

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-4.0021 Florida Teacher Certification Examinations

PURPOSE AND EFFECT: To remove the requirement that Reading passages and items found in the General Knowledge Test for teacher certification must be read by the examinee with a disability by visual or tactical means, such as Braille. The effect is that special test arrangements for a visually impaired examinee may include a reader or reader software, even for the Reading portions of the Florida Teacher Certification Examinations.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

RULEMAKING AUTHORITY: 1012.55(1), 1012.56, 1012.59, FS.

LAW IMPLEMENTED: 1012.55, 1012.56, 1012.59, 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: Phil Canto, Bureau Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL, 32399, (850)245-0513. To request a rule development workshop, please contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or 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>.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-1.100: Medicaid Fair Hearings

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-1.100, Florida Administrative Code (F.A.C.), is to clarify definitions and the Agency for Health Care

Administration's (AHCA) hearing request policies. The amendment specifies the definition of "good cause" and AHCA's policy regarding waivers of the deadline for Fair Hearing requests.

SUBJECT AREA TO BE ADDRESSED: Medicaid Fair Hearings.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.285 FS.

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

DATE AND TIME: July 5, 2017, 1:30 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: David Nam. 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: David Nam, Office of the General Counsel, 2727 Mahan Drive, Mail Stop 11, Tallahassee, Florida 32308-5407, telephone: (850)412-3659, e-mail: David.Nam@ahca.myflorida.com.

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

Official comments to be entered into the rule record will be received until 5:00 p.m. on July 6, 2017 and may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.100 Medicaid Fair Hearings.

(1) Purpose.

This rule establishes procedures applicable to Fair Hearings conducted by the Agency for Health Care Administration (Agency) pursuant to Section 409.285(2), Florida Statutes (F.S.).

(2) Definitions.

The following definitions are applicable to this rule:

(a) Action – In the case of a recipient receiving services through the fee-for-service (FFS) delivery system, any of the following:

1. The reduction, suspension, or termination by the Agency of a previously authorized service, or

2. The denial, in whole or in part, of a requested service or supplies by the Agency.

(b) Adverse Benefit Determination – In the case of a managed care plan enrollee, any of the following:

1. The denial, in whole or in part, of a requested service or supplies by the plan;

2. The reduction, suspension, or termination by the plan of a previously authorized service;

3. The failure of the plan to provide services in a timely manner as specified in the Agency’s contract with the plan, or

4. The denial by the plan of an enrollee’s request to dispute a Florida Medicaid financial liability, including, copayments and coinsurance.

(c) Authorized Representative – A person designated to request or represent the interests of the recipient or enrollee in a fair hearing.

(d) Benefit(s) – Florida Medicaid-covered services and supplies, as set forth in the Florida Medicaid State Plan, coverage policies, handbooks, fee schedules, or applicable waiver for Florida Medicaid waiver benefits. For managed care plan enrollees, benefits include expanded benefits covered by a plan as set forth under the terms and conditions of the plan’s contract with the Agency.

(e) Business Day – Any day in which the Agency conducts business, excluding Saturdays, Sundays, and holidays as defined in Section 110.117, F.S.

(f) Corrective Action – Corrective payments, or if appropriate, admission or readmission of a recipient or enrollee to a facility.

(g) Day – A calendar day.

(h) Disenrollment Denial – The Agency’s denial of an enrollee’s request for a good cause disenrollment from a plan pursuant to Section 409.969, F.S.

(i) Enrollee – Recipient who is a member of a managed care plan.

(j) Fair Hearing (Hearing) – Proceedings conducted by the Agency pursuant to Section 409.285(2), F.S.

(k) File(d) – Received by the Office of Fair Hearings or by the Hearing Officer during the course of a hearing.

(l) Final Order – A written order rendered by the Agency constituting final agency action in a fair hearing.

(m) Fee-For-Service Recipient (FFS recipient) – Florida Medicaid recipient receiving benefits under the FFS delivery system.

(n) Good Cause – A legally sufficient reason.

(o)(#) Hearing Officer – The presiding officer appointed by the Agency to conduct a fair hearing.

