

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-12.002	General Methods of Taking Game and Crows; Prohibitions
68A-12.003	Protection of Certain Deer, Bear, and Turkey; Tagging of Deer and Turkey; Evidence of Sex Required
68A-12.004	Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements
68A-12.005	Transportation of Wild Birds or Game
68A-12.006	Sale of Pen-raised Quail
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting
68A-12.008	Use of Pen-raised Quail for Training Bird Dogs
68A-12.010	Regulations Governing the Operation of Private Hunting Preserves
68A-12.011	Regulations Governing the Establishment and Operation of Game Farms

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development are to establish or revise rule provisions, during calendar year 2017, associated with general methods of taking game and crows, the protection of certain deer, bear and turkey, the tagging of deer and turkey, evidence of sex requirements for deer and turkey, the possession or sale of birds or mammals, taxidermy operations and mounting requirements, the sale of pen-raised quail, the use of dogs for taking game, the use of pen-raised quail for training bird dogs, and the establishment or operation of private hunting preserves and game farms.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rule include general methods of taking game and crows, the protection of certain deer, bear and turkey, the tagging of deer and turkey, evidence of sex requirements for deer and turkey, the possession or sale of birds or mammals, taxidermy operations and mounting requirements, the sale of pen-raised quail, the use of dogs for taking game, the use of pen-raised quail for training bird dogs, and the establishment or operation of private hunting preserves and game farms.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carla Oglo, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-14.001	Establishment Orders
68A-14.0011	Opening or Closing Areas Other Than Restricted Hunting Areas or Bird Sanctuaries; General

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2017, associated with the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, or miscellaneous areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, or miscellaneous areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; Section 379.121, 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.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carla Oglo, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.: RULE TITLES:  
68A-16.001 Migratory Birds; Adoption of Federal Statutes and Regulations

68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish or revise rule provisions, during calendar year 2017, associated with migratory birds.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include adoption of Federal statutes and regulations regarding migratory birds. The subject area also includes rules associated with the conservation of bald eagles.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; Section 379.2292, 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carla Oglo, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-27.0001	Purpose and Intent
68A-27.001	Definitions
68A-27.0011	Killing Endangered Species
68A-27.0012	Procedures for Listing and Removing Species from Florida's Endangered and Threatened Species List
68A-27.0021	Designation of Candidate Species; Prohibitions; Permits
68A-27.003	Florida Endangered and Threatened Species List; Prohibitions
68A-27.0031	Marine Endangered and Threatened Species
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits
68A-27.006	Reward Program
68A-27.007	Permits and Authorizations for the Take of Florida Endangered and Threatened Species

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish or revise rule provisions, during calendar year 2017, associated with species classified as Candidate Species, Endangered Species, Threatened Species, Species of Special Concern, and Marine Endangered and Threatened Species.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying procedures; designation of Candidate Species, Endangered Species, Threatened Species, Species of Special Concern, and Marine Endangered and Threatened Species; and prohibitions, permits, and rewards associated with such species.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution; Section 379.1025, FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; Sections 379.2291 and 379.2292, 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brad Gruver, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3831

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

## Section II Proposed Rules

### DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-26.00411	Procedure for Issuance of Permits
14-26.012	Movement Conditions and Restrictions
14-26.01311	Permits to Move Sealed Containerized Loads
14-26.014	Non-Compliance
14-26.015	Penalties

**PURPOSE AND EFFECT:** Permitting requirements for overweight and overdimensional vehicles are being amended to clarify requirements and allow the hauling of hazardous material in sealed containers.

**SUMMARY:** Clarifies when a structural evaluation is required for an overweight vehicle, removes requirement for flag and warning light for loads under 80 feet, removes restriction on hauling hazardous material, provided it is in a sealed container, allows for suspension or revocation of permits placed out of service by Federal Motor Carrier Safety Administration.

#### 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 does not increase permit fees and reduces regulatory requirements.

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:** 316.515, 316.550, 334.044(2) FS.

**LAW IMPLEMENTED:** 316.228, 316.515, 316.516, 316.535, 316.550, 316.565, 334.044(27) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-26.00411 Procedure for Issuance of Permits.

(1) through (4) No change.

(5) No movement shall be made under any permit until the route has been surveyed to verify that the route can accommodate the vehicle and load. The Department is responsible for verifying the load carrying capacity of the route (bridges and similar load bearing structures). The applicant is responsible for verifying adequate vertical (height) and horizontal (length and width) clearance. Vehicles and loads with a height greater than 18 feet shall be surveyed by a qualified escort, as described in this rule chapter prior to any movement. Surveying a route prior to movement of the load does not exempt the hauler from being required to obtain a permit prior to any movement. Applications for vehicles and loads with a height greater than 18 feet and/or width greater than 22 feet shall be supported by a survey letter from the hauler. The survey letter must be on the hauler's letterhead and include a signed statement verifying that the route has been surveyed, and that clearances exceed the requested permitted dimension by a minimum of 6 inches for height and 2 feet on each side for width. The survey letter must be maintained with the load during movement and produced to law enforcement and weight inspectors upon request. The surveyed route and the route shown on the application must be identical.

(6) Structural Evaluation. In addition to the information required for issuance of a permit, a schematic of the vehicle showing all longitudinal and transverse spacings, axle weights

and dimensions must be provided at least ten business days before a proposed move when any axle exceeds 30,000 pounds, or when the vehicle's gross weight ~~is exceeds~~ 300,000 pounds or more, so that a structural analysis can be performed. Applicants, whose vehicles gross vehicle weight is less than 300,000 pounds, will be required to provide a schematic as well when an Engineer of the Office of Maintenance, Bridge Section, determines that a structural analysis is needed. Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.515, 316.535, 316.550 FS. History—New 8-26-82, Formerly 14-26.06, Amended 9-15-87, 7-21-91, 6-23-96, 11-10-98, Formerly 14-26.006, Amended 2-1-10, 10-4-10, 2-5-13, 8-23-16, \_\_\_\_\_.

#### 14-26.012 Movement Conditions and Restrictions.

(1) through (8) No change.

(9) Length Limitations.

(a) through (b) No change.

(c) Self-Propelled Equipment Length Limitations. When the criteria of Rule 14-26.00425, F.A.C., are met, trip or multi-trip permits shall be issued. For all self-propelled equipment, the boom must be fully retracted. Nighttime movement requires that the front overhang has a minimum of 80 inches clearance above the roadway. In addition, no movement is allowed on limited access facilities with units designed for off road use. ~~Flags and one warning light are required.~~ In addition the following restrictions will apply:

1. No change.

2. Total Length over 80 feet. Movement is permitted daytime hours only, excluding weekends and holidays. Flags and warning signs are required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.

(10) No change.

(11) Designated Permits.

(a) through (b) No change.

(c) Semi-trailers with a kingpin greater than 41 53 feet and a trailer length up to 57 feet 6 inches ~~in length~~ may haul a divisible load when operating in a truck tractor semi-trailer combination with a valid trip or multi-trip permit.

(d) Truck tractor semi-trailer combinations hauling automobiles or boats may obtain a trip or multi-trip permit, regardless of trailer length, when the overall length does not ~~to~~ exceed 80 feet excluding overhang. This applies to both stinger and non-stinger steered vehicles.

(e) through (g) No change.

(12) No change.

