sent containing information about joining the webinar.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jane Fletcher, Assistant Deputy Commissioner, Office of Accountability and Policy Research, Division of Accountability, Research, and Measurement, Florida Department of Education, 325 West Gaines Street, Suite 514, Tallahassee, Florida 32399-0400, (850)245-0437. To make a comment about this rule development, please contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or email Christian.Emerson@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09982 School Improvement Rating for Alternative Schools.

PURPOSE AND EFFECT: The inclusion of concordant scores in the calculations of English Language Arts and Mathematics learning gains to implement 2017 statutory changes to section 1008.341, F.S., by chapter 2017-116, § 28, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: School Improvement Ratings.

RULEMAKING AUTHORITY: 1001.02, 1008.34, 1008.341, FS.

LAW IMPLEMENTED: 1008.34, 1008.341, 1008.3415, FS.

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

DATE AND TIME: November 13, 2017, 3:00 p.m.

PLACE: Florida Department of Education, Room 1706, 325 W. Gaines St., Tallahassee, FL 32399; and via webinar at 1(888)419-5570, Conference Code 42550550, #. Please register for the webinar at (<https://attendee.gotowebinar.com/register/3028370968670471427>). After registering, a confirmation email will be sent containing information about joining the webinar.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jane Fletcher, Assistant Deputy Commissioner, Office of Accountability and Policy Research, Division of Accountability, Research, and Measurement, Florida Department of Education, 325 West Gaines Street, Suite 514, Tallahassee, Florida 32399-0400, (850)245-0437. To make a comment about this rule development, please contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or email Christian.Emerson@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.099828 School Accountability for Exceptional Student Education (ESE) Center Schools

PURPOSE AND EFFECT: To make the rule consistent with 2016 changes to Rule 6A-1.09430, F.A.C.

SUBJECT AREA TO BE ADDRESSED: School Improvement Ratings.

RULEMAKING AUTHORITY: 1001.02, 1008.34, 1008.341, 1008.3415, FS.

LAW IMPLEMENTED: 1008.34, 1008.341, 1008.3415, FS.

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

DATE AND TIME: November 13, 2017, 3:00 p.m.

PLACE: Florida Department of Education, Room 1706, 325 W. Gaines St., Tallahassee, FL 32399; and via webinar at 1(888)419-5570, Conference Code 42550550, #. Please register for the webinar at (<https://attendee.gotowebinar.com/register/3028370968670471427>). After registering, a confirmation email will be sent containing information about joining the webinar.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jane Fletcher, Assistant Deputy Commissioner, Office of Accountability and Policy Research, Division of Accountability, Research, and Measurement, Florida Department of Education, 325 West Gaines Street, Suite 514, Tallahassee, Florida 32399-0400, (850)245-0437. To make a comment about this rule development, please contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or email Christian.Emerson@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-10.040 Basic Skills Requirements for Postsecondary Career and Technical Certificate Education

PURPOSE AND EFFECT: To update the License Exemptions for CTE Programs List for the 2017-18 academic year, add a new assessment instrument, add an expiration date to an existing assessment instrument and delete an instrument that is no longer reportable to the state. There is also a change to language to replace a specific exam title with the current exam referenced in rule.

SUBJECT AREA TO BE ADDRESSED: Postsecondary Career Certificate Education.

RULEMAKING AUTHORITY: 1004.91, FS.

LAW IMPLEMENTED: 1004.91, 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: Kathleen Taylor, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, Suite 714, Tallahassee, FL 32399-0400; Phone (850)245-9062. To request a rule development workshop, please contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or e-mail Christian.emerson@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Available at <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.: RULE TITLES:
 11B-14.001 Definitions
 11B-14.005 Annual Salary Incentive Compensation Report

PURPOSE AND EFFECT: Subsection 11B-14.001(9), F.A.C.: Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

Paragraph 11B-14.005(3)(a), F.A.C.: Removes the reference to Rule 11B-35.006(1)(b), F.A.C., and adds a link to the Active CJSTC Curricula web page.

Sub-paragraphs 11B-14.005(3)(b)11.-70., F.A.C.: Renumbers the sub-subparagraphs of Rule 11B-14.005(3)(b), F.A.C., because retired courses were added to the list of inactive Advanced Training Program Courses that were eligible for salary incentive payments.

Sub-paragraph 11B-14.005(3)(b)11., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Criminal Law, number 019, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)16., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Sex Crimes Investigations, number 033, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)33., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses

by adding Organized Crime, number 054, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)35., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Supervision of the Youthful Offender, number 058, which was retired by the Commission, effective September 4, 2016.

Sub-paragraphs 11B-14.005(3)(b)48.-49., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Firefighting for Correctional Officers, number 072; and Community and Human Relations, number 073, which were retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)54., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Computers and Technology in Criminal Justice, number 080, which was retired by the Commission, effective September 4, 2016.

Sub-paragraphs 11B-14.005(3)(b)65.-70., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding the following courses which were retired by the Commission, effective September 4, 2016: Computer Crimes Investigations, number 1153; Financial Fraud Investigations, number 1154; Managing and Communicating With Inmates and Offenders, number 1161; Inmate Manipulation, number 1164; Investigating Crimes Against Children, number 1187; and Field Training Officer Course for Correctional Probation Officers, number 1188.

SUBJECT AREA TO BE ADDRESSED: Updated rule references; link to the Active CJSTC Curricula web page; updated list of inactive salary incentive Advanced Training Program Courses by adding the following retired courses that were eligible for salary incentive payments: Criminal Law, number 019; Sex Crimes Investigations, number 033; Organized Crime, number 054; Supervision of the Youthful Offender, number 058; Firefighting for Correctional Officers, number 072; Community and Human Relations, number 073; Computers and Technology in Criminal Justice, number 080; Computer Crimes Investigations, number 1153; Financial Fraud Investigations, number 1154; Managing and Communicating With Inmates and Offenders, number 1161; Inmate Manipulation, number 1164; Investigating Crimes Against Children, number 1187; and Field Training Officer Course for Correctional Probation Officers, number 1188.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22, 943.25(4) FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.
PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.: **RULE TITLES:**

11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0012	Denial and Discipline of Instructor Certification
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: Paragraph 11B-20.001(1)(j), F.A.C.: Establishes rule language that prohibits romantic or sexual relationships between certified instructors and students attending basic recruit training. Given the ability of an instructor to control access to the profession, it is possible for an instructor to use this power to coerce a student to participate in a relationship that he or she feels is required in order to successfully complete the program and become a certified officer.

Sub-subparagraph 11B-20.001(3)(a)5.b., F.A.C.: Incorporates the revised Internal Investigation Report, form CJSTC-78, to change the rule reference and update the name of the form in the instructions.

Subsection 11B-20.001(4), F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, to change the rule reference and update the certification statement to ensure the training center director or designee is aware of their

responsibility to verify individual meets the eligibility requirements.

Paragraphs 11B-20.0012(2)(b)-(c), F.A.C.: Updates the rule references because paragraphs were added to Rule 11B-35.001, F.A.C.

Paragraph 11B-20.0012(2)(f), F.A.C.: Imposes disciplinary action against an instructor's certification if the instructor teaches or supervises a basic recruit trainee in one of the Commission's Basic Recruit Training Programs and engages in a romantic or sexual relationship with that basic recruit trainee. Paragraph 11B-20.0012(2)(g), F.A.C.: Moves the existing rule language from the preceding subparagraph to form a new subparagraph.

Paragraph 11B-20.0017(7)(b), F.A.C.: Includes rule language to identify the requirements which must be met for General Instructors whose General Instructor Certification has lapsed to complete an internship in addition to completing the General Instructor Refresher Course and document the completion of both on the Instructor Competency Checklist, form CJSTC-81. SUBJECT AREA TO BE ADDRESSED: Added the definition of "romantic or sexual relationship" as it applies to relationships between certified instructors and students; revised Internal Investigation Report, form CJSTC-78, and Instructor Exemption, form CJSTC-82; updated rule references and new subparagraph; disciplinary action against an instructor's certification; and requirement for instructors whose General Instructor Certification has lapsed.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 943.12(3), (9), 943.14(3) FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce

Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.: RULE TITLES:

- 11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification
- 11B-21.018 Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification

PURPOSE AND EFFECT: Paragraph 11B-21.005(4)(a), F.A.C.: Updates the Driving Range Facility and Equipment Requirements, form CJSTC-202, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(5), F.A.C.: Updates the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(6), F.A.C.: Updates the Firing Range Facility and Equipment Requirements, form CJSTC-201, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(7), F.A.C.: Updates the First Aid Instructional Requirements, form CJSTC-208, to clarify that the training tourniquet(s) can be comprised of improvised material and the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Paragraph 11B-21.018(1)(d), F.A.C.: Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Updated rule reference; and revised Driving Range Facility and Equipment Requirements, form CJSTC-202; Defensive Tactics Facility and Equipment Requirements, form CJSTC-203; Firing Range Facility and Equipment Requirements, form CJSTC-201; and First Aid Instructional Requirements, form CJSTC-208.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(2), (3), (8), 943.14, 943.17(1)(g), 943.25(3) FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00212	Maintenance of Officer Certification
11B-27.003	Duty to Report, Investigations, Procedures
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Sub-paragraph 11B-27.0011(4)(b)1., F.A.C.: Amends current rule language as a result of the 2015 Legislature, which created Chapter 784.049, F.S., Sexual Cyberharassment. This charge applies to persons who publish a sexually explicit image of another to Internet websites without the depicted person’s consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

Sub-paragraph 11B-27.0011(4)(c)15., F.A.C.: Adds a new sub-paragraph to include “discriminatory conduct” as a moral character violation.

Sub-paragraphs 11B-27.0011(4)(c)15.a.-b., F.A.C.: Adds new sub-paragraphs to define “discriminatory conduct” violation and includes penalty guidelines for Florida officers who exhibit discriminatory conduct and who participate in activity which furthers the interests of a “hate group”, as defined in Section 874.03(6), F.S.

Sub-paragraph 11B-27.0011(4)(c)15.c., F.A.C.: Adds a new sub-paragraph to define an “expression of public concern” as it relates to discriminatory course of conduct.

Paragraph 11B-27.002(1)(f), F.A.C.: Incorporates the revised Affidavit of Applicant, form CJSTC-68, to only request the last four digits of the applicant’s social security number and removes the specific Florida Statute (F.S.) reference for sealed and expunged records, which will require applicants to disclose sealed and expunged records “outside” of Florida that would impact their ability to become certified.

Sub-paragraph 11B-27.002(3)(a)11., F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add a field for the applicant’s email address; and revises the Exemption-From-Training. Proficiency Demonstration, form CJSTC-76A, to update the instructions and allow training center directors to appoint a “designee” as an authorized signer on the form.

Sub-paragraphs 11B-27.00212(15)(c)1.-7., F.A.C.: Clarifies that elder abuse training in any of the CJSTC law enforcement basic recruit training programs, or Advanced and Specialized Training Programs, starting on or after a specified date, may count toward the requirement for completion of elder abuse training. New courses on the topic that are approved by the Commission will immediately qualify without rule change. Also, renumbers the subparagraphs and removes the specific names of courses.

Paragraph 11B-27.003(2)(a), F.A.C.: Incorporates the revised Internal Investigation Report, form CJSTC-78, to change the rule reference and update the name of the form in the instructions.

Sub-paragraph 11B-27.005(5)(a)8., F.A.C.: Adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guideline for felonies.

Sub-paragraph 11B-27.005(5)(a)9., F.A.C.: Adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines for felonies.

Sub-paragraph 11B-27.005(5)(a)19., F.A.C.: Adds the violation of “felony threats” to the enumerated penalty guideline for felonies.

Sub-paragraph 11B-27.005(5)(b)2., F.A.C.: Adds the violation of “malicious battery” to the enumerated penalty guidelines.

Sub-paragraph 11B-27.005(5)(b)4., F.A.C.: Adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guideline for misdemeanors involving false reports or statements.

Sub-paragraph 11B-27.005(5)(b)16., F.A.C.: Adds the new violation of “threats” to the enumerated penalty guidelines and includes recommended penalty range of “prospective suspension to revocation”.

Sub-paragraph 11B-27.005(5)(b)17., F.A.C.: Adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines and includes recommended penalty range of “probation with counseling”.

Sub-paragraphs 11B-27.005(5)(c)16.-17., F.A.C.: Adds the violation of “discriminatory conduct” to the penalty guidelines and includes recommended penalty ranges of “written reprimand to revocation” and “revocation”.

SUBJECT AREA TO BE ADDRESSED: Updated rule references; violations of “sexual cyberharassment”, “threats”, “malicious battery”, “falsifying records”, “felony threats”, “discriminatory conduct”; and definition of “expression of public concern” as it relates to discriminatory course of conduct; removal of specific names of courses; parameters for specific training in the CJSTC training programs; clarification for elder abuse training courses; revised Affidavit of Applicant, form CJSTC-68; Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), FS.

LAW IMPLEMENTED: 943.12, 943.12(3), 943.13, 943.13(7), (11), 943.133, 943.135, 943.139, 943.1395(3), (7) 943.1701, 943.1715, 943.1716, 943.253, FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law

Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.: **RULE TITLES:**

11B-30.006 State Officer Certification Examination
 General Eligibility Requirements

11B-30.012 Post Examination Review of Missed
 Questions, Answers, and Grading Key

PURPOSE AND EFFECT: Subsection 11B-30.006(1), F.A.C.: Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

Paragraph 11B-30.006(2)(a), F.A.C.: Updates the rule reference because paragraphs were removed from Rule 11B-35.001, F.A.C., and other paragraphs added.

Paragraph 11B-30.006(2)(b), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add the “Applicant’s Email Address” field as another method of communication with the applicant.

Subsection 11B-30.012(1), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered. Also deletes the rule text relating to reviews of the paper and pencil examination because as of June 2018, students will not be eligible to review a paper and pencil examination. Therefore, reviews of the paper and pencil examination will no longer be offered. Also repeals the State Officer Certification Examination Grade Review Request, form CJSTC-510.

Subsection 11B-30.012(2), F.A.C.: Deletes the rule text relating to reviews of the paper and pencil examination because as of June 2018, students will not be eligible to review a paper and pencil examination. Therefore, reviews of the paper and pencil examination will no longer be offered.

Subsection 11B-30.012(3), F.A.C.: Moves the rule text to subparagraph of Rule 11B-30.012(3)(a), F.A.C., because the original text in this subparagraph will be deleted.

Paragraph 11B-30.012(3)(a), F.A.C.: Deletes the rule text relating to reviews of the paper and pencil exam because as of June 2018, students will not be eligible to review a paper and pencil exam. Therefore, reviews of the paper and pencil examination will no longer be offered. Also, repeals the State Officer Certification Examination Review, form CJSTC-511.

Paragraph 11B-30.012(3)(b), F.A.C.: Deletes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

SUBJECT AREA TO BE ADDRESSED: Updated rule references; deleted rule text relating to paper and pencil or

computer-based examination, paper and pencil examination reviews; revised Exemption-From-Training, form CJSTC-76; repealed State Officer Certification Examination Grade Review Request, form CJSTC-510; and repealed State Officer Certification Examination Review, form CJSTC-511.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), (17) 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(17), 943.131(2), 943.1397, 943.17, 943.173 FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Basic Abilities Test Requirements for Applicant Admission into a Law

	Enforcement and Correctional Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Program
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training
PURPOSE AND EFFECT: Subsections 11B-35.001(7)-(16), F.A.C.: Renumbers the paragraphs of Rule 11B-35.001(7)-(16), F.A.C., because new paragraphs were added to the requirements and specifications section.	
Subsections 11B-35.001(7)-(9), F.A.C.: Provides an official list of active Commission-approved courses on a public web page that will be available to the training schools and instructors. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.	
Paragraph 11B-35.001(10)(b), F.A.C.: Updates the rule reference.	
Paragraph 11B-35.001(10)(c), F.A.C.: Updates the rule reference.	
Paragraph 11B-35.001(10)(d), F.A.C.: Provides instructors and agencies public web page access to an official list of specialized courses and instructor courses that require an end-of-course examination. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.	
Sub-paragraphs 11B-35.001(10)(d)1.-10., F.A.C.: Removes the Specialized Training Program Courses.	
Paragraph 11B-35.001(11)(b), F.A.C.: Makes reference to the basic recruit programs by type rather than by the specific name, which is subject to change; and clarifies that the Academy Physical Fitness Standards Report form CJSTC-67A is not required for Law Enforcement Auxiliary or Cross-Over programs.	
Sub-paragraph 11B-35.001(11)(d)8., F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, to change the rule reference and update the certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.	
Subsection 11B-35.001(12), F.A.C.: Updates the rule reference.	
Paragraph 11B-35.001(12)(c), F.A.C.: Updates the rule reference.	
Paragraph 11B-35.001(13)(a), F.A.C.: Updates the rule reference.	

Paragraph 11B-35.001(13)(b), F.A.C.: Updates the rule reference.

Subsection 11B-35.001(14), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(15)(b), F.A.C.: Specifies that a physical examination is not required for cross-over basic recruit training programs.

Subsection 11B-35.001(17), F.A.C.: Establishes procedures for implementing the field test of significant changes to the basic recruit training program CMS Criminal Justice Defensive Tactics Course.

Paragraph 11B-35.001(1)(b), F.A.C.: Removes rule reference that no longer applies.

Subsections 11B-35.002(1)-(5), F.A.C.: Updates the statutory references to include all impacted training programs and removes specific names of courses from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

Paragraphs 11B-35.002(6)(a)-(b), F.A.C.: Specifies that a four-year requirement is established for basic recruits to complete a basic recruit program, pass the State Officer Certification Examination (SOCE), and become employed and certified even after a program is officially retired.

Paragraph 11B-35.002(6)(c), F.A.C.: Specifies that students who entered into a basic recruit training program and have not completed the program at the time that it is retired, are still eligible to complete the program, provided they completed the training within four years of the beginning date.

Sub-paragraph 11B-35.002(6)(c)1.-10., F.A.C.: Identifies the basic recruit training programs that are still eligible for completion by basic recruits currently enrolled or previously enrolled for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(1)(a)-(c), F.A.C.: Deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(2)(a)-(6), F.A.C.: Removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(6)(a)-(f), F.A.C.: Removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Subsections 11B-35.003(2)-(5), F.A.C.: Removes the specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and

new trends in developing and implementing new officer training; and updates the rule reference.

Subsections 11B-35.003(6)-(8), F.A.C.: Removes the specific names of courses and training programs from rule.

Paragraph 11B-35.006(1)(b), F.A.C.: Removes specific names of Advanced Training Program Courses eligible for salary incentive.