(p)(#) Hearing Request – A clear, written or oral expression to the Agency requesting review of:

1. An action;
2. A plan appeal of an adverse benefit determination;

3. A disenrollment denial, pertaining to the enrollee, or  
4. A matter within the fair hearing jurisdiction of the Agency.

(q)(#) Legal Holiday – As designated in Section 110.117, F.S.

(r)(#) Medical Supplies (Supply or Supplies) – As defined in Rule 59G-4.070, F.A.C.

(s)(#) Notice of Action (NOA) – Written notice from the Agency to a FFS recipient regarding an action.

(t)(#) Notice of Adverse Benefit Determination (NABD) – Written notice from a plan to an enrollee regarding an adverse benefit determination.

(u)(#) Notice of Plan Appeal Resolution (NPAR) – Written notice from a plan to an enrollee resolving the enrollee’s plan appeal.

(v)(#) Office of Fair Hearings (Office) – The hearing authority within the Agency designated to conduct fair hearings.

(w)(#) Plan – Managed medical assistance and long-term care plans as defined in Rule 59G-1.010, F.A.C.

(x)(#) Plan Appeal – A review by the plan of an adverse benefit determination.

(y)(#) Recipient – Individual determined to be eligible for Florida Medicaid-covered services by the Department of Children and Families or the Social Security Administration, and who is enrolled in the Florida Medicaid program.

(z)(#) Send (Sent) – Delivery by U.S. mail, email, facsimile transmission, or hand delivery.

(aa)(#) Service(s) – Any diagnostic or treatment procedure(s) or other medical or allied care claimed to have been furnished to a recipient and listed in an itemized claim for payment; or, in the case of a claim based on costs, any entry in the cost report, books of account, or other documents supporting such claim.

(3) Jurisdiction and Right to a Hearing.

The Agency has jurisdiction and must provide a fair hearing for:

(a) A FFS recipient who makes a hearing request regarding:

1. The reduction, suspension, or termination by the Agency of a previously authorized service;

2. The denial, in whole or in part, of a requested service or supply by the Agency, or

3. The failure of the Agency to provide a timely NOA subsequent to the Agency’s failure to provide all medically necessary services to the recipient with reasonable promptness.

(b) An enrollee who makes a hearing request regarding:

1. A notice of plan appeal resolution indicating that the plan appeal did not result in the reversal of a prior denial of a new service, or the reduction, suspension, or termination of a previously authorized service, if timely challenged by the

enrollee in accordance with the plan appeal procedures following the timely issuance of the plan's NABD to the enrollee;

2. The failure of the plan to adhere to notice and timing requirements applicable to plan appeals, or

3. The failure of the plan to timely notice the enrollee through a NABD, subsequent to the plan's failure to provide medically necessary services requested by the enrollee to the enrollee with reasonable promptness.

(c) An enrollee who makes a hearing request regarding a disenrollment denial.

(d) A recipient who receives notification from the Agency pursuant to Rule 59G-5.110, F.A.C., that a reimbursement request is denied in whole or in part.

(e) A recipient entitled to a fair hearing pursuant to Section 409.285(2), F.S.

(f) The Agency need not grant a fair hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.

(4) Parties.

(a) The parties to a fair hearing regarding FFS benefits are the FFS recipient and the Agency.

(b) The parties to a fair hearing regarding managed care benefits are the enrollee and the plan. Upon request by the Agency, the Agency may be granted party status by the Hearing Officer.

(c) The parties to a fair hearing regarding a disenrollment denial are the enrollee and the Agency.

(d) The parties to a fair hearing regarding a reimbursement request pursuant to Rule 59G-5.110, F.A.C., are the recipient and the Agency.

(e) The parties to any fair hearing pursuant to Section 409.285(2), F.S., not specified herein, are the recipient and the appropriate state agency or its designee.

(5) Pleadings, Papers, Addresses, and Service.

(a) Any pleading or paper received by the Office before 5:00 p.m. on a business day shall be filed as of that day. A pleading or paper received after 5:00 p.m. on a business day, or on a Saturday, Sunday, or legal holiday shall be filed as of 8:00 a.m. on the next business day.