Rulemaking Authority 316.515, 316.550, 334.044(2) FS. Law Implemented 316.228, 316.515, 316.550, 334.044(28) FS. History—New 8-26-82, Amended 12-6-83, Formerly 14-26.12, Amended 9-15-87, 5-2-90, 7-21-91, 6-23-96, 11-10-98, 2-1-10, 10-4-10, 2-5-13, 8-23-16, \_\_\_\_\_.

14-26.01311 Permits to Move Sealed Containerized Loads.

(1) Definitions. For the purposes of this rule:

~~(a) In accordance with Section 316.302(4), F.S., "Hazardous waste" or "hazardous materials" means as defined in Title 49 C.F.R., Part 171, Subpart A, Sec 171.8.~~

~~(a)(b)~~ A "Sealed Containerized Load" means a freight container with or without wheels, as defined in Title 49 C.F.R., Part 59, Sec 5901(4), Rev. 2008, incorporated herein by reference, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-02204>.

~~(b)(e)~~ "Destination point" means the location where the packer's seal, law enforcement seal, or U.S. Customs' seal is broken.

~~(c)(d)~~ "Point of origin" means the location where the packer's seal is affixed.

(2) General. Sealed containerized loads being moved via a truck or trucks and rail in conjunction with a maritime shipment will be considered a "nondivisible" load, eligible for an overweight or overdimensional permit, when the following conditions are met:

~~(a) The sealed containerized load does not transport hazardous waste or hazardous materials which require placarding per Title 49, C.F.R., Part 172, Subpart F, as required by Section 316.302, F.S.;~~

~~(a)(b)~~ The sealed containerized load is being moved by a vehicle qualified to do so under the provisions of this rule:

1. From a maritime port to the destination point; or

2. From a maritime port to a railroad facility for movement to the destination point; or

3. From the point of origin to a maritime port; or

4. From the point of origin to a railroad facility for movement to a maritime port; and

~~(b)(e)~~ The sealed containerized load retains the original unbroken seal from its point of origin, a seal placed by law enforcement, or a replacement U.S. Customs' seal throughout its transit until reaching its destination point.

(3) Required On-Board Documents.

(a) The operators of vehicles transporting sealed containerized loads by permits issued pursuant to this rule shall at all times have on board and make available for inspection a hard copy of at least one of the following documents ~~under their control and available for inspection:~~

1. A short form master bill of lading;

2. A copy of an electronically transmitted way bill; or

3. A completed U.S. Customs Service Authority to move (Form 75-12) valid for the permitted load.

(b) The document(s) in paragraph (a) shall include the following readily identifiable information:

1. Consignor;

- 2. Point of origin;
- 3. Consignee;
- 4. Point of destination; and
- 5. Either the number of the packer's cargo seal or the number of the U.S. Customs seal; and

~~6. A statement that the load being transported does not contain any hazardous waste or hazardous materials which require placarding per Title 49, C.F.R. Part 172, Subpart F.~~

~~(e) The document(s) in paragraph (a) shall be in the form of a hard copy.~~

(4) No Straight Trucks. Because of the nature of the load to be carried and the potential for increased wear to the highway from vehicles so loaded, no straight truck, as defined in Section 316.003(70), F.S., shall be eligible for a permit to haul sealed containerized loads.

(5) Trip or Multi-Trip Permits. When applying for a trip or multi-trip permit to transport sealed containerized loads, the hauler must submit an application in accordance with Rule 14-26.00411(4), F.A.C., and furnish all relevant details on the proposed move to the Department's Permit Office. At a minimum, this shall include:

- (a) Maximum gross weight of the vehicle and load;
- (b) through (f) No change.
- (6) through (9) No change.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.535, 316.550, 334.044(27) FS. History--New 9-14-93, Amended 6-23-96, 2-1-10, 10-4-10, 2-5-13, \_\_\_\_\_.

14-26.014 Non-Compliance.

(1) Suspension or revocation of permits.

(a) The Department will suspend or revoke a multi-trip or trip permit for a specified period of time for the following:

1. through 6. No change.

7. The company has been placed out-of-service based upon a compliance review performed by Florida Highway Patrol or Federal Motor Carrier Safety Administration.

8. No change.

(2) No change.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History--New 8-26-82, Amended 12-6-82, 3-18-84, Formerly 14-26.14, Amended 9-15-87, 4-22-92, 6-23-96, 1-17-99, 2-1-10, 8-23-16, \_\_\_\_\_.

14-26.015 Penalties.

(1) No change.

(2) Null and Void Criteria. Any vehicle found to be operating under one or more of the following conditions shall be determined to be out of conformity with the provisions of the permit, in which case the vehicle is considered to be in non-compliance and the permit will be declared to be null and void for that vehicle for that trip. Penalties will be assessed as provided in Sections 316.516 and 316.545, F.S., and the

vehicle must remain until the load is brought into compliance or a valid permit is obtained.

(a) through (g) No change.

~~(h) The tires on the vehicle are smaller than those specified on the permit. Penalty to be assessed for weight only.~~

~~(h)(i)~~ The vehicle has an outer-bridge dimension which is less than the minimum specified on the permit. Penalty to be assessed for weight only.

~~(i)(j)~~ The vehicle is being operated under a multi-trip permit and the permit is not accompanied by the required attachments described in the permit. Penalty to be assessed based upon the nature of the violation (weight or size).

~~(j)(k)~~ The hauler does not produce a survey letter ~~for height~~ as described in subsection 14-26.00411(5)(4), F.A.C., when requested by law enforcement or a weight inspector. Penalty to be assessed for size only.

~~(k)(l)~~ The vehicle does not have a valid restricted tag or is not registered for 80,000 pounds gross vehicle weight when transporting an oversized/overweight load. Penalty to be assessed for weight only.

~~(l)(m)~~ The vehicle permitted for operation with a natural gas fueling system, is being operated without certification of the weight difference between the natural gas fueling system and a comparable diesel fueling system. Penalty to be assessed for weight only.

Rulemaking Authority 316.550, 334.044(2) FS. Law Implemented 316.516(4), 316.550(8), (10) FS. History--New 6-23-96, Amended 11-10-98, 2-1-10, 10-4-10, 2-5-13, 8-23-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rudy Powell, State Maintenance Engineer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim Boxold, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 23, 2016

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE NO.:           RULE TITLE:

64B23-2.001       Documentation for Licensure

PURPOSE AND EFFECT: To amend the rule to remove outdated references and course requirements, to provide for a temporary license and to update and create forms as required by recently enacted legislation.

SUMMARY: The rule is being amended to eliminate references to the Advisory Council of Medical Physicists, remove the medical errors course requirement for licensure, to establish a temporary license for applicants who have

completed a residency program, and to create and update forms as required by recently enacted legislation.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the SERC checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s. 120.541(2)(a), F.S.

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

**RULEMAKING AUTHORITY:** 456.004, 456.013, 483.901(6)(a) FS.

**LAW IMPLEMENTED:** 456.013, 483.901(4)(k), 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:** Anthony Spivey, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-6330, (850) 245-4355 or [mqa.medicalphysicist@flhealth.gov](mailto:mqa.medicalphysicist@flhealth.gov).

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B23-2.001 Documentation for Licensure.

(1) Applicants for licensure shall submit Form DH 1274 (7/16)-8/15, Application for Licensure as a Medical Physicist, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06534>; and official documentation of board certification and licensure verification sent directly from the agency that issued the license must also be submitted.