Subsections 11B-35.006(2)-(7), F.A.C.: Adds rule text to clarify officers who are eligible for salary incentive payment, renumbers the paragraphs, and updates the subparagraph rule reference.

Subsections 11B-35.007(3)-(5), F.A.C.: Makes available to instructors and agencies on public web page an official list of Advanced Training Program Courses. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

Subsection 11B-35.009(5), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add a field for the applicant's email address which provides another method of communication with the applicant.

Subsection 11B-35.009(6), F.A.C.: Incorporates the revised Exemption-From-Training. Proficiency Demonstration, form CJSTC-76A, to update the instructions and allow training center directors to appoint a "designee" as an authorized signer on the form.

SUBJECT AREA TO BE ADDRESSED: Updated rule references; established procedure for maintaining current list of Commission-approved courses and programs on a public internet web page; use of the Academy Physical Fitness Standards Report form CJSTC-67A; physical examination requirements; implementation of the CMS Criminal Justice Defensive Tactics Course revision field-test; deleted the specific listing of basic recruit training programs by name; clarified four year requirement for completing a basic recruit program after the training programs are retired; removed the specific names of courses and training programs from rule; clarified officers who are eligible for salary incentive payment; updated Active CJSTC Curricula web page; inactive salary incentive Advanced Training Program Courses; and revised Exemption-From-Training, form CJSTC-76; and Instructor Exemption, form CJSTC-82.

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.17(1)(a), (b), 943.175, 943.25 FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:

11C-4.008 Uniform Crime Reports Guide Manual

PURPOSE AND EFFECT: The Uniform Crime Reports (UCR) Guide Manual was recently updated. The change reflects the current version of the UCR Guide Manual.

SUBJECT AREA TO BE ADDRESSED: The updated Uniform Crime Reports Guide Manual.

RULEMAKING AUTHORITY: 943.03(4), 943.05(2), FS.

LAW IMPLEMENTED: 943.05(2), 943.1702 FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida

Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.: RULE TITLES:

11C-6.004 Procedures for Requesting Criminal History Records

11C-6.009 Sale and Delivery of Firearms

11C-6.010 Retention of Applicant Fingerprints

PURPOSE AND EFFECT: 11C-6.004: The rule change is requested to be consistent with current methods of Florida criminal history record check requests and correct a statute reference. Additionally, the Volunteer and Employee Criminal History System (VECHS) Qualified Entity Application was recently updated. The change reflects the current version of the VECHS Qualified Entity Application.

11C-6.009: Amended to reflect the current ATF 4473 form (10/2016) and expand options for a licensed firearm dealer to pay his or her monthly invoice.

11C-6.010: Amend Law Implemented section to add statutes that authorize fingerprint retention.

SUBJECT AREA TO BE ADDRESSED: 11C-6.004: Procedures for Requesting Criminal History Records

11C-6.009: Sale and Delivery of Firearms

11C-6.010: Retention of Applicant Fingerprints

RULEMAKING AUTHORITY: 790.065, 943.03(4), 943.05(2)(g), (h), 943.053(3), 943.0542, 943.056, 1012.32(3), 1012.465, 1012.56 FS

LAW IMPLEMENTED: 435.12, 496.4101(3)(c), 550.105(10)(c), 551.107(7)(c), 559.555(2)(c)3., 560.141(1)(c)3., 744.3135(4)(b), 790.065, 943.053(3), 943.0542, 943.056, 943.13(5), 985.644(3)(c), 1002.395(6)(b)3., 1002.421(3)(a), 1012.32(3), 1012.465, 1012.467, 1012.56, F.S.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NOS.: RULE TITLES:

11C-7.006 Procedures on Court-Ordered Expunctions

11C-7.007 Procedures on Court-Ordered Sealings

PURPOSE AND EFFECT: The rule change is requested to reflect the new types of expunge and seal Certificates of Eligibility and the deletion of an obsolete form.

SUBJECT AREA TO BE ADDRESSED: Procedures on court-ordered expunctions and court-ordered sealings.

RULEMAKING AUTHORITY: 943.03(4), 943.058(2), 943.059(2) FS.

LAW IMPLEMENTED: 943.0585, 943.059 FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331

Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rachel Truxell at (850)410-7100, or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

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

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NOS.: RULE TITLES:

11G-5.002 Establishment of Medical Examiner Districts

11G-5.003 District Medical Examiner Terms of Office

PURPOSE AND EFFECT: Subsection 11G-5.002(9), F.A.C.: Orange and Osceola counties each enacted home rule authority for the appointment of the county’s respective medical examiner, which requires each county to become its own medical examiner district. This revision reflects this distinction by removing Osceola County from the counties covered by district 9.

Subsection 11G-5.002(24), F.A.C.: Punctuation change to add another subsection to the list.

Subsection 11G-5.002(25), F.A.C.: This revision is necessary to add Osceola County as its own medical examiner district.

Section 11G-5.003, F.A.C.: Corrects the number of medical examiner districts from 24 to 25 with the creation of district 25 for Osceola County.

Subsection 11G-5.003(2), F.A.C.: Includes District 25 in the second year term rotations since District 9 and District 25 serve the same constituency and should be surveyed at the same time.

SUBJECT AREA TO BE ADDRESSED: Updates the number of medical examiner districts and the counties assigned to each district; and designates the term of office cycle for each medical examiner district.

RULEMAKING AUTHORITY: 406.04, FS.

LAW IMPLEMENTED: 406.05, 406.06(1)(a), FS.

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

DATE AND TIME: Thursday, November 16, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Vickie Koenig at (850)410-8600, or vickiekoenig@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Medical Examiners Commission, P. O. Box 1489, Tallahassee, Florida 32302-1489. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vickie Koenig at (850)410-8600, or vickiekoenig@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Medical Examiners Commission, P. O. Box 1489, Tallahassee, Florida 32302-1489.

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-401.701 Medical and Substance Abuse Clinical Files

PURPOSE AND EFFECT: To implement HB1203 legislative changes to section 945.10, F.S. related to confidential protected health information of inmates.

SUBJECT AREA TO BE ADDRESSED: Protection, use, and disclosure of confidential protected health information and Department Records.

RULEMAKING AUTHORITY: 944.09, 945.10, FS.

LAW IMPLEMENTED: 119.07, 945.10, 945.25, 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: Gregory Hill, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Currently unavailable. Interested parties should contact the person identified above for preliminary or proposed text as it becomes available.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.901 Confidential Records

PURPOSE AND EFFECT: To implement HB1203 legislative changes to section 945.10, F.S. related to confidential protected health information of inmates.

SUBJECT AREA TO BE ADDRESSED: Protection, use, and disclosure of confidential protected health information and Department Records.

RULEMAKING AUTHORITY: 944.09, 945.10, FS.

LAW IMPLEMENTED: 119.07, 945.10, 945.25, 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: Gregory Hill, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Currently unavailable. Interested parties should contact the person identified above for preliminary or proposed text as it becomes available.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-603.201 Transfer of Inmates

PURPOSE AND EFFECT: To implement legislative changes to section 944.597, F.S. that include training curriculum requirements and eliminates obsolete language related to Florida-based transport company personnel who are based outside the state of Florida.

SUBJECT AREA TO BE ADDRESSED: Training curriculum requirements by private transport company personnel.

RULEMAKING AUTHORITY: 944.09

LAW IMPLEMENTED: 944.597

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: Gregory Hill, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Currently unavailable. Interested parties should contact the person identified above for preliminary or proposed text as it becomes available.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-6.022 Standards of Performance

PURPOSE AND EFFECT: The Agency is proposing to amend Rule 59A-6.022, F.A.C. to incorporate recent statutory changes related to medical assistance qualifications, and remove vague or outdated language.

SUBJECT AREA TO BE ADDRESSED: Rule 59A-6.022, F.A.C., outlines the standards by which a multiphasic health testing center must perform. The proposed changes will identify Agency approved certification or registration programs for medical assistants as required by Section 483.291(7)(b), F.S., and remove vague or outdated language.

RULEMAKING AUTHORITY: 483.291 FS.

LAW IMPLEMENTED: 483.291, 483.308, 483.314, FS.

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

DATE AND TIME: November 30, 2017 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration Ft. Knox Bldg. 3, Conference Room D, 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: Dayle D. Mooney, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS#32, Tallahassee, Florida, (850)412-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dayle D. Mooney, (850)412-4500, email: Dayle.Mooney@ahca.myflorida.com.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:

59C-1.005 Certificate of Need Exemption Procedure

PURPOSE AND EFFECT: The Agency is proposing to amend Rule 59C-1.005, F.A.C., to add exemption criteria pursuant to statutory changes during the 2017 legislative session to 408.036 (3), F.S.

SUBJECT AREA TO BE ADDRESSED: Amendments to paragraph 59C-1.005 (6)(l), F.A.C. identify the necessary documentation an applicant must submit to be approved for the establishment of a new hospice through the Certificate of Need exemption process.

RULEMAKING AUTHORITY: 408.034 (8) and 408.15 (8) FS.

LAW IMPLEMENTED: 408.036 (3) (4) FS.

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

DATE AND TIME: November 17, 2017, 8:30 a.m. to 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marisol Fitch, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marisol Fitch, (850)412-4346, email: Marisol.fitch@ahca.myflorida.com.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE NO.: RULE TITLE:

59H-1.0035 Definitions

PURPOSE AND EFFECT: Rule 59H-1.0035, F.A.C. will undergo rule development to clarify definitions, remove outdated language, and update the reimbursement rates.

SUBJECT AREA TO BE ADDRESSED: Definitions, including removal of outdated language and updates to the claims processing in the HCRA Handbook.

RULEMAKING AUTHORITY: 154.3105, FS.

LAW IMPLEMENTED: 154.304, 154.306, 154.308, 154.309, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE

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

DATE AND TIME: Friday, December 29, 2017, 10:00am - 11:00am

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: Kirsten Barrett, Bureau of Central Services, 2727 MS26 Mahan Drive, Tallahassee, FL 32308 (850)412-4333 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kirsten Barrett, Bureau of Central Services, 2727 MS26 Mahan Drive, Tallahassee, FL 32308 (850)412-4333 or via email at Kirsten.Barrett@ahca.myflorida.com

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

DEPARTMENT OF HEALTH

RULE NO.: RULE TITLE:

64-4.014 Standards for Production of Edibles

PURPOSE AND EFFECT: This rule implements s. 381.986(8)(e)8., Florida Statutes, to establish the criteria under which medical marijuana treatment centers may produce edible products. Under section 120.54(7)(a), Florida Statutes, this rule development is responsive to the Petition to Initiate Rulemaking received by the Department of Health on September 29, 2017.

SUBJECT AREA TO BE ADDRESSED: Production of edible products by medical marijuana treatment centers

RULEMAKING AUTHORITY: 381.986(8)(e)8., 381.986(8)(k), FS.

LAW IMPLEMENTED: 381.986(8)(e), 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: Courtney Coppola (850)245-4274 or Courtney.Coppola@flhealth.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NO.: RULE TITLE:

5M-8.007 Previously Submitted Notices of Intent to Implement

PURPOSE AND EFFECT: The purpose of this proposed rule revision is to replace the existing re-enrollment requirements with a timed update of vegetable and agronomic crop best management practices against which enrolled producers will be evaluated for the purposes of implementation verification. All existing enrollments under this rule chapter will remain valid.

SUMMARY: The proposed rule revision will establish a new date of October 6, 2019, as the deadline for use of the adopted 2015 Vegetable and Agronomic Crop manual to serve as the basis to verify the implementation of best management practices.

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. As part of this analysis, the Department relied upon past experiences with developing voluntary Best Management Practices based on generally accepted industry practices. 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: 403.067(7)(c)2 and (d)2; 570.07(10) and (23), FS.

LAW IMPLEMENTED: 403.067(7)(d)2.c., 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: Stan Posey, Deputy Director, Office of Agricultural Water Policy, Mayo Building, 407 South Calhoun Street (MS E1), Tallahassee, Florida 32399. Telephone: (850)617-1700, FAX: (850)617-1701.

THE FULL TEXT OF THE PROPOSED RULE IS:

5M-8.007 ~~Previously Submitted~~ Notices of Intent to Implement Submitted Prior to October 7, 2015.

In order to retain a presumption of compliance with state water quality standards:

(1) Producers who submitted a Notice of Intent to Implement Best Management Practices prior to October 7, 2015 shall be subject to the manual incorporated by reference in subsection 5M-8.002(1), F.A.C. as the basis for verification of implementation of BMPs in any review conducted after October 6, 2019. Producers who are not described in subsections (2) or (3) below who submitted a Notice of Intent to Implement Best Management Practices prior to the effective date of this rule must:

~~(a) Within two years of the effective date of this rule, submit a new NOI and BMP checklist in accordance with Rule 5M-8.004, F.A.C.; and,~~

~~(b) Implement the selected BMPs on the checklist submitted to the Department.~~

~~(2) Producers who are not described in subsection (3) below who submitted a Notice of Intent to Implement Best Management Practices prior to the effective date of this rule and that have a Water Management District permitted, operational retention/detention stormwater management system that treats the production runoff water must:~~

~~(a) Within four years of the effective date of this rule, submit a new NOI and BMP checklist in accordance with Rule 5M-8.004, F.A.C.; and,~~

~~(b) Implement the selected BMPs on the checklist in accordance with Rule 5M-8.004, F.A.C.~~

~~(2)(3) Producers described below who submitted a Notice of Intent to Implement Best Management Practices prior to October 7, 2015 shall be subject to the manual incorporated by reference in subsection 5M-8.002(1), F.A.C., but do not have to re-enroll and the existing NOI continues to provide a presumption of compliance with state water quality standards so long as:~~

~~(a) They grow an annual crop that is fertilized with less than 100 lbs N/acre; or~~

~~(b) They grow strawberries or cucurbits on plastic mulch with drip irrigation, and apply greater than 75% of the nitrogen~~

fertilizer via fertigation at a rate that does not exceed 150 lbs N/acre per season; or

~~(c) They have a Conservation Plan developed or approved by Natural Resources Conservation Service that has been reviewed within the past five years and updated as necessary; or~~

~~(d) They grow vegetable and/or agronomic crops within the permit boundaries of the Everglades Agricultural Area or C-139 Western Basins Area and have been issued a permit under Chapter 40E-63, F.A.C.~~

(3) All Notices of Intent to Implement Best Management Practices shall remain valid and effective until withdrawn, amended, or terminated.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), (23) FS. Law Implemented 403.067(7)(c)2. FS. History—New 10-7-15, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Dwinell, Director, Office of Agricultural Water Policy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 17, 2017

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09422
 RULE TITLE: Statewide, Standardized Assessment Program Requirements

PURPOSE AND EFFECT: To remove language related to the administration of the Algebra 2 End-of-Course (EOC) Assessment, which was eliminated as a required statewide assessment from s. 1008.22, F.S., following the passage of House Bill (HB) 7069 in the 2017 legislative session (Ch. 2017-116, § 35, Laws of Fla.).

SUMMARY: The version of s. 1008.22(3)(b), F.S., in effect prior to July 1, 2017, included the Algebra 2 EOC Assessment as one of six required statewide, standardized EOC assessments. The passage of HB 7069, which went into effect on July 1, 2017, changed the statutory language of s. 1008.22(3)(b), F.S., to remove the Algebra 2 EOC Assessment from the list of required EOC assessments. This rule amendment removes language related to the Algebra 2 EOC Assessment from Rule 6A-1.09422, F.A.C., which details the statewide, standardized assessment program requirements, so that the rule will conform to statutory 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: The rule revision relates only to the removal of the Algebra 2 EOC Assessment in order to bring the rule into alignment with s. 1008.22, F.S., following the passage of HB 7069. There is, therefore, no impact on economic growth, private sector job creation, employment, private sector investment or business competitiveness and 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: 1001.02, 1008.22, 1008.25, FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, FS.

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

DATE AND TIME: November 28, 2017; 9:00 a.m.

PLACE: Lake-Sumter State College, 9501 U.S. Highway 441, Leesburg, FL 34788.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vince Verges, Assistant Deputy Commissioner, Division of Accountability, Research, and Measurement, Office of Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Statewide, Standardized Assessment Program Requirements.

(1) through (2) No change.

(3) The assessment program shall include comprehensive assessments in English Language Arts (ELA), Mathematics and Science, end-of-course assessments, and pursuant to Section 1008.22(3)(e)3., F.S., retake administrations of former assessments required for graduation.

(a) through (c) No change.

(d) The end-of-course assessments shall consist of assessments measuring the skills specified in ~~five (5) six (6)~~ courses: Algebra 1, Geometry, ~~Algebra 2~~, Biology 1, United States History, and Civics.

(e) through (f) No change.

(4) The statewide assessment program shall be administered as follows:

(a) through (c) No change.

(d) Beginning with the 2014-2015 school year, all eligible students enrolled in a high school Algebra 1 or equivalent course must take the Algebra 1 end-of-course assessment with a baseline administration of 2014-2015 ~~and~~; all eligible students enrolled in a high school Geometry or equivalent course must take the Geometry end-of-course assessment; ~~and all eligible students enrolled in a high school Algebra 2 or equivalent course must take the Algebra 2 end-of-course assessment.~~

(e) through (j) No change.

(5) Examinee scores on the statewide ELA and Mathematics assessments shall be reported by the use of scale scores and achievement levels defined by the baseline assessment administered during the 2014-2015 school year. Examinee scores on the statewide Science assessment shall be reported by the use of scale scores and achievement levels defined by the baseline assessment administered during the 2011-2012 school year. Examinee scores on end-of-course assessments shall be reported by the use of scale scores and achievement levels defined by the baseline assessment administered as follows: Algebra 1 end-of-course assessment (2014-2015), Algebra 1 end-of-course assessment for retake students (2010-2011), Geometry end-of-course assessment (2014-2015), ~~Algebra 2 end-of-course assessment (2014-2015)~~, Biology 1 end-of-course assessment (2011-2012), United States History end-of-course assessment (2012-2013), and Civics end-of-course assessment (2013-2014).

(a) No change.

(b) The achievement levels for the end-of-course assessments shall be as shown in the following tables.