(b) A recipient or their authorized representative, must provide and maintain a mailing address of record with the Office, or if they elect service via email, must provide and maintain a valid email address of record with the Office. A plan and legal counsel to a party must provide and maintain a valid mailing and email address on file with the Office and consent to service via email. Service at the mailing address, or email address, if applicable, of record is presumed to be valid service.

(c) Each plan, and legal counsel to a party, must maintain a designated email address with the Office. Recipients may designate an email address with the Office. The Office shall

provide all fair hearing-related communications to a party with a designated email address at that email address. Service on a party's, an authorized representative's, or legal counsel's designated email address is presumed to be valid service.

(d) Unless the Hearing Officer orders otherwise, every pleading and paper filed in a fair hearing, except applications for witness subpoenas, shall be served on each party at the mailing address of record or designated email address.

(e) Service on counsel of record or on an authorized representative at the mailing address of record or designated email address is presumed to be valid service on the party.

(6) Computation of Time.

(a) In computing any period of time under this rule, by order of a Hearing Officer, or by any applicable statute, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday in which event the period shall run until the end of the next business day. When the period of time allowed is less than seven days, only business days shall be included in the computation.

(b) Five days shall be added to the time limits when service is made by U.S. mail. One business day shall be added when service is made by overnight courier. No additional time shall be added if service is made by email, facsimile transmission, or hand delivery.

(7) Appearances, Authorized Representatives, and Withdrawal.

(a) Recipients may represent themselves in a fair hearing, they may be represented by a non-attorney authorized representative, or, they may be represented by an attorney authorized to practice law in Florida retained by the recipient, or a person with authority to retain counsel for the recipient.

(b) Counsel representing a party in a fair hearing shall promptly file with the Office and serve on each other party a notice of appearance, which includes counsel's mailing address of record and email address. Filing of a notice of appearance shall constitute acceptance of service at the email address provided by counsel.

(c) Any person, including counsel or a recipient's provider, requesting a fair hearing on behalf of a recipient, or seeking to represent a recipient in a fair hearing, must provide and maintain with the Office:

1. A written authorization signed by the recipient or by a person with legal authority to act on behalf of the recipient, designating the person as the recipient's authorized representative; and,

2. A mailing address of record, and may designate an email address with the Office. As set forth herein, counsel appearing on behalf of a recipient consents to service via email.

(d) Upon motion, the Hearing Officer shall grant counsel of record or an authorized representative leave to withdraw

from representation of a party for good cause shown. The motion shall contain the mailing address, email address, if applicable, and telephone number of the party represented.

(8) Requests for Fair Hearing.

(a) A recipient may make a hearing request either orally or in writing.

(b) Any person, including counsel or a recipient's provider, making a hearing request on behalf of a recipient, or seeking to represent a recipient in a fair hearing, must file with the Office a written authorization signed by the recipient or by a person with legal authority to act on behalf of the recipient, designating the person as the recipient's authorized representative.

(c) The Agency must receive the fair hearing request within 90 days of the date a required NOA is sent to the recipient.

(d) The Agency ~~may~~ will waive the 90 day time limit for making a hearing request when:

1. The Agency fails to send a timely NOA to the FFS recipient, or

2. The Agency fails to act on a FFS recipient's specific request for benefits.

(e) An enrollee must initiate and complete a plan appeal before making a fair hearing request. The plan appeal is complete when:

1. The enrollee receives from the plan a NPAR indicating the plan appeal was not resolved wholly in the enrollee's favor, or

2. The plan fails to adhere to notice and timing requirements applicable to plan appeals.

(f) An enrollee need not initiate and complete a plan appeal before making a fair hearing request if the request is based on a plan determination or NOA rendered before March 1, 2017.

(g) A fair hearing request by an enrollee must be received by the Agency within 120 days of the date the required NPAR is sent to the enrollee.

(h) In other instances where a recipient is entitled to a fair hearing, the hearing request must be received by the Agency within 90 days of the date of the required time to provide a NOA, or such other time specified by law.

(9) Acknowledgement, Denial, and Dismissal of Fair Hearing Requests.

(a) The Office shall provide each party with prompt, written acknowledgement of a fair hearing request. The parties shall comply with any instructions issued with the acknowledgement.