(2) Applicants applying for a temporary license shall submit Form DH5020-MQA (9/16), Application for Medical Physicist Temporary License, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-#####>. Applicants must designate a supervisor who is a medical physicist licensed in the same specialty as the applicant's completed residency and must have satisfactorily completed a two-year, accredited residency program. Official

documentation of the completed residency program sent directly from the program must also be submitted. A temporary license shall be effective for one year from the date of issuance and may be renewed once for an additional year.

Rulemaking Authority 456.004, 456.013, 483.901(6)(a) FS. Law Implemented 456.013, 456.0635, 456.065(3), 483.901(4)(b), (k), (7), ~~483.901(6)(b), (7)~~ FS. History--New 6-10-99, Amended 8-21-02, 5-10-09, 12-28-09, 4-7-13, 4-13-16, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Anthony Spivey

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 30, 2016

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** July 18, 2016

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

**RULE NOS.:** RULE TITLES:

69A-37.039 Prescribed Forms for Training and Certification

69A-37.065 Programs of Study and Vocational Courses

**PURPOSE AND EFFECT:** The purpose of the changes to Rule 69A-37.065, F.A.C., is to update the fire investigator training program as provided in Section 633.406(2), Florida Statutes. The Division is authorized to establish, by rule, certificates that may be awarded in recognition of special training or education. Under this authority, the Division offers a certificate in fire investigation to individuals who complete needful professional instruction and training on the subject of fire investigation. The proposed rule updates the current advanced training program designed for individuals having fire investigation responsibilities and alters the requirements for certification accordingly. This program is based on the National Fire Protection Association (NFPA) 1033, "Standard for Professional Qualifications for Fire Investigators." The purpose of the changes to Rule 69A-37.039, F.A.C., is to adopt the forms necessary to implement the changes being made in Rule 69A-37.065, F.A.C.

**SUMMARY:** The proposed changes alter the requirements for fire investigator certification, amend the application form, and introduce two new forms.

**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: This is a voluntary training program.

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

RULEMAKING AUTHORITY: 633.104, 633.128(1)(l), (2)(a), 633.216(9), 633.406(1)(b), (f), (2), 633.418(1), 633.508(2), FS.

LAW IMPLEMENTED: 633.112(1), 633.128, 633.132, 633.138, 633.216, 633.406, 633.408, 633.412, 633.418, 633.508(2), FS.

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

DATE AND TIME: Thursday, February 9, 2017, at 11 a.m.

PLACE: Room 114, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482.

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: Mike Tucker, telephone: (352)369-2829, email: Mike.Tucker@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Tucker, Bureau Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services, telephone: (352)369-2829, email: Mike.Tucker@MyFloridaCFO.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-37.039 Prescribed Forms for Training and Certification.

(1) No change.

(2) The following forms are hereby adopted and incorporated by reference in this rule:

(a) through (i) No change.

(j) DFS-K4-1438, rev. 1/17 03/09, "Application for Fire Investigator I-Certification."

~~(k) DFS K4 1439, rev. 03/09, "Application for Fire Investigator II-Certification."~~

(l) through (ww) are renumbered as (k) through (vv) No change.

(ww) DFS-K4-2171, "Fire Investigator Task Book," eff. 1/17.

(xx) DFS-K4-2175, "Fire Investigator Portfolio," eff. 1/17.

Rulemaking Authority 633.104, 633.128(1)(l), 633.216(9), 633.406(2), 633.418(1), 633.508(2) FS. Law Implemented 633.112(1), 633.128, 633.138, 633.216, 633.406, 633.408, 633.412, 633.418, 633.508(2) FS. History—New 9-7-81, Formerly 4A-37.20, 4A-37.39, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 9-13-98, 12-10-01, Formerly 4A-37.039, Amended 3-19-09, 8-27-12, 8-20-13, 11-18-13, 2-15-15 (f), 2-15-15 (ee)-(ii), 7-13-16, \_\_\_\_\_.

69A-37.065 Programs of Study and Vocational Courses.

The following programs of study are developed and revised by the Florida State Fire College, pursuant to Sections 633.128 and 633.216, F.S.:

(1) through (3) No change.

(4) Fire Investigator Program. This is a voluntary advanced training program designed for certified firefighters, certified law enforcement officers, law enforcement crime scene technicians, and certified firesafety inspectors who have fire investigation responsibilities. This program is based on the National Fire Protection Association (NFPA) 1033 "Standard for Professional Qualifications for Fire Investigator." This program is intended to prepare individuals for service as fire investigators in the public sector.

(a) Fire Investigator Certification for Individuals holding a Fire Investigator II Certification. For individuals holding a Fire Investigator II Certificate of Competency issued by the Division, the Division shall issue a Fire Investigator Certificate of Competency if the applicant:

1. Is a certified firefighter, certified law enforcement officer, law enforcement crime scene technician, or certified sworn or non-sworn firesafety inspector; and

2. Submitted to the Bureau of Fire Standards and Training a completed Form DFS-K4-2175, "Fire Investigator Portfolio," or a completed Form DFS-K4-2171, "Fire Investigator Task Book," both of which are incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained as specified in subsection 69A-37.039(1), F.A.C.; and

3. Submitted a completed Form DFS-K4-1438, "Application for Fire Investigator Certification," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained as specified in subsection 69A-37.039(1), F.A.C., with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Fire Investigator Certification for All Others. For all other individuals, including those who hold a Fire Investigator I Certificate of Competency issued by the Division, the

Division shall issue a Fire Investigator Certificate of Competency if the individual meets the requirements of this paragraph (4)(b).

1. Program Requirements. Each individual must satisfy program requirements. The program shall consist of no less than 360 hours of training, with each course being no less than 45 hours in duration. Unless courses of equivalent interactive instruction are approved by the Bureau of Fire Standards and Training pursuant to paragraph (4)(c), below, the individual must complete each of the following courses:

- a. Fire Chemistry.
- b. Fire Origin and Cause.
- c. Fire Protection Systems.
- d. Building Construction.
- e. Latent Investigation.
- f. Arson Investigation.
- g. Post Blast Investigation.
- h. Legal Issues for Fire Investigators.

2. Approved Courses. Courses under this paragraph (d) must be approved by the Bureau of Fire Standards and Training and meet the curriculum requirements of the program. Approved courses are delivered by either the Division; a provider whose course is registered in the Florida Department of Education Statewide Course Numbering System; the United States Fire Administration – National Fire Academy; a regionally accredited or nationally accredited college or university as outlined in subsections 69A-37.084(5) and (6), F.A.C.; a provider whose course is recognized by the Fire and Emergency Services Higher Education program; or a provider whose course is determined by the Division to be equivalent to the Statewide Course Numbering System or Fire and Emergency Services Higher Education course. The courses “Latent Investigation,” “Arson Investigation,” “Fire Origin and Cause,” “Post Blast Investigation,” and “Legal Issues for Fire Investigators” shall be taught in a traditional classroom delivery method. The courses “Fire Chemistry,” “Fire Protection Systems,” and “Building Construction” may be taught by a provider using alternative delivery techniques, including online course delivery or blended learning. For each course, a provider shall:

a. If taught by a provider other than the Bureau of Fire Standards and Training, obtain approval for the class offering from the Bureau of Fire Standards and Training prior to the first day of the course by submitting to the Bureau of Fire Standards and Training a completed Class Offering Request Form, DFS-K4-2167. This form is available at this link: [https://floridastatefirecollege.org/provider/pr\\_offering\\_app.asp](https://floridastatefirecollege.org/provider/pr_offering_app.asp), which is incorporated by reference in subsection 69A-37.039(2), F.A.C, or can be obtained as specified in subsection 69A-37.039(1), F.A.C.; and,

b. Deliver the course using the corresponding syllabus found at the following link: <http://www.myfloridacfo.com/Division/SFM/BFST/Training/CourseSyllabi.htm>, which is hereby incorporated by reference; and,

c. Prepare a record of all students enrolled in the course prior to the first day of the course and submit to the Bureau of Fire Standards and Training; and,

d. Record a final grade for each student and submit to the Bureau of Fire Standards and Training within 10 days after course completion.