Algebra 1 end-of-course assessment (baseline 2014-2015) scale scores (425 to 575) for each achievement level:

Level 1	Level 2	Level 3	Level 4	Level 5
425-486	487-496	497-517	518-531	532-575

Geometry end-of-course assessment scale scores (425 to 575) for each achievement level:

Level 1	Level 2	Level 3	Level 4	Level 5
425-485	486-498	499-520	521-532	533-575

~~Algebra 2 end-of-course assessment scale scores (425 to 575) for each achievement level:~~

Level 1	Level 2	Level 3	Level 4	Level 5
425-496	497-510	511-528	529-536	537-575

Biology 1 end-of-course assessment scale scores (325 to 475) for each achievement level:

Level 1	Level 2	Level 3	Level 4	Level 5
325-368	369-394	395-420	421-430	431-475

United States History end-of-course assessment scale scores (325 to 475) for each achievement level:

Level 1	Level 2	Level 3	Level 4	Level 5
---------	---------	---------	---------	---------

325-377 378-396 397-416 417-431 432-475
 Civics end-of-course assessment scale scores (325 to 475) for each achievement level:

Level 1	Level 2	Level 3	Level 4	Level 5
325-375	376-393	394-412	413-427	428-475

- (c) No change.
- (6) through (10) No change.

Rulemaking Authority 1001.02, 1008.22, 1008.25 FS. Law Implemented 1001.02, 1001.11, 1008.22, 1008.25 FS. History—New 1-24-99, Amended 10-7-01, 1-22-02, 12-23-03, 3-27-06, 3-1-07, 2-25-09, 7-19-10, 2-12-12, 2-3-13, 2-25-14, 2-17-15, 2-9-16, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juan Copa, Deputy Commissioner, Division of Accountability, Research and Measurement.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 28, 2017

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-5.066 Approval of Teacher Preparation Programs

PURPOSE AND EFFECT: To update provisions in the rule due to 2017 statutory changes to Section 1012.56(8), F.S. so that initial and continued program approval requirements for Professional Development Certification Programs\include a teacher mentorship and induction component.

SUMMARY: The proposed rule revises the requirements for the initial and continued approval standards for Professional Development Certification Programs so that the field and clinical practices component includes specified mentoring activities that must occur weekly and describes the requirements to act as a mentor and the training required for mentors. These changes are located in the incorporated documents, PDCP IAS-2015 and PDCP CAS-2015.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: Based upon past agency experience with approval of these programs, the adverse criteria or regulatory cost, if any, do not exceed, nor would be expected to exceed, any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S. and will not require legislative ratification because the proposed rule is anticipated to be implemented with existing staff and technology. Cost to school districts, charter schools and charter school organizations that wish to implement a professional development certification program will need to review and in some cases, revise its induction and mentoring program. However, these programs currently exist and the specific requirements for mentors included in the rule are derived directly from the statute. Further, all costs associated with calculation of scores are borne by the department.

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

RULEMAKING AUTHORITY: 1001.02, 1004.04, 1004.85, 1012.56, FS.

LAW IMPLEMENTED: 1004.04, 1004.85, 1012.56, FS.

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

DATE AND TIME: November 28, 2017, 9:00 a.m.

PLACE: Lake-Sumter State College, 9501 U.S. Highway 441, Leesburg, FL 34788.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen L. McDaniel, Chief, Bureau of Educator Recruitment, Development & Retention, 325 West Gaines Street, Suite 124, Tallahassee, FL 32399 or at (850)245-0562.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.066 Approval of Teacher Preparation Programs.

This rule sets forth the requirements and implementation of the approval process for each type of teacher preparation program offered by a ~~Florida postsecondary institution, public school district or private~~ provider.

- (1) through (h) No change.

(i) “District Program Evaluation Plan” or “DPEP” means the annual plan developed by each approved ~~school district~~ professional development certification program to describe its review and analysis of program candidate and program completer data and how the results will impact continuous program improvements as part of its continued approval process.

- (j) No change.

(k) “eIPEP” or “electronic Institutional Program Evaluation Plan” means a Department-maintained web-based tool for collection and reporting of candidate and completer

performance data on state-approved teacher preparation programs ~~from Florida postsecondary institutions, school districts and private providers.~~

(l) No change.

(m) “Equivalent program” means a teacher preparation program that is offered in more than one ~~provider institution or school district~~ that prepares candidates in the same specific educator certification subject area(s).

(n) through (v) No change.

(w) “Professional development certification program” or “PDCP” means a program in which a school district, charter school or charter management organization may provide instruction for members of its instructional staff who are non-education baccalaureate or higher degree holders under Section 1012.56(8), F.S., and results in qualification for an initial Florida Professional Educator’s Certificate.

(x) through (z) No change.

(aa) “Provider” means a Florida postsecondary institution, private provider, school district, charter school, or charter management organization.

~~(bb)(aa)~~ “Reading endorsement competencies” mean those standards described in Rule 6A-4.0163, F.A.C., which is incorporated herein by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04962>). A copy of Rule 6A-4.0163, F.A.C., may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

~~(cc)(bb)~~ “Results of program completers’ annual evaluations as specified in Section 1012.34, F.S.,” mean that scores are based on program completers from the previous three-year period who received an annual evaluation rating from the most recent academic year.

~~(dd)(ee)~~ “Retention rate” means the average number of years that program completers are employed in a full-time or part-time instructional position in a Florida public school district at any point each year in a five-year period following initial employment in either of the two (2) subsequent academic years following program completion. Program completers employed in a private or out-of-state P-12 school their first or second year following program completion are also included in the calculation if data are reported by the program and have been verified. If a program provides documentation of a program completer’s death or disability, the number of program completers included in the calculation will be adjusted.

~~(ee)(dd)~~ “Student performance by subgroup” means the performance of students in P-12 who are assigned to in-field program completers aggregated by student subgroup, as referenced in Sections 1004.04(4)(a)3.d., 1004.85(4)(b)4. and 1012.56(8)(c)2.c., F.S., as a measure of how well the teacher preparation program prepares instructional personnel to work with a diverse population of students in a variety of settings in

Florida public schools. The score is based on in-field program completers from the previous three-year period who received a student learning growth score from the most recent academic year.

~~(ff)(ee)~~ “Teacher preparation program” means a state-approved course of study, the completion of which signifies that the candidate has met all training and assessment requirements for initial certification to provide direct instructional services to P-12 students.

~~(gg)(ff)~~ “Ten (10) percent waiver” means that an initial teacher preparation program (ITP) may annually waive admission requirements specified in Section 1004.04(3)(b)1.-2., F.S., for up to ten (10%) percent of the students admitted in the academic year.

~~(hh)(gg)~~ “Two-year guarantee” means that an initial teacher preparation program (ITP) must provide assurance of the high quality of its program completers during the first two (2) years immediately following completion of the program or following the initial certification of the program completer, whichever occurs first, as specified in Section 1004.04(4)(d), F.S.

~~(ii)(hh)~~ “Uniform Core Curricula” means the following for all state-approved teacher preparation programs, except as noted:

1. through 8. No Change.

(2) Processes for initial request and approval of teacher preparation programs.

(a) The president, ~~or~~ chief executive officer or superintendent of a provider of a Florida institution or qualified private provider, or the public school district superintendent who seeks approval to offer a teacher preparation program, shall submit a written request which is further described in the document, Florida Department of Education Request to Submit Form, Form RTS-2015, located at <http://www.fldoe.org/profdev/ictcpa.asp> and <http://www.fldoe.org/profdev/saacp.asp>. The Department will inform the ~~provider institution, private provider or district superintendent~~ in writing of the receipt of a fully completed request within ten (10) business days.

(b) Upon written verification by the Department of a fully completed request, the ~~provider institution, private provider or district superintendent~~ shall submit to the Department an electronic folio, which is further described in the documents, Florida Department of Education Initial Program Approval Standards, Form ITP IAS-2015 for ITP programs; Form EPI IAS-2015 for EPI programs; and Form PDCP IAS-2015 for PDCP programs.

(c) The Department shall conduct a review of the electronic folio submitted in support of the request for initial approval within ninety (90) days of January 15, April 15, July 15, and October 15. The Department shall notify the provider

~~institution, private provider or school district~~ in writing of the following:

1. through 3. No change.

(3) Processes for continued approval of teacher preparation programs.

(a) Reporting processes for continued approval are as follows:

1. Each ~~provider institution, private provider or school district~~ shall annually submit program candidate and completer data to the Department’s secure management information system.

2. By November 15 of each year, each ~~provider institution, private provider or school district~~ shall submit via the Department’s eIPEP platform located at <https://www.florida-eipep.org/>, a program evaluation plan in accordance with Florida Department of Education Continued Program Approval Standards, Form ITP CAS-2015 for ITP programs; Form EPI CAS-2015 for EPI programs; or Form PDCP CAS-2015 for PDCP programs.

3. The Department shall annually provide to each ~~provider institution, private provider or school district~~ with a state-approved teacher preparation program an Annual Program Performance Report (APPR) that includes program completer data based on the performance metrics specified in Sections 1004.04(4)(a)3., 1004.85(4)(b) and 1012.56(8)(c)2., F.S. Data shall be based on each of the program’s completers who were employed as instructional personnel in a Florida public school district or as otherwise provided under subsection (1) of this rule. Performance metrics not applicable to a program shall not be rated.

4. through 7. No change.

8. The ~~provider institution, private provider or school district~~ shall have forty-five (45) business days from the date the Department transmitted the APPR data to review the APPR data on its program completers and summative rating scores, and provide the Department with documentation supporting an error or omission. The Department shall review the documentation and notify the ~~provider institution, private provider or school district~~ within fifteen (15) business days of receipt of the supporting documentation of any change to the APPR data and scores.

9. through 10. No change.

(b) At the end of the continued approval period, the Department shall examine the annual summative rating scores for each program’s APPRs and the summary findings with summative rating score from the site visit review. The Commissioner shall grant continued approval or denial of approval for each state-approved teacher preparation program based on the continued approval summative rating scale and shall notify the ~~provider institution, private provider or school district~~ in writing of the decision. The continued approval

summative rating for each program is computed by calculating the average of all APPR summative rating scores over the continued approval period and adding it to the summative rating score for the continued approval site visit. The resulting sum is divided by two (2), yielding an overall “continued approval summative score” (CASS) of 1.0 to 4.0. The continued approval summative rating scale is as follows:

1. through (5) No change.

(6) The following forms are hereby incorporated by reference and made a part of this rule, effective February 2015. They are located at (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04964>). Copies may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(a) through (b) No change.

(c) Florida Department of Education Initial Program Approval Standards for Professional Development Certification Programs (PDCP), Form PDCP IAS-2015, effective January 2018 (DOS link).

(d) through (e) No change.

(f) Florida Department of Education Continued Program Approval Standards for Professional Development Certification Programs (PDCP), Form PDCP CAS-2015, effective January 2018 (DOS link).

(g) No change.

Rulemaking Authority 1001.02, 1004.04, 1004.85, 1012.56 FS. Law Implemented 1004.04, 1004.85, 1012.56 FS. History—New 7-2-98, Amended 8-7-00, 3-19-06, 2-17-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eileen McDaniel, Chief, Bureau of Educator Recruitment, Development & Retention.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 27, 2017

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0786 RULE TITLE: Forms for Charter School Applicants and Sponsors

PURPOSE AND EFFECT: To create the Model Florida Charter School Application High-Performing Charter School System Replication and its corresponding evaluation instrument.

SUMMARY: During the 2017 legislative session, Section 1002.332, Florida Statutes, was amended to allow a high-performing charter school system to replicate its high-

performing charter schools using a standard application prepared by the Department of Education. The proposed amendment adopts and incorporates two new forms: Form HPS1- Model Florida Charter School Application High-Performing Charter School System Replication and Form HPS2- Model Florida Charter School Application High-Performing Charter School System Replication Evaluation Instrument.

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 amendment of this rule will not have an impact on transactional costs, regulatory costs or other factors set forth in Section 120.541(2), Florida Statutes, which are used to determine whether a SERC is needed and whether legislative ratification will be required.

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

RULEMAKING AUTHORITY: 1002.33(6), (28), FS.

LAW IMPLEMENTED: 1002.332(2), (21), FS.

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

DATE AND TIME: November 28, 2017, 9:00 a.m.

PLACE: Lake-Sumter State College, 9501 U.S. Highway 441, Leesburg, FL 34788.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Emerson, Charter Schools Director, Department of Education, 325 West Gaines Street, Suite 1044, Tallahassee, FL, 32399, (850)245-0502, adam.emerson@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0786 Forms for Charter School Applicants and Sponsors.

(1) through (3) No change.

(4) A high-performing charter school system may replicate its high-performing charter schools in any school district in the state. The applicant must submit an application using Form IEPC-HPS1, the Model Florida Charter School Application

High-Performing Charter School System Replication (DOS link) effective January 2018, pursuant to Section 1002.332(2)(b), F.S. Form IEPC-HPS1 is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(5) Sponsors shall evaluate high-performing system replication applications using Form IEPC-HPS2, the Model Florida Charter School Application High-Performing Charter School System Replication Evaluation Instrument (DOS link) effective January 2018. Form IEPC-HPS2 is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(6)(4) Persons or entities submitting a virtual charter school application must use Form IEPC-VI, Model Florida Virtual Charter School Application, effective February 2016, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06304>) pursuant to Section 1002.33, F.S. Form IEPC-VI is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(7)(5) Sponsors shall evaluate Model Florida Virtual Charter School Applications using Form IEPC-V2, Florida Virtual Charter School Application Evaluation Instrument, effective February 2016 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06305>). Form IEPC-V2 is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(8)(6) Applicants completing Addenda A, B, or C, pursuant to the model application shall use Form IEPC-M1A, Applicant History Worksheet, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05518>) effective August 2015. Form IEPC-M1A is hereby incorporated by reference and may be obtained electronically on the Department's website at <http://www.fldoe.org/schools/school-choice/> or from the Office of Independent Education and Parental Choice, Department of

Education, 325 West Gaines Street, Tallahassee, FL 32399-0400.

Rulemaking Authority 1002.33(6), (28) FS. Law Implemented 1002.33(6), (21), 1002.331 FS, 1002.332(2) FS. History—New 10-25-10, Amended 7-9-12, 12-23-14, 8-6-15, 2-9-16, 12-20-16, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 18, 2017

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-1.050 General Medicaid Policy

PURPOSE AND EFFECT: The purpose of Rule 59G-1.050, Florida Administrative Code, is to specify general Florida Medicaid policies that apply to all providers.

SUMMARY: The rule specifies requirements for services provided out of state, emergency aid for aliens, freedom of choice of providers, and prohibited practices.

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, 409.961 FS.

LAW IMPLEMENTED: 409.902, 409.9025, 409.973 FS.

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

DATE AND TIME: November 21, 2017 from 2:00 p.m. to 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, 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: Kate Torning. 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: Kate Torning, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4158, e-mail: Kate.Torning@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>.

Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m. November 22, 2017. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-1.050 General Medicaid Policy.

(1) Purpose. This rule specifies requirements that apply to all providers rendering Florida Medicaid services to recipients.

(2) Billing the Recipient. Providers must inform a recipient of his or her responsibility to pay for services that are not covered by Florida Medicaid, and document in the recipient's file that the recipient was informed of his or her liability, prior to rendering each service.

(a) Providers may seek reimbursement from a recipient under the following circumstances:

1. The recipient is not eligible for Florida Medicaid on the date of service.

2. The service rendered is not covered by Florida Medicaid, if the provider seeks reimbursement from all patients for the specific service.

3. The provider verifies that the recipient has exceeded the Florida Medicaid coverage.

4. The recipient is enrolled in a Florida Medicaid managed care plan (plan) and is informed that:

a. The plan denies authorization for the service.

b. The treating provider is not in the plan's provider network (with the exception of emergency services).

(b) Providers may not seek reimbursement from recipients for missed appointments.

(c) Providers may not seek reimbursement from the recipient if the provider fails to bill Florida Medicaid correctly and in a timely manner. Providers who submit a claim to Florida Medicaid for reimbursement of a covered service whether the claim has been approved, partially approved, or denied, may not:

1. Seek reimbursement from the recipient, the recipient's relatives, or any person, or persons, acting as the recipient's designated representative.

2. File a lien against the recipient, the recipient's parent, legal guardian, or estate.

3. Apply money received from any non-Florida Medicaid source to charges related to a claim paid by Florida Medicaid (also known as "balance billing").

4. Turn a recipient's overdue account over to a collection agency, except in circumstances as specified in subsection (2)(a) above.

(3) Cost of Doing Business. Florida Medicaid does not reimburse for time spent completing and submitting Florida Medicaid claims or time spent responding to an audit.

(4) Emergency Medicaid For Aliens. Florida Medicaid covers emergency services provided to aliens who meet all Florida Medicaid eligibility requirements except for citizenship or alien status, as follows:

(a) Eligibility is only authorized for the duration of the emergency.

(b) Florida Medicaid does not cover continuous or episodic services after the emergency has been alleviated.

(c) Providers must submit documentation establishing the emergency nature of the service with the claim for reimbursement. Exceptions are labor, delivery, and dialysis services, which are considered emergencies and are payable without documentation when the emergency indicator is entered on the claim form.

(5) Free Choice of Providers. Recipients may obtain services from any qualified Florida Medicaid provider that agrees to provide the services in accordance with Title 42, Code of Federal Regulations (CFR), section 431.51, except:

(a) Allowable restrictions specified in section 1915(a) of the Social Security Act.

(b) When the recipient is enrolled in a Florida Medicaid managed care program. Managed care plans may not restrict enrollee choice for a family planning provider and must cover family planning services regardless of whether the provider is in the managed care plan's provider network.

(6) Inmates of a Public Institution. Florida Medicaid does not cover services provided to individuals residing in public institutions as defined in 42 CFR 435.1009 and section 409.9025, Florida Statutes. These individuals include those

residing in correctional and holding facilities for prisoners who meet either of the following:

(a) Have been arrested or detained pending disposition of charges.

(b) Held under court order as material witnesses or juveniles.

(7) Out-of-State Services.

(a) Emergency. Florida Medicaid covers emergency services provided out-of-state without a referral, or authorization, when the recipient's health will be endangered if the care and services are postponed until returning to Florida.

(b) Non-Emergency. Florida Medicaid covers services performed out-of-state, in accordance with the service-specific coverage policy, when both of the following are met:

1. The recipient's primary care or specialist physician refers the recipient for services.

2. Services are prior authorized by the Florida Medicaid quality improvement organization (QIO) in accordance with Florida Medicaid's Authorization Requirements Policy, as incorporated by reference in Rule 59G-1.053, F.A.C. The policy is available on the Agency for Health Care Administration's Web site at http://ahca.myflorida.com/Medicaid/Utilization_Review/index.shtml.

(c) Florida Medicaid does not cover services for recipients living out-of-state who are enrolled under the Title-IV-E Florida foster or adoption subsidy.

(8) Payment in Full. Providers must accept payment from Florida Medicaid as payment in full, except for Florida Medicaid copayments and coinsurance. For information on copayment requirements and exemptions, refer to Florida Medicaid's General Policies on copayment and coinsurance.