(b) A Hearing Officer is authorized to deny or dismiss a request for a fair hearing for reasons consistent with this rule, including the following:

1. The Office does not have jurisdiction over the subject matter of the fair hearing;

2. The enrollee has not completed the plan appeal;

3. A fair hearing request is untimely;

4. A person other than the recipient makes a hearing request without also filing a written designation signed by the recipient authorizing the representation;

5. The recipient:

a. Files a written withdrawal of the fair hearing request, or

b. Fails to appear at the scheduled fair hearing without good cause;

6. The fair hearing is moot, or

7. The sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients or enrollees.

(c) The Hearing Officer shall provide each party with written notice when a fair hearing request is denied or dismissed.

(10) Notice of Fair Hearing.

(a) The Office shall provide each party with a written notice of fair hearing at least 14 days in advance of the fair hearing date.

(b) The recipient or enrollee may waive the 14 days advance notice requirement, upon written request.

(c) Each party shall comply with all prehearing instructions issued by the Office or a Hearing Officer.

(11) Consolidated Hearings.

The Hearing Officer may consolidate separate fair hearing requests involving the same recipient if it appears consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not prejudice the rights of the recipient, or unduly prejudice another party.

(12) Access to Case File Prior to Fair Hearing.

(a) The recipient or enrollee must be provided access to his or her entire case file, including all medical records and any other documents and records considered or relied upon by a plan regarding a plan appeal, or by the Agency, whichever is applicable. Access to documents specified herein must be provided within seven days of the recipient's or enrollee's request to the plan or Agency.

(b) For expedited fair hearings, the entire case file, or any requested portion, must be provided within 24 hours of the recipient's or enrollee's request.

(c) These materials shall be provided to the recipient or enrollee free of charge.

(13) Discovery; Subpoenas.

(a) Each party may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.410, Florida Rules of Civil Procedure. The Hearing Officer may issue orders to effect the purposes of discovery and to prevent delay, including the imposition of sanctions in accordance with the Florida Rules of Civil Procedure, except contempt.

(b) Upon the request of any party, the Hearing Officer may issue subpoenas for the attendance of witnesses for deposition or at the hearing. The requesting party shall indicate whether the witness is also requested to bring documents, and if so, specify the documents to be produced.

(c) A subpoena may be served by any person specified by law to serve process, or by any person who is not a party and who is 18 years of age or older. Service shall be made by delivering a copy to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service, if not served by a person specified by law to serve process.

(d) Any motion to quash or limit a subpoena shall be filed with the Office or Hearing Officer and shall state the grounds relied upon.

(14) Continuances and Abandonment.

(a) The Hearing Officer ~~will~~ ~~may~~ grant a continuance of a fair hearing for good cause shown, or upon stipulation of all parties of record. Except in cases of emergency, requests for continuance shall be made at least five days prior to the date noticed for the hearing.

(b) The Hearing Officer may find that a fair hearing is abandoned if the recipient or enrollee fails to appear at a properly noticed fair hearing without good cause.

(15) Motions.

(a) All motions shall be in writing and filed with the Office. The motion shall state the relief requested and the grounds relied upon in support of the motion. If the movant is represented by counsel, the motion shall be accompanied by a written memorandum of law in support of the motion, unless otherwise permitted by the Hearing Officer.

(b) All motions, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state whether each party has any objection to the motion. Any statement that the movant was unable to confer with another party or parties before filing the motion must provide information regarding the date(s) and method(s) by which contact was attempted.

(c) When time permits, the other parties to the fair hearing may, within seven days of service, file written memoranda in response to a motion. No reply to a response shall be permitted, unless leave is sought from and granted by the Hearing Officer.

(d) Motions shall be decided on the basis of the pleadings, the grounds set forth in the motion, and any supporting or opposing legal memoranda, unless the Hearing Officer orders a motion hearing to resolve the issues. The Hearing Officer shall conduct such proceedings and render such orders as necessary to dispose of the issues raised by a motion.

(e) Motions for extension of time, other than a motion for continuance of the fair hearing, shall be filed no later than two days prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

(f) Motions made orally on the record during the course of a fair hearing, except for motions for extension of time or for a continuance, are exempt from these requirements, unless otherwise ordered by the Hearing Officer.

(16) Hearing Officers.