3. Instructor Qualifications. An instructor providing training under this paragraph (4)(b) must be qualified and approved by the Bureau of Fire Standards and Training for each course. All instructors shall submit an Instructor Approval Request Form, DFS-K4-2168, at the following link: [https://floridastatefirecollege.org/public/pb\\_provider\\_app1.asp](https://floridastatefirecollege.org/public/pb_provider_app1.asp). This form is incorporated by reference in subsection 69A-37.039(2), F.A.C, and can be obtained as specified in subsection 69A-37.039(1), F.A.C. Approval by the Bureau of Fire Standards and Training is required prior to the first day of the course.

a. Unless additional qualifications are required pursuant to sub-paragraph (4)(b)3.c., for all courses listed under subparagraph (4)(b)1., qualified instructors are:

(I) Instructors with requisite faculty credentials for the academic institution that is registered in the Florida Department of Education Statewide Course Numbering System to teach the course; or

(II) Instructors with requisite faculty credentials as determined by the United States Fire Administration – National Fire Academy; or

(III) Instructors with requisite faculty credentials as determined by the respective regionally accredited or nationally accredited university or college as outlined in subsections 69A-37.084(5) and (6), F.A.C.; or

(IV) Instructors who hold an active Single Course Exemption Certification issued by the Division as outlined in subsection 69A-37.059(4), F.A.C., or

(V) Instructors who hold an active Fire Investigator Certificate of Competency issued by the Division and an active Instructor III Certification issued by the Division, or

(VI) Instructors who hold an active Fire Investigator II Certificate of Competency issued by the Division and an active Instructor III Certification issued by the Division (this instructor qualification expires on December 31, 2017).

b. In regard to the courses “Fire Chemistry,” “Fire Origin and Cause,” “Fire Protection Systems,” and “Building Construction,” individuals who hold an active Fire Investigator I Certificate of Competency issued by the Division and an active Instructor III Certification issued by the



Division shall be considered qualified instructors (this instructor qualification expires on December 31, 2017).

c. Additional Requirements for Specific Courses.

(I) Instructors teaching the course “Legal Issues for Fire Investigators” shall, in addition to the requirements listed in sub-subparagraph (4)(b)3.a., possess a Bachelor of Laws degree or a Juris Doctor degree and be an active member in good standing of the Florida Bar.

(II) Instructors teaching the course “Post Blast Investigation” shall, in addition to the requirements listed in sub-subparagraph (4)(b)3.a., be certified by the Federal Bureau of Investigation (FBI) or the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as an Explosives Ordinance Disposal Technician, an Explosives Specialist, an Explosives Enforcement Officer, or a Special Agent Bomb Technician, or maintain a certification of the same title by a certifying body requiring qualifications equivalent to those required by the FBI or the ATF.

4. Requirements for Certificate of Competency. The Division shall issue a Fire Investigator Certificate of Competency if the applicant:

a. Completed all courses required under subparagraph (4)(b)1. with a grade of 70% or higher in each; and,

b. Passed the Fire Investigator state certification examination with a score of 70% or higher; and,

c. Is a certified firefighter, certified law enforcement officer, law enforcement crime scene technician, or certified sworn or non-sworn firesafety inspector; and,

d. Submitted to the Bureau of Fire Standards and Training a completed Form DFS-K4-2171, “Fire Investigator Task Book,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained as specified in subsection 69A-37.039(1), F.A.C.; and,

e. Submitted the required Form DFS-K4-1438, “Application for Fire Investigator Certification,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained as specified in subsection 69A-37.039(1), F.A.C., with all supporting documentation and fees, to the Bureau of Fire Standards and Training; and,

(c) Courses submitted for equivalency under subparagraph (4)(b)1. shall be reviewed by the Bureau of Fire Standards and Training. Courses determined by the Bureau of Fire Standards and Training to be of equivalent interactive instruction shall be approved as an alternate only after receipt of the documentation required by this paragraph (4)(c). Requests for approval shall be submitted in writing to the Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486. All requests for course equivalency shall include, at a minimum:

1. Name of course;

2. Passage scores and rates;

3. An educational agenda or syllabus;

4. Required number of classroom or alternative interactive hours;

5. Description of the course objectives, student learning outcomes, or job performance requirements covered.

(d) Fire Investigator I and Fire Investigator II Certificates.

1. Any Fire Investigator I Certificate of Competency issued by the Division remains active until the Fire Investigator I certificate holder is issued a Fire Investigator Certificate of Competency.

2. Any Fire Investigator II Certificate of Competency issued by the Division remains active until the Fire Investigator II certificate holder is issued a Fire Investigator Certificate of Competency.

~~This program is intended to prepare students for service as fire investigators or equivalent positions and to provide additional education to ancillary service providers in the area of arson investigation. Fire Investigator I is open to any enrollment while Fire Investigator II is restricted to certified law enforcement officers, certified firefighters, and certified firesafety inspectors.~~

~~(a) Fire Investigator I.~~

~~1. Length of Program. This program consists of no fewer than four courses, vocational or academic, of at least 160 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.~~

~~2. Content of Program. The program includes coursework in fire chemistry, fire origin and cause, fire protection systems, and building construction.~~

~~3. Instructor Qualifications.~~

~~a. An Instructor I must hold a certificate of competency as a Fire Investigator I;~~

~~b. Instructor II or III may teach provided he or she has successfully completed the course.~~

~~4. Requirements for certificate of competency:~~

~~a. Successful completion of all required course work.~~

~~b. Passing a state examination with a score of 70% or higher.~~

~~c. Submission of the required application (Form DFS K4-1438), which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C., with all supporting documentation and fees, to the Bureau of Fire Standards and Training.~~

~~(b) Fire Investigator II.~~

~~1. Length of Program. This program consists of no fewer than four courses, vocational or academic, of at least 160 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.~~

~~2. Content of Program. The program includes coursework in latent investigation, arson investigation, post blast investigation, and legal issues for fire investigators.~~

~~3. Instructor Qualifications:~~

~~a. An Instructor I must hold a state certificate of competency as a Fire Investigator II.~~

~~b. Instructor II or III may teach provided he or she has successfully completed the course.~~

~~c. An instructor for the legal issues course shall possess the Bachelor of Laws or Juris Doctor degree and be an active member in good standing of The Florida Bar.~~

~~4. Requirements for certificate of competency:~~

~~a. Successful completion of all required course work.~~

~~b. Holding a certificate of competency as a Fire Investigator I.~~

~~c. Submission of the required application (Form DFS K4-1439), which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C., with all supporting documentation and fees, to the Bureau of Fire Standards and Training.~~

(5) through (10) No change.