(9) Recipients or Providers that are Out of the Country. Florida Medicaid does not cover services provided to recipients when they are outside of the United States (U.S.), or for services rendered by providers who are not in the U.S.

(10) Refusal of Services.

(a) Providers may not refuse to provide a covered Florida Medicaid service to a recipient solely because the recipient's eligibility does not display in the Florida Medicaid Management Information System, if the recipient has a valid temporary proof of eligibility from the Department of Children and Families, or proof of presumptive eligibility.

(b) Right to Refuse Services. Providers may limit the number of Florida Medicaid recipients the provider serves, and accept or reject recipients in accordance with the policies of the facility or practice, except as follows:

1. A hospital may not refuse to provide emergency services in accordance with the 1986 Emergency Medical Treatment and Active Labor Act.

2. Providers may not deny services to recipients based solely upon race, creed, color, national origin, disabling condition, or disability, in accordance with federal anti-discrimination laws.

(11) Solicitation (Patient Brokering). Providers may not knowingly solicit, offer, pay, or receive any payment, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for referring an individual to a person for furnishing, or arranging for the furnishing of, any item or service for which payment may be made, in whole or in part, under the Florida Medicaid program, or in return for obtaining, purchasing, leasing, ordering, or arranging for, or recommending, obtaining, purchasing, leasing, or ordering any goods, facility, item, or service, for which payment may be made, in whole or in part, under the Florida Medicaid program. Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.902, 409.9025, 409.973 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kate Torning
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin M. Senior
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 5, 2015

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE NO.: RULE TITLE:
 60D-3.001 Purpose
 PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal Rule 60D-3.001, F.A.C., which is unnecessary to implement the law implemented.
 SUMMARY: The repeal of Rule 60D-3.001, 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 economic review conducted by the agency.
 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: 255.30 FS.
 LAW IMPLEMENTED: 255.30 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: Kim Vickery, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399; Kimberly.Vickery@dms.myflorida.com; (850)487-9928

THE FULL TEXT OF THE PROPOSED RULE IS:

60D-3.001 Purpose

Rulemaking Authority 255.30 FS. Law Implemented 255.30 FS. History–New 2-10-76, Formerly 13D-9.01, Amended 12-24-90, Formerly 13D-9.001, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kim Vickery, Government Analyst I
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/27/17

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE NO.: RULE TITLE:
 60D-4.001 Purpose
 PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal Rule 60D-4.001, F.A.C., which is unnecessary to implement the law implemented.
 SUMMARY: The repeal of Rule 60D-4.001, 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 economic review conducted by the agency.
 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: 255.255 FS
 LAW IMPLEMENTED: 255.255 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: Kim Vickery, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399; Kimberly.Vickery@dms.myflorida.com; (850)487-9928

THE FULL TEXT OF THE PROPOSED RULE IS:

60D-4.001 Purpose

Rulemaking Authority 255.255 FS. Law Implemented 255.255 FS. History—New 5-26-76, Formerly 13D-10.001, Amended 3-17-10, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kim Vickery, Government Analyst I
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/27/17

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE NO.: RULE TITLE:
 60D-13.001 Purpose
 PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal rule 60D-13.001, F.A.C., which is unnecessary to implement the law implemented.
 SUMMARY: The repeal of rule 60D-13.001, 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 economic review conducted by the agency.
 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: 255.29(4), 287.055(9)(c) FS
 LAW IMPLEMENTED: 287.055(9), 255.29 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: Kim Vickery, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399; Kimberly.Vickery@dms.myflorida.com; (850)487-9928

THE FULL TEXT OF THE PROPOSED RULE IS:

60D-13.001 Purpose

Rulemaking Authority 255.29(4), 287.055(9)(c) FS. Law Implemented 255.29, 287.055(9) FS. History—New 6-23-87, Formerly 13D-23.001, Amended 5-7-96, 7-5-98, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kim Vickery, Government Analyst I
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2017

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE NO.: RULE TITLE:
 60D-14.005 Purpose and Scope
 PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal rule 60D-14.005, F.A.C., which is unnecessary to implement the law implemented.
 SUMMARY: The repeal of rule 60D-14.005, 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 economic review conducted by the agency.
 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: 255.259(3) FS.
 LAW IMPLEMENTED: 255.259, 255.25(1) 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: Kim Vickery, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399; Kimberly.Vickery@dms.myflorida.com; (850)487-9928

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349.

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

60D-14.005 Purpose and Scope

Rulemaking Authority 255.259(3) FS. Law Implemented 255.259, 255.25(1) FS. History–New 4-19-98, Repealed.

60V-1.003 Preservation of Rights.

Rulemaking Authority 121.031(1) FS. Law Implemented 121.055 FS. History–New 7-22-87, Formerly 22V-1.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Kim Vickery, Government Analyst I

60V-1.004 Eligibility to Participate.

Rulemaking Authority 121.031(1) FS. Law Implemented 121.055 FS. History–New 7-22-87, Amended 11-14-91, Formerly 22V-1.004, Amended 2-24-99, Repealed.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/27/17

DEPARTMENT OF MANAGEMENT SERVICES

Senior Management Service Optional Annuity Program

RULE NOS.: RULE TITLES:

- 60V-1.003 Preservation of Rights
- 60V-1.004 Eligibility to Participate
- 60V-1.006 Dual Employment

60V-1.006 Dual Employment.

Rulemaking Authority 121.031 FS. Law Implemented 121.052, 121.055 FS. History–New 11-14-91, Formerly 22V-1.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Elizabeth Stevens, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

PURPOSE AND EFFECT: The purpose and effect of this Notice is to repeal Rules 60V-1.003, 60V-1.004, and 60V-1.006, F.A.C., which are unnecessary to implement the laws implemented.

DEPARTMENT OF MANAGEMENT SERVICES

Senior Management Service Optional Annuity Program

RULE NOS.: RULE TITLES:

- 60V-2.002 Statements of Policy
- 60V-2.003 Employer Contributions
- 60V-2.004 Employee Contributions

PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal the rules in Chapter 60V-2, F.A.C., which are unnecessary to implement the laws implemented.

SUMMARY: The repeal of Rules 60V-2.002, 60V-2.003, and 60V-2.004 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 economic review conducted by the agency.

SUMMARY: The repeal of Rules 60V-1.003, 60V-1.004, and 60V-1.006, 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 economic review conducted by the agency.

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:

LAW IMPLEMENTED:

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

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: 112.363, 112.363(7), 121.031, 121.031(1) FS.

LAW IMPLEMENTED: 121.363, 121.055 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: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349.

THE FULL TEXT OF THE PROPOSED RULE IS:

60V-2.002 Preservation of Rights.

Rulemaking Authority 121.031(1) FS. Law Implemented 121.055 FS. History—New 7-22-87, Amended 9-5-90, Formerly 22V-2.002, Amended 1-25-94, Repealed.

60V-2.003 Eligibility to Participate.

Rulemaking Authority 112.363, 121.031 FS. Law Implemented 112.363, 121.055 FS. History—New 7-22-87, Amended 5-18-88, 2-7-89, 5-15-91, Formerly 22V-2.003, Amended 8-4-94, 3-12-96, 12-12-96, 2-24-99, 4-5-15, Repealed.

60V-2.004 Dual Employment.

Rulemaking Authority 112.363(7), 121.031(1) FS. Law Implemented 112.363, 121.055 FS. History—New 7-22-87, Amended 5-18-88, Formerly 22V-2.004, Amended 2-24-99, 4-5-15, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Stevens, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

DEPARTMENT OF MANAGEMENT SERVICES

Senior Management Service Optional Annuity Program

RULE NOS.: RULE TITLES:
 60V-3.002 Statements of Policy
 60V-3.003 Employer-Funded Benefits
 60V-3.004 Employee-Funded Benefits

PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal Rules 60V-3.002, 60V-3.003, and 60V-3.004 F.A.C., which are unnecessary to implement the laws implemented.

SUMMARY: The repeal of Rules 60V-3.002, 60V-3.003, and 60V-3.004 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 economic review conducted by the agency.

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: 112.363(7), 121.031(1) FS

LAW IMPLEMENTED: 121.363, 121.055 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: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349.

THE FULL TEXT OF THE PROPOSED RULE IS:

60V-3.002 Statements of Policy.

Rulemaking Authority 112.363(7), 121.031(1) FS. Law Implemented 112.363, 121.055 FS. History—New 7-22-87, Amended 5-18-88, 5-15-91, 11-14-91, Formerly 22V-3.002, Repealed.

60V-3.003 Employer-Funded Benefits.

Rulemaking Authority 121.031(1) FS. Law Implemented 121.055 FS. History—New 7-22-87, Amended 11-14-91, Formerly 22V-3.003, Repealed.

60V-3.004 Employee-Funded Benefits.

Rulemaking Authority 121.031(1) FS. Law Implemented 121.055 FS. History—New 7-22-87, Formerly 22V-3.004, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Stevens, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NO.: RULE TITLE:
60W-1.002 Statements of Policy

PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal rule 60W-1.002, F.A.C., which is unnecessary to implement the law implemented.

SUMMARY: The repeal of Rule 60W-1.002, 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 economic review conducted by the agency.

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: 121.40(13) FS.

LAW IMPLEMENTED: 121.40 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: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349.

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-1.002 Statements of Policy.

Rulemaking Authority 121.40(13) FS. Law Implemented 121.40 FS. History--New 2-4-86, Formerly 22Q-1.002, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elizabeth Stevens, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NOS.: RULE TITLES:
60W-2.002 Statements of Policy
60W-2.003 Service Credit for the Special FRS Benefit
60W-2.004 Credit for Previous Service

PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal Rules 60W-2.002, 60W-2.003, and 60W-2.004 F.A.C., which is unnecessary to implement the law implemented.

SUMMARY: The repeal of Rules 60W-2.002, 60W-2.003, and 60W-2.004 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 economic review conducted by the agency.

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: 121.40(13) FS.

LAW IMPLEMENTED: 121.40 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: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349.

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-2.002 Statements of Policy.

Rulemaking Authority 121.40(13) FS. Law Implemented 121.40 FS. History--New 2-4-86, Formerly 22Q-2.002, Amended 3-31-13, Repealed.

60W-2.003 Service Credit for the Special FRS Benefit.

Rulemaking Authority 121.40(13) FS. Law Implemented 121.40 FS. History--New 2-4-86, Formerly 22Q-2.003, Repealed.

60W-2.004 Credit for Previous Service.

Rulemaking Authority 121.40(13) FS. Law Implemented 121.40 FS. History—New 2-4-86, Formerly 22Q-2.004, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elizabeth Stevens, Director
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NOS.: RULE TITLES:
60W-3.003 Contributions for Participants
60W-3.004 Contributions for Reemployed Participants Receiving Supplemental Benefits
60W-3.005 Payment of Contributions

PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal Rules 60W-3.003, 60W-3.004, and 60W-3.005, F.A.C., which are unnecessary to implement the laws implemented.

SUMMARY: : The repeal of Rules 60W-3.003, 60W-3.004, and 60W-3.005, 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 economic review conducted by the agency.

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: 112.363(7), 121.40(13) FS
LAW IMPLEMENTED: 112.363, 121.122, 121.40, 121.40(11), 121.40(12) 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: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850)414-6349.

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-3.003 Contributions for Participants.

Rulemaking Authority 121.40(13) FS. Law Implemented 121.40 FS. History—New 2-4-86, Amended 2-7-89, Formerly 22Q-3.003, Amended 8-4-94, 12-12-96, 2-24-99, 3-31-13, Repealed.

60W-3.004 Contributions for Reemployed Participants Receiving Supplemental Benefits.

Rulemaking Authority 112.363(7), 121.40(13) FS. Law Implemented 121.40(11), (12), 112.363, 121.122 FS. History—New 2-4-86, Amended 5-18-88, 2-7-89, 11-14-91, Formerly 22Q-3.004, Amended 3-31-13, Repealed.

60W-3.005 Payment of Contributions.

Rulemaking Authority 121.40(13) FS. Law Implemented 121.40(11), (12) FS. History—New 2-4-86, Formerly 22Q-3.005, Amended 3-31-13, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elizabeth Stevens, Director
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NOS.: RULE TITLES:
60W-4.010 Cost-of-Living Adjustments
60W-4.011 Deductions from Monthly Benefits
60W-4.012 Benefits Exempt from Taxes and Execution

PURPOSE AND EFFECT: The purposed and effect of this Notice is to repeal Rules 60W-4.010, 60W-4.011, and 60W-4.012, F.A.C., which are unnecessary to implement the laws implemented.

SUMMARY: The repeal of Rules 60W-4.010, 60W-4.011, and 60W-4.012, 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 economic review conducted by the agency.

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: 121.40, 121.40(13) FS

LAW IMPLEMENTED: 121.131, 121.40, 121.40(10), 121.091 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: Garry Green, Bureau Chief, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee, FL, (850) 414-6349.

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-4.010 Cost-of-Living Adjustments.

Rulemaking Authority 121.40(13) FS. Law Implemented 121.40(10) FS. History—New 2-4-86, Amended 2-7-89, Formerly 22Q-4.010, Amended 3-31-13, Repealed.

60W-4.011 Deductions from Monthly Benefits.

Rulemaking Authority 121.40 FS. Law Implemented 121.40, 121.091 FS. History—New 2-4-86, Formerly 22Q-4.011, Amended 3-31-13, Repealed.

60W-4.012 Benefits Exempt from Taxes and Execution.

Rulemaking Authority 121.40 FS. Law Implemented 121.131 FS. History—New 2-4-86, Formerly 22Q-4.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Stevens, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-1.015 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions

PURPOSE AND EFFECT: The proposed rule repeal is intended to remove language no longer in use.

SUMMARY: The current rules are obsolete and are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly

regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Commission meeting, the Commission concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Commission determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 120.53, 475.05, 475.42, 455.02(2) FS.

LAW IMPLEMENTED: 475.01, 475.25, 475.42, 475.421, 475.4511, 455.02(2) 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: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, Florida 32801, lori.crawford@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-1.015 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

Rulemaking Specific Authority 120.53, 475.05, 475.42, 455.02(2) FS. Law Implemented 475.01, 475.25, 475.42, 475.421, 475.4511, 455.02(2) FS. History— New 3-14-85, Formerly 21V-1.15, Amended 6-28-93, Formerly 21V-1.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:

61J2-2.031 Where to Apply

PURPOSE AND EFFECT: The proposed rule repeal is intended to remove language no longer in use.

SUMMARY: The current rules are obsolete and are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Commission meeting, the Commission concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Commission determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.175 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: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, Florida 32801, lori.crawford@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.031 Where to Apply.

Rulemaking Specific Authority 475.05 FS. Law Implemented 475.175 FS. History—New 9-16-84, Formerly 21V-2.31, Amended 7-20-93, Formerly 21V-2.031, Amended 1-19-99, 11-26-03, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:

Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2017

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:

61J2-17.009 Minimum Standard for Prelicense Course of Study

PURPOSE AND EFFECT: The proposed rule repeal is intended to remove language no longer in use.

SUMMARY: The current rules are obsolete and are being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Commission meeting, the Commission concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Commission determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.04, 475.05 FS.

LAW IMPLEMENTED: 475.175 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: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, Florida 32801, lori.crawford@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-17.009 Minimum Standard for Prelicense Course of Study.

~~Rulemaking Specific~~ Authority 475.04, 475.05 FS. Law Implemented 475.451 FS. History—New 1-1-80, Formerly 21V-17.09, Amended 6-28-93, Formerly 21V-17.009, Amended 11-24-97, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2017

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NOS.: RULE TITLES:

- 64B7-29.001 Definitions
- 64B7-29.002 Qualification
- 64B7-29.003 Apprenticeship Training Program
- 64B7-29.004 Termination
- 64B7-29.006 Change of Sponsoring Massage Therapist
- 64B7-29.007 Colonics Training through Apprenticeship

PURPOSE AND EFFECT: The purpose of the amendments is to improve clarity and efficiency, and delete duplicative language.

SUMMARY: Improve clarity and efficiency, and delete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: During discussion of the economic impact of these rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013, 480.035(7), 480.041(1)(b), 480.041(4)(a), 480.041(5)(a) FS.

LAW IMPLEMENTED: 456.013, 480.041(1)(b), 480.041(4)(a), 480.041(5)(a), 480.047(1) 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: Kama Monroe, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 64B7-29.001 follows. See Florida Administrative Code for present text.

64B7-29.001 Definitions.

(1) “Massage apprentice” means a person meeting the qualifications in Rule 64B7-29.002, F.A.C., studying massage under the direct supervision of a sponsor.

(2) “Colonic irrigation apprentice” means a licensed massage therapist, a massage apprentice, or a student in a Board-approved massage school who is studying colonic irrigation under the direct supervision of a sponsor.

(3) “Sponsor” means a licensed massage therapist who has no disciplinary action taken against their license and has been engaged in the practice of massage for at least three years prior to sponsorship. If the apprenticeship includes training in colonic irrigation, the sponsor must be authorized to practice colonic irrigation under Chapter 64B7-31, F.A.C., and must have been engaged in the practice of colonic irrigation for a minimum of three years.

(4) “Sponsorship” means assumption of the responsibility to provide training pursuant to 64B7-29.003 and/or 64B7-29.007, F.A.C., under the sponsor’s direct supervision.

(5) “Direct supervision” means the physical presence of the sponsor in the qualified establishment during training.

(6) “Qualified establishment” means a massage establishment licensed pursuant to 480.043, F.S., which, in

addition to meeting the requirements of Chapter 64B7-26, F.A.C., is equipped with:

- (a) Massage tables
- (b) Linens and linen storage areas
- (c) Hydrotherapy equipment, including cold and hot packs
- (d) Textbooks and teaching materials on the following

subjects:

- 1. Anatomy
- 2. Physiology
- 3. Theory of Massage
- 4. Hydrotherapy
- 5. Chapters 456 and 480, Florida Statutes
- 6. Rule Title 64B7, Florida Administrative Code
- (e) If the apprenticeship includes training in colonic irrigation, the qualified establishment must also be equipped with:

- 1. Colonic irrigation equipment
- 2. Sterilization equipment if non-disposable colonic attachments are used
- 3. Textbooks and teaching materials on the subject of colonic irrigation

Rulemaking Authority 480.035(7), 480.041(4)(a) FS. Law Implemented 480.041(4)(a) FS. History—New 11-27-79, Amended 12-18-84, Formerly 21L-29.01, Amended 4-7-86, 12-22-92, Formerly 21L-29.001, 61G11-29.001, Amended 10-27-99, 2-26-12,_____.

64B7-29.002 Qualification.