(a) A Hearing Officer shall be appointed by the Agency to preside over each fair hearing and must:

1. Ensure that the fair hearing is conducted in a manner consistent with this rule and promotes the fair, just, and speedy resolution of the proceeding;

2. Be impartial and was not involved in the initial determination giving rise to the fair hearing; and,

3. Refrain from unilateral communications with a party or a party's representative regarding the substance of the issues presented in the fair hearing; if any such communication occurs, the Hearing Officer shall document the communication in the record of the fair hearing.

(b) The Hearing Officer shall have the authority to issue any and all orders and render rulings consistent with this rule.

(17) Conduct of Hearing.

(a) Hearings conducted pursuant to this rule are only open to the parties and their witnesses, unless authorized by the

Hearing Officer and with the consent of the recipient or enrollee.

(b) Each fair hearing shall be a de novo, evidentiary proceeding, and shall be conducted in a manner that meets the requirements of this rule.

(c) Each fair hearing shall be conducted by telephone or in such manner as prescribed by the Hearing Officer. The Hearing Officer has the authority to swear witnesses and take their testimony under oath. Testimony taken by telephone or other telecommunications media does not require that a notary be present with the witness to administer the oath; however, the Hearing Officer must be satisfied as to the identity of the party or witness testifying.

(d) Each fair hearing shall be recorded. A copy of the recording shall be provided to the recipient or enrollee, upon request and free of charge.

(e) The recipient must have access to his or her entire case file including all medical records and any other documents and records considered or relied upon by a plan regarding a plan appeal, or by the Agency, whichever is applicable, during the course of the hearing. These materials shall be provided upon the recipient's request free of charge.

(f) When the plan is a party, it shall file with the Office or Hearing Officer all legal authorities, Florida Medicaid policies and regulations, and contractual provisions relied upon for its determination of any issues presented in the fair hearing. The enrollee must have access to this information during the course of the hearing.

(g) The burden of proof is on the party asserting the affirmative of an issue, except as otherwise required by statute. The burden of proof is on the Agency or plan, whichever is applicable, when the issue presented is the suspension, reduction, or termination of a previously authorized service. The burden of proof is on the recipient or enrollee, when the issue presented is the denial or a limited authorization of a service. The party with the burden of proof shall establish its position to the satisfaction of the Hearing Officer by a preponderance of the evidence.

(h) Opening and closing statements may be presented by each party.

(i) The recipient or enrollee shall be entitled to:

1. Introduce evidence relevant to the issues presented;
2. Examine and rebut any evidence presented by another party through the introduction of rebuttal evidence, and examination and cross-examination of any witness;
3. If documentary evidence is received in the form of a copy or excerpt, to compare the copy with the original, if available and to conduct cross-examination when such documents are made a part of the record;
4. Call witnesses at the hearing;
5. Cross-examine adverse witnesses; and,

6. Impeach any witness.

(j) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be taken only on oath or affirmation.

(k) Hearsay evidence may be used to supplement or explain evidence but is not sufficient in itself to support a finding, unless the evidence is within an exception to the Hearsay Rule under Sections 90.801-.805, F.S.

(l) When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material(s). Official recognition may be requested by motion and shall be granted or denied, in whole or in part, at the discretion of the Hearing Officer and in accordance with the provisions governing judicial notice in Sections 90.201-.203, F.S.

(m) The rules of privilege apply to the same extent as in civil actions under Florida law.

(n) If the fair hearing involves medical issues, such as those concerning a diagnosis, an examining physician's report or a medical review team's decision, and if the Hearing Officer considers it necessary to have a medical assessment other than that performed by the individual involved in making the original decision, such a medical assessment must be obtained at expense of the Agency, in a hearing for a FFS recipient, or the plan, in a hearing for an enrollee, whichever is applicable, and made part of the record.

(o) Post-hearing submissions can be authorized by the Hearing Officer with the consent of the recipient or enrollee.

(18) Final Orders.

(a) A Hearing Officer shall render a Final Order in each fair hearing.

(b) The Final Order shall be rendered within 90 days of the date of the request for a fair hearing, unless the time period is waived by the recipient or extended by order of the Hearing Officer.