Rulemaking Authority 633.104, 633.128, 633.406(2), 633.418, 633.508(2) FS. Law Implemented 633.128, 633.132, 633.406, 633.408, 633.418, 633.508(2) FS. History—New 12-10-01, Formerly 4A-37.065, Amended 8-27-12, 11-18-13, 2-15-15, 7-13-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mike Tucker

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: 12/29/2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: 06/23/2016

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NOS.: RULE TITLES:

- 69L-30.002 Definitions
- 69L-30.003 Qualifications for Expert Medical Advisor Certification and Re-Certification
- 69L-30.004 Application Process for Expert Medical Advisor Certification
- 69L-30.006 Temporary Expert Medical Advisors
- 69L-30.007 Expert Medical Advisor Responsibilities
- 69L-30.010 Expert Medical Advisor Decertification

PURPOSE AND EFFECT: The purpose of the changes being made to Rules 69L-30.002, 69L-30.003, 69L-30.004, 69L-30.006, 69L-30.007, and 69L-30.010, F.A.C., are to reflect statutory changes allowing Judges of Compensation Claims to

appoint temporary Expert Medical Advisors, to update the address for the website on which application for Expert Medical Advisor certification is made, and to add final orders finding that a physician engaged in overutilization, as defined in section 440.13(8), Florida Statutes, to the list of final orders which disqualify a physician from eligibility for Expert Medical Advisor certification.

SUMMARY: The proposed changes reflect statutory changes allowing Judges of Compensation Claims to appoint temporary Expert Medical Advisors, update a website address, and update the list of final orders that disqualify a physician from Expert Medical Advisor certification.

**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: This rule is being amended to reflect statutory changes and to remedy technical issues.

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: 440.13(9), 440.591

LAW IMPLEMENTED: 440.13(9)

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

DATE AND TIME: Tuesday, February 7, 2017 @ 10:00 AM

PLACE: Room 102, Hartman Building, 2012 Capital Circle SE, Tallahassee, FL 32301

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: . 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: Theresa Pugh, Program Administrator – Medical Services Section, Bureau of Monitoring and Auditing, Division of Workers’ Compensation, Department of

Financial Services, telephone: (850) 413-1721, email: Theresa.Pugh@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-30.002 Definitions.

For purposes of this rule the following definitions apply:

(1) through (3) No change.

(4) “Expert Medical Advisor” (hereinafter “EMA”) is a physician certified by the Department of Financial Services (“Department”), or appointed by a Judge of Compensation Claims (“JCC”) under paragraph 440.13(9)(c), F.S., to render peer review or expert medical consultation, opinions, and testimony, within the advisor’s specialty area, concerning to assist Judges of Compensation Claims (“JCC”) and the Department in resolving issues related to reimbursement, differing opinions of health care providers, and physician and health care services rendered under the Florida Workers’ Compensation health care delivery system.

(5) No change.

(6) “DWC Expert Medical Services Web Advisor Certification Portal,” <http://www.flrules.org/Gateway/reference.asp?No=Ref-05965>,” eff. 03/01/2016 (hereinafter “DWC EMA Website”) is accessible at <https://msuwebportal.fldfs.com/www.myfloridacfo.com/division/wc/provider.html> and provides physicians with the means to navigate the online EMA certification process and is incorporated by reference herein.

(7) No change.

(8) “EMA Tutorial” means the ~~Florida Department of Financial Services~~, Division of Workers’ Compensation (“DWC”), Expert Medical Advisor Certification Tutorial, which is accessible online at the DWC Medical Services Web Portal EMA Website at [www.myfloridacfo.com/division/wc/provider.html](http://www.myfloridacfo.com/division/wc/provider.html). The EMA Tutorial provides subject matter information and then tests the applicant’s knowledge of Section 440.13, F.S., and applicable administrative rules adopted by the Department.

(9) through (10) No change.

(11) “Temporary EMA” is a physician identified by a ~~JCC or the Department~~ for temporary certification ~~by the Department~~, who is board certified in a specialty area in which no Certified EMA is available to render the services necessary for the ~~JCC or the Department~~ to fulfill its ~~their~~ statutory responsibilities under Chapter 440, F.S.

Rulemaking Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History–New 1-23-95, Formerly 38F-54.002, Amended 10-11-06, Formerly 59A-30.002, Amended 3-1-16,\_\_\_\_\_.

69L-30.003 Qualifications for Expert Medical Advisor Certification and Re-Certification.

(1) through (3) No change.

(4) A physician who, pursuant to a final order, has been found to have engaged in certain violations, including a standard of care or billing violation, or overutilization, violations pursuant to subsections 440.13(8), ~~and~~ (13), ~~or~~ (15), F.S., shall not be certified as an EMA.

Rulemaking Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History–New 1-23-95, Amended 6-8-95, Formerly 38F-54.003, Amended 10-11-06, Formerly 59A-30.003, Amended 3-1-16,\_\_\_\_\_.

69L-30.004 Application Process for Expert Medical Advisor Certification.

(1) A physician shall apply for certification by satisfactorily completing the online EMA Tutorial ~~that is accessible through the DWC EMA Website at www.myfloridacfo.com/division/wc/provider.html~~, pursuant to subsection 69L-30.002(6), F.A.C.

(2) No Change.

(3) The certification process shall be considered properly completed when the physician correctly answers 95% of the online EMA Tutorial questions and uploads to the above-referenced DWC Medical Services Web Portal ~~EMA Website~~ the required documentation, as set forth in Rule 69L-30.003, F.A.C. Failure to properly complete the certification process shall result in the application being rejected. Subject to the limitations in this rule chapter, a rejected applicant can immediately re-apply.

(4) through (8) No change.

Rulemaking Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History–New 1-23-95, Formerly 38F-54.004, Amended 10-11-06, Formerly 59A-30.004, Amended 3-1-16,\_\_\_\_\_.

69L-30.006 Temporary Expert Medical Advisors.

~~(1) When a JCC cannot identify an EMA from the physicians on the Certification List to provide the services needed, the JCC may propose a specific physician for temporary certification by the Department.~~

~~(2) The Department will certify the physician proposed by the JCC as a Temporary EMA for a specific case, if one of the following is met:~~

~~(a) All parties in a proceeding before the JCC stipulate to the qualifications of the board certified or board eligible physician to provide services in the JCC proceeding; or~~

~~(b) The physician has a clear active license to practice medicine, has board certification or is board eligible, and the JCC has established that the physician has training or experience applicable to the specific medical issue before the JCC.~~

(3) is renumbered as (1) No other change.

~~(4) Upon receiving notice of selection by the JCC as a Temporary EMA, the physician shall disclose any conflict of interest related to the case for which the physician was selected and shall decline selection as a Temporary EMA if a conflict of interest, pursuant to Rule 69L-30.007, F.A.C., exists.~~

(5) through (7) is renumbered (2) through (4) No change.

(5) Selection of an EMA by a JCC under paragraph 440.13(9)(c), F.S., is independent of the Department's selection of a Temporary EMA under this rule.

Rulemaking Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History--New 1-23-95, Formerly 38F-54.006, Amended 10-11-06, Formerly 59A-30.006, Amended 3-1-16,\_\_\_\_\_.

69L-30.007 Expert Medical Advisor Responsibilities.

(1) No change.

(2) An EMA shall be responsible for notifying the Department of any change in the physician's license or board certification status or change in address or contact information; within 30 calendar days of the change. EMAs may notify the Department by updating their profiles through the DWC Medical Services Web Portal EMA Website ~~at [www.myfloridacfo.com/division/wc/provider.html](http://www.myfloridacfo.com/division/wc/provider.html)~~, or by emailing the Department at [workers.compmedservice@myfloridacfo.com](mailto:workers.compmedservice@myfloridacfo.com). EMAs may also forward documentation regarding such changes to the Division of Workers' Compensation, Medical Services Section, c/o Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida, 32399-4232.