Persons seeking to be apprentices shall meet the following requirements:

~~(1) The applicant must have secured the sponsorship of a sponsoring massage therapist.~~

~~(1)(2) The applicant must complete the application on form DH-MQA 1265, "Massage Apprentice Application," 7/16 and pay the fee set forth in paragraph 64B7-27.100(1)(b), F.A.C.. The form is incorporated herein by reference at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08077>, or may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399, and pay the fee set forth in paragraph 64B7-27.100(1)(b), F.A.C.~~

~~(2)(3) A massage apprentice~~ The applicant may not be enrolled simultaneously as a student in a Board-approved massage school.

Rulemaking Authority 456.013, 480.035(7), 480.041(5)(a) FS. Law Implemented 456.013, 480.041(5)(a), 480.047(1) FS. History—New 11-27-79, Amended 7-9-80, Formerly 21L-29.02, 21L-29.002, Amended 10-20-96, Formerly 61G11-29.002, Amended 10-27-99, 4-11-17,_____.

Substantial rewording of Rule 64B7-29.003 follows. See Florida Administrative Code for present text.

64B7-29.003 Massage Apprenticeship Training Program.

(1) All apprenticeship training shall be conducted by the sponsor, in a qualified establishment.

(2) Apprenticeship training shall be completed in four quarters of three months each, and must be completed within 12 months. Apprenticeship training must be completed at a rate of no more than 500 hours per quarter.

(3) The course of study for a massage apprentice must include:

- (a) 300 hours of Anatomy
- (b) 300 hours of Physiology
- (c) 20 hours of Basic Massage Theory and History
- (d) 50 hours of Theory and Practice of Hydrotherapy
- (e) 25 hours of Florida Laws and Rules regulating the practice of massage therapy

(f) 50 hours of Allied Modalities

(g) 700 hours of Clinical Practicum

(h) 3 hours of HIV/AIDS instruction

(4) The massage apprentice must complete within the first quarter:

(a) 100 hours of Anatomy

(b) 100 hours of Physiology

(c) 15 hours of Florida Laws and Rules regulating the practice of massage therapy

(5) The sponsor must report completed training hours to the Department quarterly. Each quarterly report must include the following:

(a) The name and certificate number of the apprentice

(b) The name and license number of the sponsor

(c) The name and license number of the qualified establishment

(d) The starting and ending date of the quarter

(e) The number of hours completed in each area of the course of study in the quarter

(f) The total number of hours completed in each area of the course of study during the apprenticeship

(g) The signature of the sponsor

(6) Massage apprenticeship training is complete once four quarterly reports have been submitted to the Department that demonstrate completion of the training program.

Rulemaking Authority 480.035(7), 480.041(1)(b), (4) FS. Law Implemented 480.041(1)(b), (4) FS. History—New 11-27-79, Amended 11-25-80, 12-18-84, Formerly 21L-29.03, Amended 4-7-86, 11-4-86, 12-22-92, Formerly 21L-29.003, Amended 6-5-95, Formerly 61G11-29.003, Amended 11-21-02,_____.

64B7-29.004 Termination.

~~(1) If an apprentice or sponsor terminates training, his apprenticeship the sponsoring must massage therapist shall so notify the Department, on a form furnished by the Department, within 30 ten (10) days.~~

(2) If disciplinary action is taken against the sponsor or qualified establishment, the apprenticeship shall be terminated.

~~any violation of Chapter 480 or 456, F.S., or rules set forth in Chapter 64B7, F.A.C., is found subsequent to Department inspection of the "qualified massage establishment" as defined under Rule 64B7-29.001, F.A.C., the apprenticeship shall be tolled until such time as the violation(s) is corrected or disposition in the case is made. If the disposition of the case resulted in disciplinary action by the Board, the Board will require that the "sponsor" and the "apprentice" appear before the Board for the purpose of determining compliance with the apprenticeship training program requirements of Rule 64B7-29.003, F.A.C.~~

Rulemaking Authority 480.035(7), 480.041(1)(b), (4) FS. Law Implemented 480.041(1)(b), (4) FS. History—New 11-27-79, Formerly 21L-29.04, 21L-29.004, 61G11-29.004, Amended 11-21-02,

64B7-29.006 Change of Sponsoring Massage Therapist.

~~If for any reason the sponsor sponsoring massage therapist is no longer able to train an apprentice, sponsor an apprentice, the sponsor or the apprentice must sponsoring massage therapist shall so notify the Department, on a form furnished by the Department, within 30 ten (10) days if the apprentice. If the apprentice desires to remain in the apprenticeship program, The apprentice he or she must secure another sponsor, the sponsorship of another sponsoring massage therapist. The apprentice shall receive credit for training received from the prior sponsor as reported by the prior sponsor to the Department, sponsoring massage therapist.~~

Rulemaking Authority 480.041(4)(a) FS. Law Implemented 480.041(1)(b), (4)(a) FS. History—New 11-27-79, Formerly 21L-29.06, 21L-29.006, 61G11-29.006, Amended _____.

64B7-29.007 Colonic irrigation Colonies Training through Apprenticeship Program.

~~(1) The applicant must complete form DH-MQA 1265, "Massage Apprentice Application," 7/16, and pay the fee set forth in paragraph 64B7-27.100(1)(b), F.A.C. The form is incorporated by reference in Rule 64B7-29.002, or may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399.~~

~~(2) The colonic irrigation apprentice shall complete colonic irrigation training within 12 months of commencement.~~

~~(3) The course of study for a colonic irrigation apprentice must meet minimum standards for a course of study in colonic irrigation as provided in 64B7-32.005(3), F.A.C.~~

~~A massage practitioner shall instruct another individual in colonies only under the following conditions:~~

~~(1) The trainee must be either:~~

~~(a) Licensed to practice massage under Chapter 480, F.S.,~~

~~(b) Approved as an apprentice under Chapter 64B7-29, F.A.C., or~~

~~(c) A student in a Board approved massage school.~~

~~(2) The instructor, hereafter called sponsor, must be currently licensed under Chapter 480, F.S., and authorized to practice colonies under Chapter 64B7-31, F.A.C. The sponsor must have been actively engaged in the practice of colonies for a minimum of 3 years.~~

~~(3) The training shall take place in a massage establishment licensed under Chapter 480, F.S., which contains the following equipment:~~

~~(a) Colonic equipment.~~

~~(b) Disposable colonic attachments or sterilization equipment for non disposable attachments.~~

~~(4) The licensee or apprentice who will receive colonies instruction must receive advance approval for such instruction from the Department. Such approval may be obtained in the following manner:~~

~~(a) If the applicant is a currently licensed massage practitioner or a student at a Board approved massage school, application for "colonies only" apprenticeship on forms provided by the Department must be submitted. The applicant will be required to submit the apprentice fee as set forth in Rule 64B7-27.005, F.A.C.~~

~~(b) An unlicensed applicant for apprenticeship training may apply for colonies training approval, in addition to course work required under Rule 64B7-29.003, F.A.C.~~

~~(5) The apprentice shall complete colonies training within 24 months of approval by the Department.~~

~~(4)(6) The sponsor shall certify training is complete by reporting the following to the Department: on a Colonies Apprenticeship Report form provided by the Department when the apprentice has completed 100 hours of training in the subject, including 45 hours of clinical practicum as required by subsection 64B7-31.001(2), F.A.C. The form BOM 1 is hereby incorporated by reference and will be effective 7-3-97, copies of which may be obtained from the Board office at the 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256.~~

~~(a) The name of the colonic irrigation apprentice~~

~~(b) The colonic irrigation apprenticeship certificate number~~

~~(c) The name and license number of the sponsoring massage therapist~~

~~(d) The name and license number of the qualified massage establishment~~

~~(e) The starting and ending date of the trainings~~

~~(f) A record of completion of the course of study, indicating number of hours completed by date, and treatments provided by date.~~

Rulemaking Authority 480.035(7), 480.041(4)(a) FS. Law Implemented 480.041(4)(a) FS. History—New 4-21-86, Formerly 21L-29.007, Amended 7-3-97, Formerly 61G11-29.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 11, 2017

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-30.006
RULE TITLE: Notice of Noncompliance

PURPOSE AND EFFECT: The purpose of the amendment is to delete obsolete subsection.

SUMMARY: Delete subsection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of the rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 120.695, 456.073(3), 480.035(7), FS.

LAW IMPLEMENTED: 120.695, 456.073(3), 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: Kama Monroe, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-30.006 Notice of Noncompliance.

Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(1) Failure to provide written notice of licensee’s current mailing address and place of practice in violation of Rule 64B7-28.015, F.A.C.

~~(2) Failure to obtain continuing education in HIV/AIDS in violation of Section 456.034, F.S.~~

~~(2)(3)~~ Failure to have proof of active insurance available at an establishment as required by subsection 64B7-26.003(4), F.A.C.

~~(3)(4)~~ Failure to include license number or numbers in any advertisement as required by Section 480.0465, F.S.

Rulemaking Specific Authority 120.695, 456.073(3), 480.035(7) FS. Law Implemented 120.695, 456.073(3) FS. History–New 2-5-96, Formerly 61G11-30.006, Amended 9-14-98, 10-12-03, 12-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 11, 2017

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NOS.: 64B7-32.001, 64B7-32.002, 64B7-32.005
RULE TITLES: Definitions, Proof of Graduation, Minimum Standards for Colonics Training

PURPOSE AND EFFECT: The purpose of the amendments is to clarify rules, improve efficiency and delete unnecessary language.

SUMMARY: Clarify, improve efficiency and delete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

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

RULEMAKING AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b), 480.041(5)(c) 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: Kama Monroe, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.001 Definitions.

~~(1) For the purposes of this rule chapter a “Classroom hour” shall be defined as no less than 50 minutes of any one clock hour during which the student participates in a learning activity of the school while in the physical presence of a faculty member.~~

~~(2) “Graduate” means a student who has completed a course of study at a Board approved massage school, as defined in 480.033(9), F.S.~~

~~(3) “Graduate list” means an electronic list submitted by an in-state Board approved massage school in a method designed by the Board office, which identifies students who have met all educational and institutional requirements for graduation.~~

~~(4) “Approved signer” means a faculty member, school owner, or registrar who is designated by the Board approved massage school to sign transcripts or graduate lists.~~

~~For the coursework required in paragraph 64B7-32.003(1)(b), F.A.C., the participation must be in the physical presence of a member of the faculty of the school.~~

~~Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.001, 61G11-32.001, Amended 9-3-12,_____.~~

64B7-32.002 Proof of Graduation.

To be acknowledged as a graduate, ~~of a Board approved massage school as referred to in Section 480.033(9), F.S.,~~ the Board’s administrative office must receive ~~one of the following:~~

~~(1) A graduate list which identifies the applicant, or List of graduates sent electronically in a method designed by the Board office; or~~

~~(2) An official transcript, indicating which indicates that the an applicant has met all educational and institutional requirements indicating the date of enrollment and the date of graduation. An official transcript must include the following:~~

~~(a) indicate dates of enrollment and graduation Transcript must be created in an electronic system at the approved massage school that includes an audit trail;~~

~~(b) contain a list of courses which satisfy the course of study requirements in 64B7-32.003(1)(b), F.A.C., and indicate completion of courses by the applicant during enrollment~~

~~(c) be signed by an approved signer~~

~~(d)(b) Transcripts must be sent directly from the school or custodian of records to the Board office in a sealed envelope, that states “Transcript is not valid if seal is broken.”~~

~~Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.002, Amended 2-13-95, 2-21-96, Formerly 61G11-32.002, Amended 2-26-12, 12-8-13, 3-10-16,_____.~~

Substantial rewording of Rule 64B7-32.005 follows. See Florida Administrative for present text.

64B7-32.005 Minimum Standards for Colonics Irrigation Training.

(1) Any course of study in colonic irrigation shall be in addition to the minimum course of study provided in Rule 64B7-32.003(1)(c), F.A.C.

(2) An in-state Board approved massage school shall submit a course of study for colonic irrigation training to the Board for approval prior to offering colonic irrigation training.

(3) A course of study in colonic irrigation shall include at a minimum, the 100 classroom hours listed below, completed at a rate of no more than 6 classroom hours per day and no more than 30 classroom hours per calendar week:

<u>Area of Study</u>	<u>Classroom Hours</u>
<u>Theory, anatomy, physiology, pathology of the colon 50</u>	
<u>and digestive system and principles of colon hygiene.</u>	

<u>Clinical practicum, including procedure, history,</u>	<u>45</u>
<u>clinical records, contra-indication, and 20 treatments.</u>	

<u>Sterilization techniques and equipment training</u>	<u>5</u>
--	----------

~~Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b), (5)(c) FS. History—New 3-25-86, Amended 4-26-87, 1-31-90, 2-7-91, Formerly 21L-32.005, 61G11-32.005,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2017
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 11, 2017

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-1.001
 RULE TITLE: Authority, Purpose and Applicability
 PURPOSE AND EFFECT: To repeal an obsolete and unnecessary rule.

SUMMARY: Rule repeal.
 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: Repealing this rule will have no effect, because the rule is obsolete and unnecessary.

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: 383.011 FS.

LAW IMPLEMENTED: 383.011 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: Earl B. Christy, Jr., WIC Operations Manager, 4052 Bald Cypress Way, Bin A 16, Tallahassee, Florida 32399-1726; (850)245-4202.

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-1.001 Authority, Purpose and Applicability.

Rulemaking Specific Authority 383.011 FS. Law Implemented 383.011 FS. History--New 2-7-90, Formerly 10D-106.001, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Earl B. Christy, Jr., WIC Operations Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Celeste Philip, MD, MPH, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2017

Section III
Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NOS.: 33-602.210
 RULE TITLES: Use of Force
 33-602.211 Restraint of Pregnant Inmates
 33-602.212 Escort Chair

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 43 No. 63, March 31, 2017 issue of the Florida Administrative Register.

The language should have been as follows:

PURPOSE AND EFFECT: The purpose and effect of the amendment is to make Rule 33-602.210, F.A.C more clearly set forth Department of Correction's policy, to reorganize it to make it more understandable, to add several definitions to the rule and to update forms. The purpose and effect of amending Rules 33-602.211 and 33-602.212, F.A.C. is to make those minor changes that are necessitated by the changes to Rule 33-602.210, F.A.C

SUMMARY: Rulemaking was initiated for Rule 33-602.210, F.A.C. to add the definition of various terms used in this rule; to require the inclusion of certain de-escalation information on the video of an organized use of force involving inmates who are classified as S-2 or higher; to update several forms that are incorporated in the rule; to require de-escalation efforts be made to prevent an organized use of force on inmates classified as S-2 or higher; to designate an inmate's refusal to relinquish control of the cell's food flap as a situation that would give rise to an organized use of force subject to certain requirements; to allow for the use of non-deadly force to reasonably restrain an inmate to permit the administration of necessary mental health treatment; and to align the justifications for use of force better with applicable statutory provisions. Rules 33-602.211 and 33-602.212, F.A.C. are being amended to update references to a form that is incorporated in Rule 33-602.210, F.A.C.

33-602.210 Use of Force

Rulemaking Authority 944.09 FS. Law Implemented 776.012, 776.06, 776.07, 843.04, 944.35, 957.05 FS.

33-602.211 Restraint of Pregnant Inmates

Rulemaking Authority 944.09, F.S. Law Implemented 944.241

33-602.212 Escort Chair

Rulemaking Authority 944.09, F.S. Law Implemented 944.35 FS.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-602.210	Use of Force
33-602.211	Restraint of Pregnant Inmates
33-602.212	Escort Chair

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. 43 No. 63, March 31, 2017 issue of the Florida Administrative Register.

Changes to the rules are made in response to written comments provided by the Joint Administrative Procedures Committee in their correspondence dated April 17, 2017.

THE CHANGES TO THE TEXT OF THE PROPOSED RULE ARE:

33-602.210 Use of Force.

(1) through (2) No change.

(3) Determination of Method of Force ~~(a)~~ If a department or contractor staff member determines that force should be used, he or she must determine which ~~of a variety of~~ methods of force to use or to seek to use. ~~(b) For many of the use of force situations faced by Department staff members and contractor staff, Department rule or policy provides specific guidance as to which method(s) would be authorized or prohibited. However, if Department rule or policy does not provide specific guidance for the use of force situation faced by a Department staff member or contract employee,~~ The person pursuing the use of force should pursue a method, or methods, of force that is lawful and they reasonably believe, based on their training and experience, ~~is lawful~~, is consistent with Department rules and policies, and is most appropriate under the circumstances.

(4) No change.

(5) Use of Chemical Agents.

(a) General.

1. All chemical agents shall be used with caution and in accordance with the manufacturer’s instructions.

2. Authorization for an organized use of force application of chemical agents within an institution may only be given by the warden or designee.

3. Authorization to Use CS instead of OC.

a. No change.

b. The warden or designee may authorize the use of CS as an initial primary chemical agent whenever past applications of OC to an inmate were documented on a ~~use of force narrative report~~ Report of Force Used, Form DC6-230 as having been applied and ineffective. Form DC6-230, Report of Force Used, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXXX>. The effective date of the form is ~~12/12~~.

c. The warden or designee may authorize the use of CS as an initial or primary chemical agent during in-cell applications whenever an inmate attempts to deploy a shield, barrier, or obstruction in an obvious attempt to avoid contact with an application of chemical agents. Justification for the use of CS whenever an inmate barricades or presents physical obstructions to counter chemical agent applications shall be noted on the Report of Force Used, Form DC6-230.

4. No Change.

(b) Reactionary use of chemical agents on inmates outside of controlled conditions.

1. Officers may utilize chemical agents for any of the reasons set forth in paragraph (2)(a)1-8 ~~to compel the cessation of an inmate’s violence or resistance to orders~~. During emergency situations with multiple inmates in an outside area, chemical agents may be applied to quell the disturbance. In reactionary use of force situations, chemical agents are authorized for disbursal in a continuous manner until the moment the inmate(s) become(s) compliant with lawful orders.

2. An inmate shall at no time be removed from his or her assigned cell or placed at an alternate location, have clothing removed, or be restrained for the purpose of chemical agent application. If an officer administers chemical agents while an inmate is handcuffed or wearing restraints, and removal of such restraints was not possible prior to the application, the officer shall record an explanation of the circumstances in the Report of Force Used, Form DC6-230 ~~use of force narrative report~~.

(c) Use of Chemical Agents on Inmates in Controlled Conditions.

1. The warden or designee shall be consulted and his or her written Authorization for Use of Force, DC6-232 must be obtained for any organized use of force, prior to application of chemical agents. Form DC6-232, Authorization for Use of Force, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXXX>. The effective date of the form is 09/09. The person who was responsible for submitting the use of force authorization shall prepare, date, and sign the authorization either prior to or immediately after the end of the shift in which force was used. If the authorization for use of force is granted after normal working hours, the authority granting the action shall sign the use of force authorization within one day following the incident, excluding weekends and holidays.