(c) The Final Order must be based exclusively on evidence introduced at the hearing and any post-hearing submission authorized by the Hearing Officer. Findings of fact shall be based upon a preponderance of the evidence, unless otherwise provided by statute, and shall be based exclusively on the evidence of record and on matters officially recognized.

(d) The Final Order shall be in writing and shall include: a caption, specify the time and place of the fair hearing, list the parties and witnesses who appeared at the fair hearing, a statement of the issues addressed, findings of fact, conclusions of law, and, the resolution of the issues.

(e) The Final Order shall be sent to each party on the date rendered.

(f) The Final Order may prescribe corrective action retroactively to the date the incorrect action was taken.

(g) The Final Order shall include notice to the recipient or enrollee of the right to seek judicial review, the procedure which must be followed, and the time limits which apply.

(h) Rehearing or reconsideration of a Final Order is prohibited under this rule.

This rule becomes effective March 1, 2017.

*Rulemaking Authority 409.919 FS. Law Implemented 409.285 FS. History—New 3-1-17, Amended \_\_\_\_\_.*

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-9.009 Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify language with regard to pre-operative clearance and to add an additional entity to provide basic life support and advanced cardiac life support training for office surgery settings.

SUBJECT AREA TO BE ADDRESSED: Pre-operative clearance for specific patients prior to surgery and the addition of another entity to provide BLS and ACLS training.

RULEMAKING AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.351 FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claudia Kemp, J.D., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-11.001 Advertising

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to add the United Council for Neurologic Subspecialties (UCNS) to the to the list of approved entities for the purposes of advertising specialty certification.

SUBJECT AREA TO BE ADDRESSED: The addition of the UCNS to the advertising rule.

RULEMAKING AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claudia Kemp, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-1.09941 State Uniform Transfer of High School Credits

6A-1.09942 State Uniform Transfer of Students in the Middle Grades

PURPOSE AND EFFECT: Incorporate the state uniform transfer of students in the middle grades procedures (Rule 6A-1.09942, F.A.C.) into the state uniform transfer of high school credit procedures (Rule 6A-1.09941, F.A.C.) This rule will incorporate significant portions of Rule 6A-1.09942, F.A.C., which will be repealed.

SUMMARY: Align the rule requirements for the uniform procedures relating to the acceptance of transfer work and credit for students entering Florida’s public schools in the middle grades and high school.

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: 1) no requirement for SERC was triggered under s. 120.541(1), F.S., and 2) based on past experiences with rules that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth 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: 1001.02, 1003.25, 1003.4156, 1003.4282, FS.

LAW IMPLEMENTED: 1003.25, 1003.4282, FS.

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

DATE AND TIME: July 17, 2017, 2:00 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Helen Lancashire, School Counseling Liaison, Bureau of Standards and Instructional Support, Department of Education, (850)245-7840 or email: Helen.Lancashire@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09941 State Uniform Transfer of Students in Middle Grades and High School Credits.

The purpose of this rule is to establish uniform procedures relating to the acceptance of transfer work and credit for students entering Florida's public schools. ~~Effective July 1, 2013, the procedures shall be as follows:~~

(1) The procedures relating to the acceptance of transfer work and courses for students in middle grades 6, 7, and 8 from out of state or out of country shall be as follows:

(a) Grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school's accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, successful completion of courses shall be validated through performance during the first grading period as outlined in paragraph (1)(b) of this rule.

(b) Validation of courses shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should be passing each required course at the end of the first grading period. Students who do not meet this requirement

shall have courses validated using the Alternative Validation Procedure, as outlined in paragraph (1)(c) of this rule.

(c) Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives identified in the district student progression plan shall be used for validation purposes as determined by the teacher, principal and parent:

1. Portfolio evaluation by the superintendent or designee;

2. Demonstrated performance in courses taken at other public or private accredited schools;

3. Demonstrated proficiencies on nationally normed standardized subject area assessments;

4. Demonstrated proficiencies on a statewide, standardized assessment; or

5. Written review of the criteria utilized for a given subject provided by the former school.

(2) The procedures relating to the acceptance of transfer work and credits for students in high school from out of state or out of country shall be as follows:

(a)(1) Credits and grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school's accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, credits shall be validated through performance during the first grading period as outlined in ~~paragraph (2)(b) subsection (2)~~ of this rule. Assessment requirements for transfer students under Section 1003.4282, F.S., must be satisfied.