(3) When the JCC selects an EMA from the Certification List ~~or Temporary EMA~~, the EMA ~~or Temporary EMA~~ shall complete and submit a written report to the JCC within 15 calendar days following receipt of all medical records and, when appropriate, the examination of the injured employee. The medical records to be submitted shall be within the discretion of the JCC.

(4) through (5) No change.

Rulemaking Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History--New 1-23-95, Formerly 38F-54.007, Amended 10-11-06, Formerly 59A-30.007, Amended 3-1-16,\_\_\_\_\_.

69L-30.010 Expert Medical Advisor Decertification.

(1) An EMA shall be decertified and removed from the Certification List for any one of the following:

(a) Pursuant to a final order, the EMA was found to have engaged in certain violations, including a standard of care or billing violation, or overutilization, under subsections 440.13(8), ~~and~~ (13), ~~or~~ (15), F.S.; or

(b) through (c) No change.

(2) No change.

Rulemaking Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History--New 1-23-95, Formerly 38F-54.010, Amended 10-11-06, Formerly 59A-30.010, Amended 3-1-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Theresa Pugh

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: CFO Jeff Atwater

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/29/2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 11/22/2016

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

#### DEPARTMENT OF MANAGEMENT SERVICES

##### Personnel Management System

RULE NOS.:	RULE TITLES:
60L-29.001	Scope and Purpose
60L-29.002	Definitions

##### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 43 No. 1, January 3, 2017 issue of the Florida Administrative Register.

The following is added to the Notice:

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

DATE AND TIME: Wednesday, January 25, 2017, at 2:00 p.m. until completed but no later than 5:00 p.m.

PLACE: 4050 Esplanade Way, Tallahassee, Florida, Room 101

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Board of Professional Engineers

RULE NO.:	RULE TITLE:
61G15-18.011	Definitions

##### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 42 No. 235, December 6, 2016 issue of the Florida Administrative Register.

The Notice of Proposed Rule incorrectly identifies the date of the 5<sup>th</sup> Edition of the Florida Fire Prevention Code as 2015. The correct publication date of the 5<sup>th</sup> Edition is 2014. There is no edition of the Florida Fire Prevention Code dated 2015.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500.

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

NONE

Section VI  
Notice of Meetings, Workshops and Public  
Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services  
The Florida Department of Agriculture and Consumer Services announces a Public Meeting of the ID Card Subcommittee, to which all persons are invited.

DATE AND TIME: January 25, 2017, 10:00 a.m. – 12:00 Noon

PLACE: Mid Florida Research and Education Center, 2725 South Binion Road, Apopka, FL 32703, (407)884-2034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Possible changes to Florida’s pest control company identification card policies.

A copy of the Agenda may be obtained by contacting: Ms. Sarah Oglesby, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Lab# 8, Tallahassee, Florida 32399-1650, (850)617-7944.

For more information, you may contact: Ms. Sarah Oglesby, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Lab# 8, Tallahassee, Florida 32399-1650, (850)617-7944. If special accommodations are needed to attend this meeting because of a disability, please contact Sarah Oglesby as soon as possible.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services  
The Florida Coordinating Council on Mosquito Control announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2017, 11:00 a.m. – 2:00 p.m.

PLACE: UF Whitney Laboratory, 9505 Ocean Shore Boulevard, St. Augustine, Florida 32080

Web URL: <https://global.gotomeeting.com/join>

Webinar Meeting ID: 275-508-045

Teleconference Information:

Conference Line: 1+ (888)670-3525 (US/Canada)

Participant Code: 731-934-2066#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address the business of the council.

A copy of the agenda may be obtained by contacting: Shalom Siebert, FCCMC Coordinator, 3125 Conner Boulevard, L-6, Tallahassee, Florida 32399, (850)617-7936.

For more information, you may contact: Davis Daiker, FCCMC Chair, 3125 Conner Boulevard, L-6, Tallahassee, Florida 32399, (850)617-7919.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

The Florida Aquaculture Review Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 1, 2017, 9:00 a.m. (Note: Correction of Notice ID 18404797)

PLACE: Florida Department of Agriculture and Consumer Services, 170 Century Blvd., Bartow, FL 33830, 1(863)578-1870

Note: Meeting is accessible through teleconference by dialing: 1(888)670-3525 using passcode: 1543680102

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in the state of Florida.

A copy of the agenda may be obtained by contacting: Serina Rocco, Environmental Administrator, (850)617-7600 or (850)617-7621, Serina.Rocco@freshfromflorida.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 2 days before the workshop/meeting by contacting: Serina Rocco, Environmental Administrator at (850)617-7600 or (850)617-7621, Serina.Rocco@freshfromflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The Bay Area Resource Council (BARC) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 18, 2017, 11:00 a.m.

PLACE: West Florida Regional Planning Council, 4081 E. Olive St., Suite A, Pensacola, FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business discussion. Technical Advisory Committee (TAC) will meet at 9:00 a.m. in the same location.

A copy of the agenda may be obtained by contacting: Katie Wilhelm, katie.wilhelm@wfrpc.org, (850)332-7976, ext. 280. 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: Brittany Eilers, titlevi@wfrpc.org, (850)332-7976, ext. 220. 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: Katie Wilhelm, katie.wilhelm@wfrpc.org, (850)332-7976, ext. 280.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

The Board of Architecture and Interior Design announces a public meeting to which all persons are invited.

DATE AND TIME: January 26, 2017, 9:00 a.m.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E Coastline Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Barry As-Built 2016-010195  
Kevin Dean Barry 2016-010201

Benetti Services, Inc. 2016-008815  
Aleksiej Bereznoj

Juan Prieto 2016-018622

Vera J. Reschenberg 2016-010385  
Jaye Design, LLC 2016-010403

TAS Technical Services 2016-025658  
Terrance A. Steponaitis

The Lykos Group, Inc. 2016-019394  
Thomas X. Lykos

Trey Tretter 2016-043564

Treylite, Inc. 2016-043641

A copy of the agenda may be obtained by contacting: David K. Minacci, Smith, Thompson, Shaw, Minacci, Colón & Power, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

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: David K. Minacci, Smith, Thompson, Shaw, Minacci, Colón & Power, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570. 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: David K. Minacci, Smith, Thompson, Shaw, Minacci, Colón & Power, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NO.: RULE TITLE:

61K1-4.025 Mixed Martial Arts Conduct of Bout; Rounds

The Florida State Boxing Commission announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2017, 9:00 a.m.

PLACE: 400 West Robinson Street, Suite N901, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a rule workshop on Section 61K1-4.025 (4), Florida Administrative Code to discuss whether to allow junior amateur mixed martial arts.

To conduct a general business meeting including: petitions for rulemaking concerning Sections 61K1-3.0002 (3) and 61K1-4.025 (4), F.A.C.; amateur sanctioning organization license application reviews; disciplinary cases; repealing certain definitions found in Section 61K1-3.0001, F.A.C.; and, discuss written comments from the Joint Administrative Procedures Committee on the proposed Section 61K1-3.016, F.A.C.