2. When an inmate in a controlled condition creates a disturbance, or the officer’s ability to provide unit security is adversely impacted by an inmate’s behavior, and the inmate refuses to comply with clear and audible orders to cease his or her behavior, the following steps will be followed unless there

is an emergency or other circumstances arise that would dictate alternative actions.

a. through c. No change.

d. If the inmate remains non-compliant or continues in his or her behavior that would justify using force and it is evident that the use of chemical agents is necessary to gain control of the inmate while minimizing the risk of injuries to others the housing lieutenant or shift supervisor shall ensure that the following order of events takes place:

(I) No change.

(II) The shift supervisor shall review the Risk Assessment For The Use Of Chemical Restraint Agents And Electronic Immobilization Devices, Form DC4-650B to determine whether the inmate has a medical condition that may be exacerbated by the intended force. Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida

32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. The effective date of the form is 12/12

. If the inmate has a medical risk factor for chemical agents, chemical agents shall not be used on the inmate unless each of the following conditions exists: the inmate possesses a weapon capable of causing great bodily harm or death, the warden or designee approves, and medical staff are present in the housing unit prior to the application of chemical agents. However, if the inmate has a medical risk factor for chemical agents as indicated on the risk assessment, this does not automatically preclude the use of electronic immobilization devices on the inmate. Medical staff shall be consulted about physical conditions of an inmate that may be aggravated by the application of chemical agents unless safety concerns prevent prior consultation.

(III) through (IX) No change.

e. Protocol following a third application of chemical agents.

(I) The warden or designee shall be consulted to evaluate further responses. Additional Report of Force Used, Form DC6-230 shall be used to document the incident. The shift supervisor shall ensure all use of force applications are properly documented in a ~~use of force narrative report~~ Report of Force Used, Form DC6-230.

(II) No change.

f. No change.

(6) Use of Less-Lethal Weapons.

(a) Less-lethal weapons may be used in either reactionary or organized uses of force.

(b) The use of electronic immobilization devices (EIDs), batons, the types of chemical agents mentioned in this section, specialty impact munitions, or other less-lethal weapons within

institutions shall be authorized, only by the warden or designee, when their use is necessary, their use would comport with the other provisions of this rule, and the use of the chemical agents referenced elsewhere in this rule would be either inappropriate or ineffective. Such weapons shall be utilized by officers who have completed the Department's standard training on their use and shall be used in accordance with manufacturer specifications.

1. EIDs.

a. through b. No change.

c. Prior to any organized use of force of the type described in sub-sub-subparagraph (6)(b)1.b.(II) above, the shift supervisor shall review the Risk Assessment For The Use Of Chemical Restraint Agents And Electronic Immobilization Devices, Form DC4-650B to determine whether the inmate has a medical condition that may be exacerbated by the intended force. If the inmate has a medical risk factor for EIDs, they shall not be used on the inmate unless each of the following conditions exists: the inmate possesses a weapon capable of causing great bodily harm or death, the warden or designee approves, and medical staff are present in the housing unit prior to the application of EIDs. However, if the inmate has a medical risk factor for EIDs, this does not automatically preclude the use of chemical agents on the inmate. Medical staff shall be consulted about physical conditions of an inmate that may be aggravated by the application of EIDs unless safety concerns prevent prior consultation.

2. No change.

3. Pepperball Launching System (PLS). ~~Subject to the other provisions of this rule and Department policy,~~ The PLS shall be used instead of aerosol-type chemical agents when aerosol-type chemical agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall be used only by restricted labor squad supervisors and exercise officers for confinement, close management, maximum management, and death row populations. The PLS shall only be employed by officers who have completed the Department's standard trained in their use and effects.

a. through c. No change.

4. No change.

(7) Use of Deadly Force.

(a) Use of Deadly Force. Except as set forth elsewhere in this subsection, an officer is authorized to use deadly force only when the officer believes that such force is necessary to prevent imminent death or great bodily harm to him or herself or another.

1. No change.

2. Firearms or weapons shall be issued to an officer only upon instructions of the warden or designee, chief of security, or shift supervisor by the arsenal officer or the officer

designated to issue weapons. Officers shall not intentionally discharge a firearm loaded with lethal ammunition—as opposed to less-lethal ammunition—at or in the direction of another person except under the following circumstances and after all reasonable non-lethal alternatives have been exhausted, and there is no reasonable danger to innocent bystanders:

- a. through b. No change.
- c. To prevent imminent death or great bodily harm; or
- d. No change.

3. Subparagraph (7)(a)2. shall not be read to say that there are always reasonable non-lethal alternatives to the intentional discharge of firearms loaded with lethal ammunition ~~In many circumstances there is no such alternative.~~

- 4. through 6. No change.

(b) Because helicopters or other aircraft may be used during an escape or assault, the following policy shall apply:

- 1. through 6. No change.

7. If weapons are fired from an aircraft, Department personnel are authorized to return fire and use deadly force to protect themselves and others ~~upon property of the institution from imminent death or great bodily harm.~~

- 8. through 9. No change.

(c) through (d) No change.

(e) Post-Firearm Discharge Protocol.

1. In addition to the any applicable post-use of force protocol set forth in subsection (9) of this rule, Department officers shall comply with the following protocol after a firearm is discharged. Any officer who discharges a firearm shall complete a Use of Force Incident Report, Form DC6-210A, Form DC6-210A, Use of Force Incident Report is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXXX>. The effective date of the form is _____ ~~use of force detailed narrative report~~. Any officer who has fired a weapon during the performance of his or her duty shall, upon the conclusion of the event giving rise to the discharge of the firearm, immediately as soon as is reasonably possible notify his or her supervisor. Such shift supervisor shall immediately as soon as reasonably possible after learning of such an incident, have the scene secured and notify the Office of Inspector General. The senior officer in charge at the scene of the incident shall ensure all evidence is undisturbed, including locations of empty cartridges, until processed by a law enforcement agency or the Office of Inspector General.

2. Any officer who accidentally or negligently discharges a Department firearm or any firearm upon institutional property shall immediately report the incident to the warden or designee ~~without unnecessary delay~~ and shall complete a Use of Force

Incident Report, Form DC6-210A ~~use of force detailed narrative report~~.

(8) Use of Force Considerations and Protocol Unique to Inmates in Mental Health Treatment Settings.

(a) No change.

(b) Batons, chemical agents, EIDs, specialty impact munitions, and other authorized less-lethal weapons shall not be used on inmates who are housed in isolation management rooms or observation rooms for the purpose of mental health services, assigned to inpatient mental health care in an infirmary, transitional care unit, crisis stabilization unit, corrections mental health institution, or other mental health treatment facility, as such facilities are defined in Rule 33-404.103, F.A.C., except when force reasonably appears necessary to:

1. through 3. No change.

4. Prevent an imminent assault on staff or other inmates;

5. through 8. No change.

(c) through (d) No change.

(e) Use of Psychiatric Restraints.

1. through 2. No change.

3. When the use of psychiatric restraints is authorized, and the inmate does not offer resistance to the application of the restraints, the completion of Form DC6-210, Incident Report, shall be required. Form DC6-210, Incident Report, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01697>. The effective date of the form is 12-12. The application of the psychiatric restraints will be videotaped. The videotape, Form DC6-210, a written use of force authorization, Form DC4-701C, Emergency Room Record, and Form DC4-708, Diagram of Injury shall also be completed in their entirety with applicable data or the letters “N/A” used to indicate inapplicability and shall be forwarded to the warden or acting warden for review within one working day. Form DC4-701C, Emergency Room Record, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01695>. The effective date of the form is 12-12. Form DC4-708, Diagram of Injury, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01696>. The effective date of the form is 10-04-07. Each institution shall retain the reports for the applicable retention period. If at any time prior to or during the application of the psychiatric

restraints, the inmate offers resistance to the application, force shall be used, if necessary and justified.

(9) Post-Use of Force Protocol.

(a) Reporting.

1. The warden or designee shall be notified immediately of the use of reactionary use of force without unnecessary delay upon the conclusion of the event giving rise to the use of any time a reactionary use of force incident occurs.

2. Any time force is used, the staff person initially using force shall complete Report of Force Used, Form DC6-230 ~~a use of force narrative report~~. The completed report must contain a clear and comprehensive narrative of the circumstances that led to the use of force, the specific justification and necessity for the use of force, and a description of the actual events that occurred as well as the post-event actions. If more than one staff member was involved in the use of force, the initial staff member using force shall complete the Report of Force Used, Form DC6-230 ~~use of force narrative report~~. All participants who agree with the initial staff member shall sign the Report of Force Used, Form DC6-230. Any participant who objects to information recorded by the reporting staff member or who has additional observations to add to the narrative or description of the incident written by the reporting staff member shall complete a Report of Force Used, Form DC6-230 ~~use of force narrative report~~ and attach it to the Report of Force Used, Form DC6-230 ~~use of force narrative report~~ completed by the staff member initially using force. To provide additional detail, each participant in the use of force shall also complete their own Use of Force Incident Report, Form DC6-210A, ~~use of force detailed narrative report~~ and each such report shall be attached to the Report of Force Used, Form DC6-230 ~~use of force narrative report~~ that was written by the person initially using force. However, if a participant writes his or her own ~~use of force narrative report~~ Report of Force Used, Form DC6-230, his or her Incident Report, Form DC6-210A, ~~use of force detailed narrative report~~ shall be attached to their own Report of Force Used, Form DC6-230 ~~use of force narrative report~~. All ~~use of force narrative report~~ Report of Force Used, Form DC6-230 and Incident Report, Form DC6-210A, ~~use of force detailed narrative report~~ shall be placed in one folder or binder.

3. A Report of Force Used, Form DC6-230 ~~use of force narrative report~~ shall be completed by those staff involved in any application of force, reactionary or organized, that occurred during their shift. This Report of Force Used, Form DC6-230 ~~use of force narrative report~~ shall be completed no later than the end of the shift during which the use of force occurred, or within 24 hours of the use of force incident. All reports must be typed. No Report of Force Used, Form DC6-230 ~~use of force narrative report~~ may be altered, changed, or destroyed by any employee. However, staff members may submit amendments to a report at any time with authorization from the warden or designee. In

such situations, the original report itself shall remain intact and shall remain as part of the file; an amendment—a separate document—shall be added to the file. The warden or designee shall then appoint a staff member of equal or higher rank than those involved in the use of force incident to collect all pertinent information and required documentation. This information shall include the reports of all involved staff who do not agree with the account as reported in the Report of Force Used, Form DC6-230 ~~use of force narrative report~~ or the statements of staff witnesses, inmate witnesses, or the inmate subject. Any employee who witnesses but does not participate in a use of force and suspects inappropriate action shall complete Incident Report, Form DC6-210A, ~~use of force detailed narrative report~~. The warden shall ensure that Form DC4-701C, Emergency Room Record, and Form DC4-708, Diagram of Injury, are included in the review of all uses of force and also forwarded with the rest of the required documentation to the Office of the Inspector General – Use of Force Unit. The Office of Inspector General field offices within each region shall provide the institutions, via electronic mail, with a use of force number once one is assigned and entered into the Office of Inspector General electronic logging system.

4. Form DC6-112C, Witness Statement, shall be completed by the inmate whom force was used upon within three (3) working days of the use of force incident. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. This statement shall be obtained by a staff member who was not involved in the use of force or assigned to the shift on which the use of force occurred. If the inmate refuses to sign the statement the inmate's refusal shall be witnessed by two staff members. In instances where the force occurred outside of controlled conditions, the uninvolved staff member assigned to obtain witness statements shall interview a random sample of the inmate witnesses and provide them with the opportunity to submit a written statement on Form DC6-112C ~~Form DC-112C is incorporated by reference in Rule 33-601.313, F.A.C.~~

5. Any accidental or incidental discharge of a chemical agent by a staff member within any institution shall be recorded in a Use of Force Incident Report, Form DC6-210A.

6. The application of force by an EID or less-lethal weapon shall be reported by completion of a Report of Force Used, Form DC6-230 ~~use of force narrative report~~ by the staff member who deployed the device.

7. In any case where specialty impact munitions are deployed, the incident shall be recorded on a Report of Force Used, Form DC6-230 ~~use of force narrative report~~.

8. Any time a witness of a reported use of force chooses to make a written statement, or is a use of force participating staff member and chooses to provide information not included in the reporting staff member's initial Report of Force Used, Form DC6-230 ~~use of force narrative report~~, such person shall

complete a Report of Force Used, Form DC6-230 ~~use of force narrative report~~ of their own. No employee may interfere with or obstruct such reporting or order any participant or witness involved in the use of force to alter, change, or not produce a written report of an incident in which the employee was involved or which he or she observed.

9. Any employee who witnesses, has reasonable cause to suspect, or has knowledge that any inmate has been a victim or subject of an unlawful battery or has been abused in violation of law or the Department's administrative rules shall immediately ~~without unnecessary delay~~ submit a Incident Report, Form DC6-210A, ~~use of force detailed narrative report~~ to the warden or designee describing his or her observations, knowledge, or suspicion. No employee shall commit a battery on or engage in cruel or inhumane treatment of any inmate. The warden or designee shall forward a copy of all reports involving allegations of inmate abuse, neglect, or battery to the Office of Inspector General without unnecessary delay.

10. Staff members may use reasonable hands-on force to restrain an inmate, upon supervision and direction of a physician or medical practitioner, for the purpose of providing necessary treatment to protect the health of others or to satisfy a duty to protect an inmate against self-inflicted injury or death. The attending qualified health care provider who directs or observes medically necessary use of force shall prepare a written authorization to use force. Staff members who use force pursuant to a physician or medical practitioner's request shall prepare a Report of Force Used, Form DC6-230 ~~use of force narrative report~~ and a Incident Report, Form DC6-210A, ~~use of force detailed narrative report~~ when actual force is used, or Form DC6-210 when restraints are applied with no physical resistance by the inmate, and the reports shall be forwarded to the warden. Any report required in the preceding sentence shall be completed and forwarded to the warden immediately upon the conclusion of the incident giving rise for the use of force ~~without unnecessary delay~~.

11. Any application of chemical agents within an institution shall be documented in a Report of Force Used, Form DC6-230 ~~use of force narrative report~~. Any staff member who uses chemical agents shall record the following in the Report of Force Used, Form DC6-230 ~~use of force narrative report~~:

a. through g. No change.

(b) Decontamination and Monitoring After Chemical Agent Exposure.

1. Inmates who have been exposed to any chemical agent shall be constantly monitored by a staff member or officer for no less than one (1) hour after application. The affected inmate shall remain in a standing or sitting position. The monitoring staff members or officers shall immediately seek medical attention by the appropriate medical staff ~~or competent medical authority~~ any time signs of respiratory distress, labored

breathing, excessive or persistent coughing, or chest or arm pain are evident or if unconsciousness occurs or other signs of medical distress are observed. The absence of medical staff on scene does not preclude taking action as an emergency responder. The shift supervisor shall summon a medical staff member to the physical location of an inmate who has been exposed to a chemical application.

2. All inmates exposed to chemical agents shall be ordered to shower in cool water and change inner and outer garments within 20 minutes from the last application of chemical agents, unless there is a documentable emergency resulting in an extension of this time frame. The shift supervisor or confinement lieutenant shall record the decontamination activities in a Incident Report, Form DC6-210A, ~~use of force detailed narrative report~~ and on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

3. No change.

4. If the affected inmate refuses to participate in a decontamination shower, a second order shall be given by the shift supervisor. Inmates are not allowed to refuse a shower or refuse the decontamination of their cell after exposure to chemical agents. The shift supervisor shall record in an Incident Report, Form DC6-210A, ~~use of force detailed narrative report~~ that a second order was administered and the inmate refused to comply. The shift supervisor shall submit Form DC6-112F, Disciplinary Report Worksheet, for processing. Form DC6-112F is incorporated by reference in Rule 33-601.313, F.A.C.

5. through 11. No change.

(c) Medical Attention Following Use of Force.

1. Medical Attention for Inmates Following Use of Force.

a. Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible following resolution of the riot or disaster. Any treatment or follow-up action shall be documented in the Report of Force Used, Form DC6-230 ~~use of force narrative report~~. A qualified health care provider shall examine any person physically involved in a use of force to determine the extent of injury, if any, and shall prepare a report that shall include a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician, and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within one (1) business day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document observed or known physical injuries. A copy of the report, including referenced forms, shall

be attached to the Report of Force Used, Form DC6-230 ~~use of force narrative report~~. The original reports shall be filed in the inmate's medical record.

b. After any use of force, the attending physician or medical practitioner shall complete Form DC4-701C, Emergency Room Record, and Form DC4-708, Diagram of Injury, with applicable data or the letters "N/A" used to indicate inapplicability. The attending physician or medical practitioner shall document the presence or absence of any injury in his or her records whenever force has been applied. Every physical examination of an inmate patient who has been the subject of an application of force shall be documented with specificity by the attending physician or medical practitioner to include extent of injury, type of injury, and a description of any injury. Any time a physician or attending medical practitioner reports reasonable suspicion of abuse of an inmate to the warden or the Office of Inspector General, it shall be recorded in the Use of Force Incident Report, Form DC6-210A.

c. through d. No change.

2. through 3. No change.

(10) Review Requirements.

(a) through (b) No change.

(c) The warden or designee shall review the information and note any inappropriate actions in memorandum and attach the information to the Report of Force Used, Form DC6-230 ~~use of force narrative report~~. The warden or designee's signature in the Warden's Review signature block on the Report of Force Used, Form DC6-230 ~~use of force narrative report~~ indicates that the review of the reports, and videotapes as required, did or did not reveal, in addition to procedural concerns, any indication of excessive, improper, or unnecessary force. All videotape recordings of force applications and the original and one copy of the Report of Force Used, Form DC6-230 ~~use of force narrative report~~ shall be forwarded to the Office of Inspector General within eleven (11) business days. Requests for extensions for Report of Force Used, Form DC6-230 ~~use of force narrative report~~ to be forwarded after eleven (11) days shall require authorization from the Deputy Secretary of Institutions and the Inspector General or designee. Requests for extensions for submission of Report of Force Used, Form DC6-230 ~~use of force narrative report~~ beyond eleven (11) days may be granted if required staff is unavailable for signatures due to extended leave or similar circumstances, e.g., a staff member was injured in the use of force, etc., and major incidents occurring at the institution necessitate an extension, e.g., a riot or other major disturbance, nature disaster evacuation, etc.