(b)(2) Validation of credits shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should have a minimum grade point average of 2.0 at the end of the first grading period. Students who do not meet this requirement shall have credits validated using the Alternative Validation Procedure, as outlined in ~~paragraph (2)(c) subsection (3)~~ of this rule.

(c) (3) Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives shall be used for validation purposes as determined by the teacher, principal, and parent:

1.(a) Portfolio evaluation by the superintendent or designee;

2.(b) Written recommendation by a Florida certified teacher selected by the parent and approved by the principal;

3.(e) Satisfactory performance in courses taken through dual enrollment or at other public or private accredited schools;

4.(d) Satisfactory performance on ~~nationally normed~~ nationally normed standardized subject area assessments;

~~5.(e)~~ Satisfactory performance on a statewide, standardized assessment; or

~~6.(f)~~ Written review of the criteria utilized for a given subject provided by the former school.

Students must be provided at least ninety (90) days from date of transfer to prepare for assessments outlined in paragraphs ~~(1)(c)3. and 4. and (2)(c)4. and 5~~ ~~(3)(d) and (e)~~ of this rule if required.

Rulemaking Authority 1003.25, 1003.4156, 1003.4282 FS. Law Implemented 1003.25, 1003.4282 FS. History—New 8-28-00, Formerly 6-1.099, Amended 9-22-03, 4-30-12, 3-25-14.

6A-1.09942 State Uniform Transfer of Students in the Middle Grades.

Rulemaking Authority 1003.4156(4), 1003.25(3) FS. Law Implemented 1003.25(3) FS. History—New 10-20-08, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hershel Lyons, Chancellor, K-12 Public Schools.

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-6.03014 Exceptional Student Education Eligibility for Students Who Are Visually Impaired

PURPOSE AND EFFECT: Eliminate unnecessary restriction from access to special education services in current rule. The effect is to eliminate the explicit exclusion of students with a visual impairment that is primarily caused by visual motor or visual perceptual difficulties.

SUMMARY: Update exceptional student education eligibility for students who are visually impaired to remove explicit exclusion of students who have a visual impairment that is primarily caused by visual motor or visual perceptual difficulties.

**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: 1) no requirement for SERC was triggered under s. 120.541(1), F.S., and 2) based on past experiences with rules

that affect individual students and their families in an educational setting and have no impact on small businesses, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth 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: 1001.02, 1001.42(4)(1), 1003.01(3)(a)-(b), 1003.55, 1003.57, FS.

LAW IMPLEMENTED: 1001.02, 1003.57, 1010.305(2), 1011.62(1)(c), FS.

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

DATE AND TIME: July 17, 2017, 2:00 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jacob Oliva, Executive Vice Chancellor, K-12 Public Schools, at Jacob.Oliva@fldoe.org or (850)245-9861.

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

6A-6.03014 Exceptional Student Education Eligibility for Students Who Are Visually Impaired.

(1) Definition. Students who are visually impaired include the following:

(a) A student who is blind, has no vision, or has little potential for using vision;

(b) A student who has low vision;

(c) A student who has a visual impairment after best correction that adversely affects the student's educational performance; and ~~The term visual impairment does not include students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties.~~

(d) A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

(2) No change.

(3) Procedures for student evaluation.

(a) The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology, diagnosis, treatment regimen, prognosis, near/distance, corrected/uncorrected acuity measures for left eye, right eye and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate. ~~For children birth to five (5) years of age or students who are~~

otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable; and -

2. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to: If a medical criterion listed in paragraph (4)(a) of this rule is met, then in addition to the provisions of Rule 6A-6.0331, F.A.C., a comprehensive assessment of skills known to be impacted by visual impairment, shall include, but is not limited to: functional vision evaluation, learning media assessment, and, if appropriate, orientation and mobility assessment.

a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment, including assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent-living skills in correlation with the Florida Standards for Students with Visual Impairments;

b. A learning media assessment; and

c. An orientation and mobility screening.