A copy of the agenda may be obtained by contacting: Lina Hurtado, (850)488-8500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Lina Hurtado, (850)488-8500. 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: Lina Hurtado, (850)488-8500.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

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

**DATES AND TIME:** February 8th and 9th, 2017 8:30 a.m. each day

**PLACE:** Plantation on Crystal River, 9301 West Fort Island Trail, Crystal River, Florida 34429

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Bud Vielhauer, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or (850)487-1764.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

Vessel Registration and Boating Safety

The Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement, Boating Advisory Council, announces a public meeting to which all persons are invited.

**DATES AND TIMES:** February 1, 2017, 8:00 a.m.; February 2, 2017, 8:00 a.m.

**PLACE:** DoubleTree by Hilton Orlando at SeaWorld, 10100 International Drive, Orlando, 32821

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular meeting of the Non-Motorized Boats Working Group, a committee of the Boating Advisory Council, to review and discuss non-motorized boating-related topics.

A copy of the agenda may be obtained by contacting: the FWC, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling Precious Boatwright or Kim Smith at (850)488-5600.

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 five days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Precious Boatwright at (850)488-5600.

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**BOARD OF GOVERNORS**

The Board of Governors, State University System of Florida, announces a public meeting to which all persons are invited.

**DATES AND TIMES:** January 25, 2017, 10:00 a.m. and January 26, 2017, 8:30 a.m.

**PLACE:** Florida Polytechnic University, Innovation, Science & Technology Bldg., 4700 Research Way, Lakeland, FL 33805

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board and its committees will meet to conduct the regular business of the Board.

A copy of the agenda may be obtained by contacting: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400, and will be available at [www.flbog.edu](http://www.flbog.edu).

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: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400, (850)245-0466. 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: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400.

**MRGMIAMI**

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

DATE AND TIME: January 18, 2017, 5:30 p.m.

PLACE: United Way of Broward County, Ansin Building, 1300 South Andrews Avenue, Fort Lauderdale, FL 33316

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Public Hearing is in regards to proposed street median changes for the Wave Streetcar Project. The Public Hearing will be conducted as an informal open house starting at 5:30 p.m., with a formal presentation starting at 6:00 p.m., followed by a comment period. Persons wishing to submit written statements or other exhibits, in place of or in addition to oral statements, may do so at the hearing or by sending them to Robert E. Bostian, Jr., PE, FDOT Project Manager, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309. All exhibits or statements postmarked on or before Saturday, January 28, 2017, will become part of the Public Hearing record.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) or require translation services (free of charge) should contact: Robert E. Bostian, Jr., PE, Project Manager, at least seven (7) days prior to the Public Hearing.

A copy of the agenda may be obtained by contacting: Robert E. Bostian, Jr., PE - FDOT Project Manager, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4427, toll-free (866)336-8435, ext. 4427, Robert.Bostian@dot.state.fl.us.

**JACOBS ENGINEERING - DEERFIELD BEACH**

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

DATE AND TIME: Thursday, January 26, 2017, 6:00 p.m. – 8:00 p.m.

PLACE: Joe Celestin Center, Multipurpose Room, 1525 NW 135 Street, North Miami, Florida 33167

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The Florida Department of Transportation (FDOT) District Six will host a public hearing for three (3) roadway resurfacing projects (FM 430817-2/3/4-52-01) along State Road (SR) 7/US 441/NW 7 Avenue from north of SR 934/NW 79 Street to south of the Biscayne Canal in Miami-Dade County. The proposed work for the resurfacing projects includes: repaving and restriping the roadway, eliminating outside lanes and replacing with on-street parking and bicycle

lanes, reconstructing sidewalks at the signalized intersections, improving existing traffic signals, upgrading pavement markings and pedestrian signs and signals, enhancing existing lighting system to Light Emitting Diode (LED) at all signalized intersections, and modifying existing medians and installing medians.

The hearing will follow an informal format allowing the public to arrive at any time from 6:00 p.m. to 8:00 p.m., with a formal presentation starting at 6:30 p.m. Graphic displays will be shown and FDOT representatives will be available to discuss the project and answer questions. Participants also will be able to submit written comments to the project team if they so desire.

Public participation at this hearing is solicited without regard to race, color, national origin, age, gender, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Kenneth Jeffries, Department of Transportation, District Six.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeannine Gaslonde at (305)470-5349 or in writing: FDOT, 1000 N.W.111 Avenue, Miami, FL 33172, email Jeannine.Gaslonde@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Project Manager Kenneth Jeffries, Department of Transportation, District Six, 1000 NW 111 Street, Room 6111-A, Miami, Florida 33172, (305)470-5445, Ken.Jeffries@dot.state.fl.us.

**Section VII  
Notice of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Alcoholic Beverages and Tobacco

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has declined to rule on the petition for declaratory statement filed by Chris L. Harriman on October



11, 2016. The following is a summary of the agency’s declination of the petition:

The petition for declaratory statement has been denied. If Petitioner is seeking a declaratory statement on behalf of the VFW, Petitioner has failed to demonstrate that his organization has standing to petition for a declaratory statement on its members behalf. Also, declaratory statements may not be used as a vehicle for the adoption of broad agency policies. The Division is unable to exceed authority granted by the legislature and issue a response that amounts to a rule, pursuant to Section 120.52(16) Florida Statutes. The final Order Denying Petition for Declaratory Statement was filed on January 9, 2017.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, 2601 Blair Stone Road, Tallahassee, FL 32399-2202, (850)717-1183, AGC.Filing@myfloridalicense.com.

Please refer all comments to: Daniel McGinn, Esq., Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2202, (850)717-1588 Daniel.McGinn@myfloridalicense.com, DS No.:2016-075 DBPR No.:2016-047430.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from Nicole Merriman. The petition seeks the agency’s opinion as to the applicability of Chapter 494, Florida Statutes as it applies to the petitioner.

The petition seeks a declaratory statement from the Office on whether Petitioner’s activities (working as a loan processor as an employee of a licensed mortgage broker) falls within the Loan Originators and Mortgage Brokers Statute, Chapter 494, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.com.

**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:

Renaissance Charter School, Inc. vs. School Board of Palm Beach County, Florida; Case No.: 16-5157RX; Rule No.: 2.57

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

Florida Association of Independent Charter Schools and Aspira Raul Arnaldo Martinez Charter School and Miami Community Charter Middle School vs. Florida Department of Education and State of Florida Board of Education; Case No.: 16-5765RP; proposed Rule No.: 6A-2.0020; Settled and/or Dismissed prior to entry of RO/FO

**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

2017-RM1-6 - Commercial Banking Services for Miami Dade College

DISTRICT BOARD OF TRUSTEES

MIAMI DADE COLLEGE

11011 S.W. 104th STREET

MIAMI, FL 33176-3393

Bids listed below will be accepted in the Purchasing Department, Room 9254, by 3:00 p.m. on Friday, February 17, 2017.

Prospective bidders may view bid forms, and related documents, at College’s Purchasing Department website, www.mdc.edu/purchasing.

BID NUMBER      BID TITLE

ITN 2017-RM1-6      Commercial Banking Services for Miami Dade College

Pre-Proposal Meeting

January 24, 2017 at 10:00 a.m.  
 MDC Kendall Campus  
 11011 SW 104 Street, Miami, FL 33176  
 Building R, Room R403

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. A copy of the agenda may be obtained by writing to: Miami Dade College, Office of the Purchasing Director, 11011 S.W. 104 Street, Miami, FL 33176 or by calling (305)237-2402.