(d) The warden shall keep all original completed forms and a copy of the Report of Force Used, Form DC6-230 ~~use of force narrative report~~ until notified that the final review by the Office

of Inspector General is complete. All original reports pertaining to a use of force shall be retained by the warden or designee.

(e) No change.

(f) Upon review of the submitted documents, the Office of Inspector General shall notify the warden in writing or by electronic mail of the findings. All video recordings submitted with Report of Force Used, Form DC6-230 ~~use of force narrative report~~ shall be retained and maintained by the Office of Inspector General in accordance with records retention statutes. The Office of Inspector General shall notify the regional director and warden any time a reasonable suspicion or probable cause is found that the force administered by a staff member was not in compliance with law, rule, or procedure. The Office of Inspector General or the warden, upon referral by the Office of Inspector General, shall conduct an investigation of the incident. Any staff member who is a subject of an investigation based on suspicion or allegation that force administered with their participation was not in compliance with this rule shall be notified by written letter when the matter is being investigated by the Office of Inspector General. Staff members shall not disclose or discuss any information concerning a use of force administrative investigation until receiving notice that a determination has been issued by the Office of Inspector General or warden. Wardens shall complete Form DC6-296, Disapproved Use of Force/Warden Disposition Report, should their review of referred cases lead to a determination that force was not appropriately used. All disciplinary actions shall be forwarded to the Human Resources Section upon completion. Form DC6-296, Disapproved Use of Force/Warden Disposition Report, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01703>. The effective date of the form is 7-25-02.

(g) The Deputy Secretary of Institutions, regional director, or warden shall be responsible for issuing any corrective action pursuant to a finding of non-compliance with this rule. Copies of the employee's report, the warden's summary, and the Office of Inspector General review and determination shall be kept in the inmate's file pursuant to public records retention law. Form DC2-802, Use of Force Log, shall be placed in every employee's personnel file. Form DC2-802, Use of Force Log, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01691>. The effective date of the form is 2-7-00. This form shall be maintained by the servicing personnel office and shall contain a record of every Report of Force Used, Form DC6-230 completed by the employee.

(h) The warden or designee shall be responsible for submitting accurate information to the personnel office in order to maintain Form DC2-802. Any Report of Force Used, Form DC6-230 use of force narrative report completed prior to April 15, 1998, shall remain in the file and be retained for the applicable retention period.

(i) through (k) No change.

(l) Any incident that necessitates the drafting of a Report of Force Used, Form DC6-230 shall be submitted to the Emergency Action Center (EAC).

(11) Chemical Agents – Issuance, Storage, and Handling.

(a) through (e) No change.

(f) For those security positions assigned to housing units with a secure officer's station, an MK-4 sized canister or equivalent OC dispenser will be passed on from shift to shift and accounted for on Form DC6-209, Housing Unit Log, at the beginning of each shift with an entry for each canister indicated by canister number and officer initials who is assigned that canister. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C. Canisters that are not being worn by staff on shifts that have fewer assigned staff will remain in the officer station, stored in a secure, locked cabinet or drawer designated for this purpose. The number of chemical agent canisters assigned to a housing unit shall not exceed the maximum number of staff (officer and sergeant) assigned for the highest staffed shift per the institutional post chart. Any evidence of tampering, broken or missing seal, or signs that the canister is not functional will be immediately reported to the shift officer in charge. Additionally, an Incident Report, Form DC6-210A, use of force detailed narrative report will be completed by the end of the officer's shift and a replacement of the canister will occur. The canisters will be inventoried and inspected once per week by the arsenal sergeant with appropriate entry placed on the Housing Unit Log.

(g) through (i) No change.

(j) Shift supervisors shall examine the seal of any chemical dispenser reported to be altered, broken, or manipulated and upon confirmation of alteration, breakage, or manipulation shall report the observation on a Incident Report, Form DC6-210A, use of force detailed narrative report. The sergeant in charge of the arsenal shall maintain a master inventory of all individual chemical agent dispensers in storage. The master inventory shall indicate the weight of each dispenser at the time the original seal is attached and shall annotate the weight of the dispenser any time a dispenser is returned with a broken seal on Form DC6-216, Chemical Agent Accountability Log, and replace the seal or attach a new one. The arsenal sergeant shall report any discrepancies in the weight of the dispenser to the chief of security and complete an Incident Report, Form DC6-210A, use of force detailed narrative report.

(k) through (l) No change.

(12) No change.

33-602.211 Restraint of Pregnant Inmates.

(1) Definitions.

(a) Extraordinary circumstance: means that the inmate poses a substantial flight risk or that there is some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, ~~the unborn child~~ or the public.

(b) through (c) No change.

(2) through (8) No change.

(9) Staff utilizing restraints on a compliant pregnant inmate under extraordinary circumstances during labor, delivery, or postpartum recovery will document the application of restraints in the inmate's file on Form DC6-210, Incident Report. If the inmate is noncompliant, the use of restraints will be documented on a Report of Force Used, Form DC6-230 (Form DC6-230), Institutions Report of Force Used. In either case, such documentation shall be prepared within 10 days. Form DC6-230 is incorporated by reference in Rule 33-602.210, F.A.C.

33-602.212 Escort Chair.

(1) through (2) No change

(3) Security staff, upon receiving approval in accordance with subsection (4) of this rule, are authorized to escort inmates meeting the criteria listed in subsection (2) of this rule in an escort chair.

(a) through (e) No change

(f) The inmate shall be removed from the chair upon arrival at the destination and returned to the chair for the return escort. No inmate shall be placed in the escort chair for longer than it takes for such inmate to be taken directly to his or her destination.

(g) If the inmate does not offer resistance to placement into the escort chair, no Report of Force Used, Form DC6-230 shall be completed. the completion of (Form DC6-230), Institutions Report of Force Used, shall not be required. If at any time the inmate offers resistance, proceeding to place the inmate into the escort chair this shall constitute a physical use of force, which shall be conducted pursuant to rule 33-602.210, F.A.C., and the guidelines in subsections 33-602.210(3) (5), (8) (12), F.A.C., shall be followed. (Form DC6-230), Institutions Report of Force Used, is incorporated by reference in Rule 33-602.210, F.A.C.

(h) No change

(i) The Warden or the Duty Warden shall forward any instances where he or she is concerned the rules related to escort chair use were not complied with to the Office of the Inspector General ~~for appropriate handling.~~

(4) In all instances, the Warden or Duty Warden shall be contacted by the Shift Supervisor and shall give his permission prior to use of the escort chair. The Shift Supervisor shall provide the Warden or Duty Warden the rationale for using the escort chair and document it on Form DC6-2068, Escort Chair Inmate Observation Log. Form DC6-2068, Escort Chair Inmate Observation Log, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02953>. The effective date of the form is 8-13.

(5) No change

(6) For those inmates spitting or expelling bodily fluids on employees or with a documented history of such behavior, a spit net/shield may be placed over the head of the inmate and Form DC6-280, Special Management Spit Shield Status Request, shall be completed in accordance with Department procedure 602.028(1), (3). Form DC6-280, Special Management Spit Shield Status Request, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02951>. The effective date of the form is 8-13.

(7) through (13) No change

(14) Videotaping of escort chair use shall begin prior to the inmate being removed from his or her cell and shall not end until the inmate is secure back in a cell.

(a) A lead-in statement with the rational for the use of the escort chair shall be provided on camera by the Shift Supervisor, Confinement Lieutenant, or Close Management Lieutenant, which shall include:

1. The date and time;
2. His or her name and rank;
3. The camera operator's name and rank;
4. The inmate's name and DC number; and

(b) The video recording shall continuously run until the escort is complete and shall encompass the following:

1. No change
2. The statement from the Shift Supervisor to the inmate that physical force will be used to place ~~placed in~~ the inmate in the escort chair if there is a refusal or resistance;
3. through 4. No change
5. The actual transport to the destination. For medical or mental health treatment this recording, for confidentiality purposes, shall be handled in accordance with rule 33-602.210, F.A.C. subsection 33-602.210(3), F.A.C.;

6. through 11. No change

(15) If the inmate refuses or offers active physical resistance when being placed in the escort chair, staff may

utilize the minimum physical force necessary to secure the inmate in the escort chair. ~~(a) The Shift Supervisor shall make a determination whether to cancel the escort or use force to gain the compliance of the inmate for the escort~~

~~(b) The Duty Warden shall be consulted and give his permission prior to use of physical force.~~

~~(c) In spontaneous use of force incidents when circumstances do not permit prior approval, the Duty Warden shall be notified immediately following any use of force incident.~~

~~(d) If force is used all reporting and review requirements outlined in Rule 33-602.210, F.A.C., shall apply.~~

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-30.008 State Officer Certification Examination Site Administration

NOTICE IS HEREBY GIVEN that on October 26, 2017, the Florida Department of Law Enforcement, received a petition for a permanent waiver of subsection 11B-30.008(1), F.A.C., from Benjamin Lenfant. Petitioner wishes to waive that portion of the Rule that states, in pertinent part: Administration of the Computer-Based State Officer Certification Examination (CB-SOCE) shall be limited to test sites authorized by the Commission and located within the State of Florida...In justification of his petition for waiver, Petitioner asserts that he is a law enforcement officer in Louisiana who successfully completed a Florida Equivalency of Training Program in May of 2017, and proceeded to log on to the Pearson VUE website to register to sit for the Florida SOCE; due to an administrative error, Pearson VUE gave Petitioner the option to sit for the test in Louisiana and he alleges that he received a letter confirming that the SOCE could be administered out of state. In August of 2017, Petitioner sat for and passed a computer-based Florida SOCE at a Pearson VUE testing center in Louisiana, and Petitioner's ATMS profile was updated to reflect Petitioner's passing Florida SOCE score. Petitioner later learned that his passing Florida SOCE score was invalid based upon the location of its administration; however, Petitioner is currently

undergoing pre-employment screening with Florida law enforcement agencies. Petitioner alleges that, should the waiver not be granted, Petitioner will suffer a substantial hardship as he would be unable to obtain employment as a law enforcement officer until he sits for and passes a Florida SOCE administered within the State of Florida. Petitioner also alleges that application of the Rule to Petitioner would be a violation of the principles of fairness because it was Pearson VUE’s mistake that caused Petitioner to act out of compliance with the Rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by phone at (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT
 Criminal Justice Standards and Training Commission
 RULE NO.: RULE TITLE:

11B-30.008: State Officer Certification Examination Site Administration

NOTICE IS HEREBY GIVEN that on October 27, 2017, the Florida Department of Law Enforcement received a petition for a permanent waiver of subsection 11B-30.008(1), F.A.C., from David V. Tran. Petitioner wishes to waive that portion of the Rule that states, in pertinent part: Administration of the Computer-Based State Officer Certification Examination (CB-SOCE) shall be limited to test sites authorized by the Commission and located within the State of Florida...In justification of his petition for waiver, Petitioner asserts that he is a law enforcement officer in Alabama who successfully completed a Florida Equivalency of Training Program and proceeded to log on to the Pearson VUE website to register to sit for the Florida SOCE; due to an administrative error, Pearson VUE gave Petitioner the option to sit for the test in Alabama. In May of 2017, Petitioner sat for and passed a computer-based Florida SOCE at a Pearson VUE testing center in Alabama, and Petitioner’s ATMS profile was updated to reflect Petitioner’s passing Florida SOCE score. Petitioner later learned that his passing Florida SOCE score was invalid based upon the location of its administration; however, Petitioner is currently undergoing a background investigation for employment with the Niceville Police Department. Petitioner alleges that, should the waiver not be granted, Petitioner will suffer a substantial hardship as he would be unable to obtain employment as a law enforcement officer until he sits for and passes a Florida SOCE administered within the State of Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by phone at (850)410-7676.

AGENCY FOR HEALTH CARE ADMINISTRATION
 Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 23, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from 2900 Twelfth Street North, LLC dba Lakeside Pavilion. The Petition has been assigned Agency case number 2017012940. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A, Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
 Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 19, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Inn at La Posada. The Petition has been assigned Agency case number 2017012964. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
 Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 23, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Mease Manor Inc. d/b/a Mease Continuing Care. The Petition has been assigned Agency case number 2017012967. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the

rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 20, 2017, the Agency for Health Care Administration, received a petition for Waiver from Rule 59AER17-1, F.A.C., from Life Care Ponte Vedra, Inc., d/b/a Vicar's Landing Nursing Home. The Petition has been assigned Agency case number 2017012966. The Petition seeks a waiver from Rule 59AER17-1 F.A.C. requesting a waiver as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency waiver within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 19, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Martin Operating Corp., licensed operator of Martin Nursing and Restorative Care Center. The Petition has been assigned Agency case number 2017012724. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Zephyrhills Health & Rehab Center, Inc. The Petition has been assigned Agency case number 2017012975. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Ocoee Health Facilities, LP, d/b/a Ocoee Health Care Center. The Petition has been assigned Agency case number 2017012976. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Pinnacle Health Facilities XXIII, LP, d/b/a Tarpon Point Nursing & Rehab. The Petition has been assigned Agency case number 2017012978. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Presbyterian Retirement Communities, Inc. d/b/a Westminster Baldwin Park. The Petition has been assigned Agency case number 2017012979. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Presbyterian Retirement Communities, Inc. d/b/a Westminster Towers and Shores of Bradenton. The Petition has been assigned Agency case number 2017012980. The Petition seeks a variance from

Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Hacienda Care VI, LP, d/b/a West Gables Health Care Center. The Petition has been assigned Agency case number 2017012981. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 25, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Palm Garden of Gainesville LLC, d/b/a Palm Garden of Gainesville. The Petition has been assigned Agency case number 2017012669. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Gulf Shore Facility, Inc., d/b/a Gulf Shore Care Center. The Petition has been assigned Agency case number 2017012938. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Excel Facility, Inc., d/b/a Excel Care Center. The Petition has been assigned Agency case number 2017012937. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 25, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Palm Garden of Largo LLC, d/b/a Palm Garden of Largo. The Petition has been assigned Agency case number 2017012542. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 26, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Holly Hill RHF Housing, Inc., d/b/a Bishops Glen Retirement Center. The Petition has been assigned Agency case number 2017012584. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the amended petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 26, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Lake Eustis Health and Rehabilitation Center. The Petition has been assigned Agency case number 2017012885. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and

specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
 Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 26, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Brynwood Health and Rehabilitation Center. The Petition has been assigned Agency case number 2017012889. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
 Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 26, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Windsor Health and Rehabilitation Center. The Petition has been assigned Agency case number 2017012973. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1,

Mail Stop #28A Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

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 October 25, 2017, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for First United Methodist Church at 1001 Constitution Dr., Port St Joe, FL. Petitioner seeks an emergency variance of the requirements of Rules 2.14.1.5(a) and 2.14.1.5(f), A17.1, 2009. as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires a Top Emergency Exit which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2017-195).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on October 27, 2017, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code from HM Retail LLC located in Tampa. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the three compartment sink and the handwash sink.

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

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

DEPARTMENT OF CHILDREN AND FAMILIES
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-14.023 Personnel and Staffing Requirements

The Department of Children and Families hereby gives notice: That on October 23, 2017, the Department of Children and Families granted the petition for waiver of paragraph 65C-14.023(15) (b), Florida Administrative Code, for Sheridan House Family Ministries, assigned Case No. 17-031W. The waiver request was received by the Department on September 6, 2017, and notice of the waiver was published in the Florida Administrative Register on October 16, 2017. Paragraph 65C-14.023(15)(b), F.A.C., requires program directors, or staff serving a similar function, who are responsible for supervising, evaluating and monitoring the delivery of services within the child caring agency and for supervising supervisors of direct care staff to have a master’s degree in social work or in a related area in Section 402.402(1)(b), F.S., of study from an accredited college or university and at least two (2) years of experience in social services, or a bachelor’s degree from a college or university and four (4) years of experience working with children. Mr. Taylor will be able to maintain his current role as Director of Residential Program because of the granting of this waiver. Mr. Taylor has been with Sheridan House Family Ministries since 2015, has experience working with children, and has completed trainings related to his position. He is also pursuing a master’s degree in Counseling Psychology.

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

Section VI

Notice of Meetings, Workshops and Public Hearings

STATE BOARD OF ADMINISTRATION

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

DATE AND TIME: Monday, November 13, 2017, 9:30 a.m. (ET) to conclusion of business

PLACE: Hermitage Room, First Floor, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Audit Committee.

A copy of the agenda may be obtained by contacting: Kimberly Calhoun, (850)413-1243, Kimberly.Calhoun@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 7 days before the workshop/meeting by contacting: Jim Moore, (850)413-1164, jim.moore@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).

PUBLIC SERVICE COMMISSION
NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider at its November 7, 2017 Commission Conference, Docket No. 20170208-EI, Gulf Power Company’s Application for authority to issue and sell securities and to receive common equity contributions during the twelve months ending December 31, 2018. Pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, Gulf seeks authority to receive equity funds from and/or issue common equity securities to the Southern Company, Gulf’s parent company; issue and sell long-term debt and equity securities; and issue and sell short-term debt securities during 2018. The maximum amount of common equity contributions received from and proceeds from common equity shares issued to Southern, the maximum amount of equity securities issued and the maximum principal amount of long-term debt securities issued will total not more than \$600 million. The maximum principal amount of short-term debt outstanding at any one time will total not more than \$500 million.

DATE AND TIME: Tuesday, November 7, 2017. The Commission Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850.

PURPOSE: To take final action on Docket No. 20170208-EI. In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. For more information, please contact Wesley Taylor, Office of the General Counsel, (850)413-6175.

METROPOLITAN PLANNING ORGANIZATIONS

The Florida MPO Advisory Council Freight Committee and Governing Board announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2017, 1:00 p.m., MPOAC Freight Committee; November 7, 2017, 1:00 p.m., MPOAC Governing Board

PLACE: Sheraton Bay Point Resort, Panama City Beach, Florida 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: MPOAC Freight Committee activities related to freight transportation planning. MPOAC Governing Board activities related to transportation planning adjacent to metropolitan areas in Florida.

A copy of the agenda may be obtained by contacting: Brigitte Messina at (850)414-4037 or brigitte.messina@mpoac.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Brigitte Messina at (850)414-4037 or brigitte.messina@mpoac.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Brigitte Messina at (850)414-4037 or brigitte.messina@mpoac.org.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

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

DATE AND TIME: November 9, 2017, 1:00 p.m., Governing Board Meeting; 1:05 p.m., Public Hearing on Consideration of Update to the St. Andrew Bay Watershed Surface Water Improvement and Management Plan; 1:06 p.m., Public Hearing on Consideration of Update to the Apalachicola River and Bay Watershed Surface Water Improvement and Management Plan

PLACE: WindMark Beach – Town Hall, 101 Good Morning Street, Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: District business. Consideration of Resolution No. 826 Amending the Fiscal Year 2016-2017 Budget – Amendment 14 – Realignment of Budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: Savannah White, (850)539-5999 or online at <http://www.nfwwater.com/About/Governing-Board/Board-Meetings-Agendas>.

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: Wendy Dugan, (850)539-2600. 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.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 7, 2017, 10:00 a.m.

PLACE: SWFWMD Tampa Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Industrial Advisory Committee meeting: to discuss committee business. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of committee and Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Office Chief at 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Kelly.schwegel@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4605 (Ad Order EXE0587).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District
The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 7, 2017, 1:00 p.m.
PLACE: SWFWMD Tampa Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Supply Advisory Committee meeting: To discuss committee business. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of committee and Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Office Chief at 1(800)423-1476 (FL only), (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Kelly.schwegel@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4605 (Ad Order EXE0588).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District
The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 14, 2017; 9:00 a.m.
PLACE: SWFWMD Tampa Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Committee Meetings and Public Hearing: consider SWFWMD business. All or part of this

meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: Lori.manuel@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4606. 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: Lori.manuel@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4606 (Ad Order EXE589).

WATER MANAGEMENT DISTRICTS

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

DATE AND TIME: Monday, November 6, 2017, 9:00 a.m.
Everglades Agricultural Area Storage Reservoir Meeting
PLACE: SFWMD, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District has scheduled a public meeting for the Everglades Agricultural Area Storage Reservoir Project to engage the public. The overall goal is to discuss and answer questions on project scope and schedule, plan formulation, baseline modeling, and the array of alternatives.

The public is advised that it is possible that one or more members of the Water Resources Advisory Commission and Governing Board of the South Florida Water Management District may attend and participate in these meetings.

Written Comments:
Agencies and the public are encouraged to provide written comments on the project in addition to, or in lieu of, giving their comments at the meeting. Written comments can be sent to the following address: South Florida Water Management District, Attention Mike Albert, 3301 Gun Club Road, MSC 8312, West Palm Beach, FL 33406. Email: EAAreservoir@sfwmd.gov using the subject line: EAA Storage Reservoir Project.

A copy of the agenda may be obtained by contacting: The draft agenda will be available seven days prior to the meeting at <https://www.sfwmd.gov/EAAReservoir>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk, (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Michael Albert, malbert@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Agency for Health Care Administration announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 6, 2017, 2:00 p.m.

PLACE: Telephone conference number: 1(888)670-3525, participant code: 8050334011

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will be meeting to review applications received for consideration for the Gold Seal Award designation and reviewing the Nursing Home Gold Seal Award criteria for the Gold Seal Award. Other business as needed may also be discussed.

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

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Florida Real Estate Commission announces a hearing to which all persons are invited.

DATE AND TIME: Monday, November 13, 2017, 3:00 p.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Mike Davis at michael.davis@myfloridalicense.com. Only public portions of the agenda are available upon request.

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: Division of Real Estate, (407)481-5662. 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 BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Florida Real Estate Commission announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, November 14, 2017, 8:30 a.m., ET; meeting will reconvene on Wednesday, October 15, 2017, 8:30 a.m., ET.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission –topics include proposed legislation affecting Chapter 475, Part I, F.S., Chapter 61J2 rule discussion to include the annual rules review for the Annual Regulatory Plan, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Mike Davis at michael.davis@myfloridalicense.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: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Opticianry

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

DATE AND TIME: January 9, 2018, 9:00 a.m., ET

PLACE: Telephone conference number: 1(888)670-3525, participant code: 4552635641#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained at www.floridasopticianry.gov. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should contact: the Board Office by phone at (850)245-4474 at least one week prior to the meeting date.

FLORIDA INSURANCE GUARANTY ASSOC., INC.

The Florida Insurance Guaranty Association announces a public meeting to which all persons are invited.

DATE AND TIME: November 13, 2017, 1:00 p.m.

PLACE: Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors' will meet to discuss the general business of the Association. The agenda will include, but not be limited to: Minutes, Receivers, Legal, Claims, Financial, Finance & Audit Committee and Operations Reports.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

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: Cathy Irvin at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

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

DATE AND TIME: December 1, 2017, 10:00 a.m., Eastern Time

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include 2018 Business Plan & Forecast, disaster recovery matters and report on operations.

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

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

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

DATE AND TIME: December 1, 2017, 11:00 a.m., Eastern Time

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include 2018 reinsurance program, reinsurer financials review, and reinsurance activities update.

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

MRGMIAMI

The Florida Department of Transportation (FDOT), District Four, announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, November 8, 2017, 5:30 p.m.

PLACE: Courtyard Marriott located at 400 Gulfstream Way, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FDOT, District Four, will be hosting a Public Workshop for the 95 Express Phase 3C Project, which will provide two tolled express lanes in each direction from Stirling Road to Broward Boulevard and a system to system direct connection between I-95 and I-595 in Broward County. The workshop will begin with an open house format and staff will be available to answer questions and provide assistance. A presentation will follow at 6:00 p.m.

A copy of the agenda may be obtained by contacting: Ms. Vanita Saini, P.E., Project Manager, Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4468, toll-free: 1(800)336-8435, ext. 4468, Vanita.Saini@dot.state.fl.us.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ms. Vanita Saini, P.E., at (954)777-4468, toll-free: 1(800)336-8435, ext. 4468, in writing to Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida, 33309, or by email at Vanita.Saini@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 Ms. Vanita Saini, P.E., Project Manager, Florida Department of Transportation District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida, 33309, (954)777-4468, toll-free: 1(800)336-8435, ext. 4468, Vanita.Saini@dot.state.fl.us.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

Florida Association of Homes and Services for the Aging, Inc., d/b/a Leadingage Florida vs. Agency for Health Care Administration and Department Of Elder Affairs; CASE NO.: 17-5388RE; RULE NO.: 58A-1.009

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

Florida Association of Homes and Services for the Aging, Inc., d/b/a Leadingage Florida vs. Agency for Health Care Administration and Department Of Elder Affairs; Case No.: 17-5388RE; Rule Nos.: 58AER 17-1, 59AER 17-1; Respondents failed to demonstrate the existence of an immediate danger. Also, Petitioners demonstrated that the Emergency Rules are invalid.

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

New College of Florida

RFQ FOR CONTINUING SERVICES FOR MINOR MAINTENANCE

RFQ # 102417

LEGAL NOTICE REQUEST FOR QUALIFICATION FOR CONTINUING SERVICES FOR THE PROVISION OF MINOR MAINTENANCE WORKS TO BUILDINGS AND ASSOCIATED INFRASTRUCTURE

PUBLIC ANNOUNCEMENT FOLLOWING PROCEDURES OF THE CONSULTANT'S COMPETITIVE NEGOTIATION ACT, CHAPTER 287.055, LAWS OF FLORIDA

The Board of Trustees of New College of Florida (NCF) announces that Continuing Services will be required from licensed Construction Companies and / or Builders to provide construction services for small-scale projects and works of maintenance and repair that do not exceed one hundred and twenty five thousand dollars (\$125,000) in total value.

Construction and Building services are required to support the Office of Facilities, Planning and Construction with the maintenance and minor developments or alternations to the campus buildings and associated infrastructure. It is anticipated that this work may sometimes include other trades such as plumbing and / or electrical work. Responders to the RFQ will be required to show State licenses for all trades that are required to have licenses and that are employed as contractors or sub-contractors.

The period of the contract will be for an initial term of one (1) year. This is renewable annually for up to two (2) additional years at the College's discretion.

Firms wishing to be considered for appointment must apply in writing. Firms must submit the information required by the Request for Qualification (RFQ) application packet. Submissions shall include details of the firm's abilities and previous experience with respect to small projects generally and if applicable projects in education institutions and for facilities similar to those found on the campus of New College of Florida. Also required is a synopsis of the firm's general abilities and a

list of key people employed directly or indirectly to perform work.

Request for Qualification to provide Continuing Services for Minor Works etc., RFQ # 102417 may be viewed and downloaded from the College's Facilities Management web page:

<https://www.ncf.edu/about/departments-and-offices/facilities-planning-and-construction/>. Firms may also request a copy of the RFQ document via e-mail only to ifrisco@NCF.edu

Written questions regarding this RFQ must be submitted no later than fifteen (15) days prior to the RFQ due date. All questions and responses will only be posted to the NCF Facilities Web-Page listed above not less than ten (10) days prior to the RFQ due date.

Return the printed and completed Statement of Qualification to New College of Florida, Office of Facilities, Planning & Construction, 5800 Bay Shore Road, Sarasota, FL 34243-2109. Deliver to Attention: Alan Burr, Director, no later than Thursday November 30th 2017 at 3:00 p.m. No electronic submittals will be accepted. The College will not be responsible for any delays in delivery nor for any costs associated with the preparation.

The Continuing Services Selection Committee will meet on Wednesday December 13, 2017 beginning at 8.00 a.m. at the NCF Campus in the Keating Center Boardroom to review and score the received and accepted RFQ responses.

Following a short listing review, a number of firms may be asked to make presentations to the Continuing Services Selection Committee on Wednesday December 20 2017, beginning at 8 a.m. at the NCF Campus in the Keating Center Boardroom

Firms who submitted a completed Statement of Qualification and who are shortlisted will be notified in writing of any changes to the above presentation date at least five (5) days prior to the newly established presentation date.

Any addenda to the RFQ will be issued on the Facilities Management web page noted above. Firms are recommended to check this web page regularly.

New College of Florida is an Equal Access/Equal Opportunity Employer

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BDC13-17/18: Florida Gulf Coast Marine Fisheries Hatchery and Enhancement Center

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction is soliciting formal, competitive, sealed bids from contractors for bid number BDC13-17/18, Pensacola Fish Hatchery. More info @ <http://tinyurl.com/BDC13-17-18>.

DEPARTMENT OF CHILDREN AND FAMILIES RETROFIT METAL ROOF REPLACEMENT INVITATION TO BID

Proposals are requested from QUALIFIED CERTIFIED ROOFING CONTRACTORS by the State of Florida, Department of Children and Families, hereinafter referred to as OWNER, for the construction of:

PROJECT NO: DCF - 17202020

TITLE: RETROFIT METAL ROOF REPLACEMENT TO BUILDINGS NO. 15, 17, AND 18.

SITE: NORTHEAST FLORIDA STATE HOSPITAL, STATE ROAD 121 SOUTH, MACCLENNY, FLORIDA, 32063

PREQUALIFICATION: Each prime Bidder shall be state-certified in accordance with Chapter 489, Florida Statutes, as a Roofing Contractor. Bids from firms not able to furnish proof of the required certification are subject to disqualification.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings and the General and Technical Specifications, which may be examined and obtained from the ARCHITECT/ENGINEER:

A/E: Department of Children and Families, Office of General Services, Design, and Construction. 1317 Winewood Blvd., Building #3, Room 205-G, Tallahassee, Florida 32399-0700

TEL#: (850)717-4011

EMAIL: bill.bridges@myflfamilies.com

BID DOCUMENTS: Full sets of Drawings and Specifications may be purchased from the ARCHITECT/ENGINEER, by payment of printing and handling costs at the rate of \$10.00 per bid set.

MANDATORY PRE-BID MEETING: A mandatory pre-bid meeting will be held on Tuesday, November 14, 2017 at 11:00 a.m. local time. The meeting will be held at Northeast Florida State Hospital Maintenance Building #19, Conference Room, State Road 121 South, Macclenny, Florida.

BID OPENING: Sealed bids will be received, publicly opened and read aloud at:

DATE: December 5, 2017, Tuesday

TIME: 2:00 p.m. local time

LOCATION: Northeast Florida State Hospital Maintenance Building #19, Conference Room, State Road 121 South, Macclenny, Florida 32063

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted within two business days, at the location where the bids were opened. If no protest is filed per Section B-21, "Notice and Protest Procedures", the OWNER will award a contract to the qualified, responsive low Bidder in accordance with established departmental contracting procedures (CFOP 70-7). In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all Bidders will be duly notified.

FISH AND WILDLIFE CONSERVATION COMMISSION
 RMI (Re-roof) REBID-2
 BID NO: FWC 17/18-65C
 TITLE: RMI (Re-roof) REBID-2
 FOR: The intent of this invitation to bid is to obtain competitive pricing for RMI Re-roof-2 at 845 West Peninsula Drive, St. Petersburg, FL 33701, in accordance with the specifications in this invitation to bid and the Construction Plans in accordance with Chapter 255, F.S. ***For an electronic copy of construction plans and all other associated documents please email a completed Confidentiality Exemption Form (Attachment A) to Renee Gregory the Procurement Manager at renee.gregory@myfwc.com.
 SEALED BIDS WILL BE PUBLICLY OPENED AND READ ALOUD ON:
 DATE & TIME: November 30, 2017 @ 3:00 p.m.
 Location: Florida Fish & Wildlife Conservation Commission
 2590 Executive Center Circle East, Suite 100
 Tallahassee, Florida 32301
 PURCHASING MANAGER: (Direct questions to the following)
 Renee Gregory, Procurement Manager
 Florida Fish & Wildlife Conservation Commission
 Tallahassee Purchasing Office
 2590 Executive Center Circle
 Tallahassee, Florida 32301
 Phone: (850)488-6551
 renee.gregory@myfwc.com

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Monday, October 23, 2017 and 3:00 p.m., Friday, October 27, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
5B-40.0055	10/27/2017	11/16/2017
5J-17.002	10/24/2017	11/13/2017
5J-17.003	10/24/2017	11/13/2017

5J-17.010	10/24/2017	11/13/2017
5J-17.011	10/24/2017	11/13/2017
5J-17.012	10/24/2017	11/13/2017
5J-17.015	10/24/2017	11/13/2017
5J-17.016	10/24/2017	11/13/2017
5J-17.020	10/24/2017	11/13/2017
5J-17.021	10/24/2017	11/13/2017
5J-17.022	10/24/2017	11/13/2017
5J-17.025	10/24/2017	11/13/2017
5J-17.026	10/24/2017	11/13/2017
5J-17.027	10/24/2017	11/13/2017
5J-17.028	10/24/2017	11/13/2017
5J-17.029	10/24/2017	11/13/2017
5J-17.031	10/24/2017	11/13/2017
5J-17.032	10/24/2017	11/13/2017
5J-17.034	10/24/2017	11/13/2017
5J-17.037	10/24/2017	11/13/2017
5J-17.039	10/24/2017	11/13/2017
5J-17.040	10/24/2017	11/13/2017
5J-17.041	10/24/2017	11/13/2017
5J-17.042	10/24/2017	11/13/2017
5J-17.043	10/24/2017	11/13/2017
5J-17.044	10/24/2017	11/13/2017
5J-17.050	10/24/2017	11/13/2017
5J-17.051	10/24/2017	11/13/2017
5J-17.052	10/24/2017	11/13/2017
5J-17.053	10/24/2017	11/13/2017
5J-17.061	10/24/2017	11/13/2017
5J-17.062	10/24/2017	11/13/2017
5J-17.063	10/24/2017	11/13/2017
5J-17.070	10/24/2017	11/13/2017
5J-17.080	10/24/2017	11/13/2017

5J-17.083	10/24/2017	11/13/2017
5J-17.084	10/24/2017	11/13/2017
5J-17.085	10/24/2017	11/13/2017
5J-17.086	10/24/2017	11/13/2017
5J-17.200	10/24/2017	11/13/2017
5J-17.400	10/24/2017	11/13/2017
33-302.116	10/23/2017	11/12/2017
42X-1.002	10/24/2017	11/13/2017
53ER17-70	10/26/2017	10/28/2017
53ER17-71	10/26/2017	10/28/2017
53ER17-72	10/26/2017	10/28/2017
59A-12.002	10/24/2017	11/13/2017
59A-12.012	10/24/2017	11/13/2017
59A-35.110	10/24/2017	11/13/2017
61G5-24.010	10/24/2017	11/13/2017
62-621.250	10/27/2017	11/16/2017
64B5-14.001	10/24/2017	11/13/2017
64B5-14.002	10/24/2017	11/13/2017
64B5-14.003	10/24/2017	11/13/2017
64B5-14.0032	10/24/2017	11/13/2017
64B5-14.0034	10/24/2017	11/13/2017
64B5-14.004	10/24/2017	11/13/2017
64B5-14.005	10/24/2017	11/13/2017
64B5-14.006	10/24/2017	11/13/2017
64B5-14.007	10/24/2017	11/13/2017
64B5-14.009	10/24/2017	11/13/2017
64B5-14.010	10/24/2017	11/13/2017
64B8ER17-3	10/24/2017	10/24/2017
64B15ER17-3	10/24/2017	10/24/2017
64ER17-6	10/24/2017	10/24/2017
65C-30.016	10/23/2017	11/12/2017

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40C-2.101	8/2/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.100	12/19/2016	**/**/****
69L-7.501	12/19/2016	**/**/****

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

Division of Financial Institutions

NOTICE OF FILINGS

Financial Services Commission

Office of Financial Regulation

October 30, 2017

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		The Fletcher Building, Suite 118
Tallahassee, Florida 32314-8050		101 East Gaines Street
Phone (850) 410-9889		Tallahassee, Florida 32399-0379
Fax: (850)410-9663		Phone: (850)410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 16, 2017).

APPLICATION TO MERGE

Constituent Institutions: Encore Bank, Naples, Florida and Ovation Successor Bank, Naples, Florida

Resulting Institution: Encore Bank, Naples, Florida

With Title: Encore Bank

Received: October 26, 2017

FLORIDA INSURANCE GUARANTY ASSOC., INC.

Notice of Closed Session

Notice is hereby given that The Florida Insurance Guaranty Association, Inc. will hold a closed attorney-client session at its regularly scheduled Board of Directors meeting at the Hyatt Regency Hotel - Orlando Airport, 9300 Jeff Fuqua Boulevard, Orlando, Florida 32827 on November 13, 2017 at 1:30 p.m. to discuss the litigation strategies for the collection of a judgment. This board of directors meeting and the general notice of a closed session have been noticed in the Florida Administrative Weekly and the Orlando Sentinel Legal Notices. Timothy J. Meenan, General Counsel, will be present and will request advice from the FIGA Board and President during this closed session on the pending litigation. The FIGA Board Members that will be present include Kimberly Blackburn, Charlie Breitstadt, Paula Lutes, Shane Robinson, Pamela McQuaid, Pamela Matthews, David Fleming, Jennifer Montero, and Angel Bostick Conlin. Sandra Robinson, Executive Director of FIGA and Thomas Streukens, Chief Operating Officer of FIGA, will also attend.

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.