AREA AGENCY ON AGING FOR NORTH FLORIDA  
 Request for Information

The Area Agency on Aging for North Florida, Inc. Nutrition Program is seeking sources interested in providing pre-plated frozen meals to senior citizens organizations in Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Taylor, Wakulla and Washington Counties. Prospective sources must be established and have current or previous experience in providing the pre-plated frozen meals to public or private entities. If a contract is awarded for this effort, the Area Agency on Aging for North Florida, Inc. anticipates duration of not more than one year with two, one-year renewal options pending continued funding availability. Responsibilities include, but are not limited to:

- utilization of approved kitchen facilities
- employment of qualified staff to oversee facility operation and meal production
- delivery of frozen pre-plated meals to individual sites in the counties listed above
- supplying meals which provide older individuals a minimum of 33 1/3% of the current Dietary Reference Intake and comply with the current Dietary Guidelines for Americans
- provision of disposable supplies to delivery sites

Services must also adhere to guidelines set forth by the State of Florida Department of Elder Affairs Program and Services Handbook, dated July 2016:

[http://elderaffairs.state.fl.us/doea/notices/July16/2016\\_Chapter\\_4\\_Older\\_Americans\\_Act.pdf](http://elderaffairs.state.fl.us/doea/notices/July16/2016_Chapter_4_Older_Americans_Act.pdf) and contracts between the Area Agency on Aging for North Florida, Inc. and State of Florida Department of Elder Affairs.

Deadline: Written responses to this RFI are due to the Area Agency on Aging for North Florida, Inc. on or before January 25, 2017 by 3:00 p.m., ET. Only written responses will be accepted.

Contact: Area Agency on Aging for North Florida, Inc.  
 Attention: Lisa Bretz

2414 Mahan Drive  
 Tallahassee, Florida 32308

The responses to this Request for Information (RFI) will be used to identify those organizations that are qualified and interested in providing pre-plated frozen meals for the Area Agency on Aging for North Florida, Inc. Nutrition Programs in Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Taylor, Wakulla and Washington Counties. The Area Agency on Aging for North Florida, Inc. does not plan to award a contract or pay for information provided as a result of this request. This RFI is a preliminary step to the release of an Invitation to Bid package on or around February 1, 2017. Failure to respond by the deadline specified in this notice shall constitute a “not interested” response.

AREA AGENCY ON AGING FOR NORTH FLORIDA  
 Request for Information

The Area Agency on Aging for North Florida, Inc. is seeking sources interested in providing services to older adults under the Federal Older Americans Act Title III-B: supportive services, and III-C1 & III-C2: nutritional services in Franklin County, Florida. Prospective sources must be established and have current or previous experience in providing services to older adults, and will be responsible for the following:

- Coordination of transportation to meal site(s) and for recreational activities
- Provision of interactive recreational activities
- Assistance in linking older adults to appropriate aging resources
- Coordination and participation in on-going outreach and public education activities
- Coordination and provision of some in-home services for frail elders, based on needs identified through formal needs assessment activities
- Coordination and provision of nutrition education and nutrition counseling
- Delivery of meals to eligible clients in the Franklin County
- Provision of meals to at least one congregate meal site five days per week in Franklin County

All services must be provided in accordance with established guidelines set forth by the State of Florida Department of Elder Affairs Home and Community-Based Services Draft Handbook, dated July 2016: [http://elderaffairs.state.fl.us/doea/notices/July16/2016\\_Chapter\\_4\\_Older\\_Americans\\_Act.pdf](http://elderaffairs.state.fl.us/doea/notices/July16/2016_Chapter_4_Older_Americans_Act.pdf)

and contracts between the Area Agency on Aging for North Florida, Inc. and State of Florida Department of Elder Affairs. This Request for Information (RFI) is a preliminary step to the release of a Request for Proposals (RFP) package on or around February 1, 2017. Failure to respond by the deadline specified

in this notice shall constitute a “not interested” response. The responses to this RFI will be used to identify those organizations interested in providing Older Americans Act services for the Area Agency on Aging for North Florida, Inc. Franklin County. The Area Agency on Aging for North Florida, Inc. does not intend to award a contract on the basis of this request for information or otherwise pay for the information solicited.

Deadline: Written responses to this RFI are due to the Area Agency on Aging for North Florida, Inc. no later than 3:00 p.m., ET on January 25, 2017. Responses should include the organization name, contact person, address, and phone number. Only written responses will be accepted.

Contact: Area Agency on Aging for North Florida, Inc.  
 Attention: Lisa Bretz  
 2414 Mahan Drive  
 Tallahassee, Florida 32308

**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 a.m. Wednesday January 4, and 3 p.m. Tuesday, January 10, 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
14-15.016	1/6/17	1/26/17
19-8.029	1/4/2017	1/24/2017
19-8.030	1/4/2017	1/24/2017
20ER17-1	1/5/2017	1/5/2017
60A-1.001	1/9/2017	1/29/2017
60A-1.005	1/9/2017	1/29/2017
60A-1.015	1/9/2017	1/29/2017
60A-1.016	1/9/2017	1/29/2017
60A-1.017	1/9/2017	1/29/2017
60A-1.021	1/9/2017	1/29/2017

61G16-3.001	1/5/2017	1/25/2017
64B25-28.002	1/6/2017	1/26/2017
64B25-28.004	1/6/2017	1/26/2017
64B25-28.006	1/6/2017	1/26/2017
64B25-28.007	1/6/2017	1/26/2017
64B25-28.008	1/6/2017	1/26/2017
64B25-28.009	1/6/2017	1/26/2017
64B25-28.011	1/6/2017	1/26/2017

**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
40B-9.021	12/21/2016	**/**/****
40B-9.041	12/21/2016	**/**/****
40B-9.126	12/21/2016	**/**/****
40B-9.131	12/21/2016	**/**/****
40B-9.1381	12/21/2016	**/**/****
40B-9.1411	12/21/2016	**/**/****
40B-9.142	12/21/2016	**/**/****
40B-9.145	12/21/2016	**/**/****
40B-9.123	12/9/2016	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-9.009	6/15/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.100	12/19/2016	**/**/****
69L-7.501	12/19/2016	**/**/****

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 Clean Water State Revolving Fund Program

NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTICE

Town of Fort Myers Beach, Florida

The Florida Department of Environmental Protection (DEP) has determined that the Town of Fort Myers Beach’s proposed project, consisting of the installation of approximately, 100,000 linear feet (LF) of open drainage, 30,000 LF of closed

drainage, 9,000 LF of cross drain, 600 drainage inlets, 90 outfall improvements with backflow preventers, 50 treatment boxes, and maintenance on 5,500 LF of existing stormwater systems is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$34,200,000. This project may qualify for Clean Water State Revolving Fund (CWSRF) loans comprised of federal or state funds. DEP will consider public comments about the environmental impacts of the proposed projects that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida 32399-3000, calling (850)245-2962 or emailing Pankaj.Shah@dep.state.fl.us.

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

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

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DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Clean Water State Revolving Fund Program

#### NOTICE OF AVAILABILITY

#### FLORIDA CATEGORICAL EXCLUSION NOTICE

Florida Governmental Utility Authority, Fairways at Mt.  
Plymouth, Florida

The Florida Department of Environmental Protection (DEP) has determined that the Florida Governmental Utility Authority's, Fairways at Mt. Plymouth project to replace the existing wastewater treatment plant is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$1,610,000. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Mahnaz Massoudi, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850)245-2960 or emailing to mahnaz.massoudi@dep.state.fl.us.

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