(b) Reevaluation shall occur at least every three (3) years and shall include a minimum of a medical eye examination within the last calendar year; a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; functional vision assessment, learning media assessment, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

(4) Criteria for eligibility. A student is eligible for special education and related services if the following medical and educational criteria are met:

(a) Medical. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:

1. A visual acuity of 20/70 or less in the better eye after best possible correction;

2. A peripheral field so constricted that it affects the student's ability to function in an educational setting;

3. A diagnosis of visual impairment after best correction progressive loss of vision which may affect the student's ability to function in an educational setting, not including students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties; or

4. A progressive loss of vision that may affect the student's ability to function in an educational setting. For children birth to five (5) years of age or students who are otherwise unable to be assessed, bilateral lack of central, steady, or maintained

~~fixation of vision with an estimated visual acuity of 20/70 or less after best possible correction; bilateral central scotoma involving the perimacula area (20/80-20/200); bilateral grade III, IV, or V Retinopathy of Prematurity (ROP); or documented eye impairment as stated in paragraph (3)(a) of this rule.~~

(b) The student needs special education as defined in Rules 6A-6.0331 and 6A-6.03411, F.A.C.

(5) No change.

Rulemaking Authority 1001.02, 1001.42(4)(1)(4), 1003.01(3)(a), (b), 1003.55, 1003.57 FS. Law Implemented 1001.02, 1010.305(2), 1003.57, 1011.62(1)(c) FS. History--New 7-1-77, Amended 7-13-83, Formerly 6A-6.3014, Amended 2-12-91, 3-1-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hershel Lyons, Chancellor, K-12 Public Schools.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 10, 2017

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.: RULE TITLE:

6A-10.024: Articulation Between and Among Universities, Florida Colleges, and School Districts

PURPOSE AND EFFECT: The rule implements the statewide articulated acceleration mechanisms of Section 1007.27, Florida Statutes, which facilitates a variety of accelerations mechanisms that are available to secondary and postsecondary students. This amendment incorporates the 2017-2018 Articulation Coordinating Committee (ACC) Credit-by-Examination list; addition of DSST and the Defense Language Proficiency Test.

SUMMARY: This amendment provides for the implementation of the 2017-2018 Articulation Coordinating Committee Credit-by-Examination list; addition of DSST, and the Defense Language Proficiency.

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 been prepared by the Agency.

In summary, the proposed rule is not expected to require legislative ratification and is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S. No increase in

regulatory costs are anticipated as a result of the rule changes as colleges and universities should be able to implement the proposed rule within their current processes and workload, with existing staff.

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(2)(n), 1007.23(1), 1007.25, 1007.27, FS.

LAW IMPLEMENTED: 1001.64(8)(a), 1007.01(2), 1007.23, 1007.25, 1007.27, FS.

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

DATE AND TIME: July 17, 2017, 2:00 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Todd Clark, Director, Office of Articulation, Todd.clark@fldoe.org or 850-245-0764.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.024 Articulation Between and Among Universities, Florida Colleges, and School Districts.

It is the intent of the Board of Governors in regulation and the State Board of Education in rule to facilitate articulation and seamless integration of the education system by agreeing to the provisions of this articulation agreement, pursuant to Section 1007.23, F.S. The authority to adopt and amend this rule aligns with the Constitutional power given the Board of Governors for the state university system and the statutory authority given the State Board of Education for the district school boards, the Florida College System, and the Department of Education.

(1) Each state university board of trustees, Florida College System board of trustees, and district school board shall plan and adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.

(2) through (7) No change.

(8) Credit by examination.

(a) For examination programs listed in Section 1007.27, F.S., a list of examinations, minimum scores for guaranteed transfer credit, maximum credits guaranteed to transfer, and recommended course equivalents shall be maintained by the Articulation Coordinating Committee and reviewed annually. The list is incorporated in the document Articulation Coordinating Committee Credit-by-Examination Equivalencies, Effective ~~August 2017~~ ~~March 2016~~, which is herein incorporated by reference and located at ([http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-06465)

~~06465~~). The list may be requested from the Office of Articulation, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(b) through (e) No change.

(f) For all Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), DSST, Defense Language Proficiency Test (DLPT), and College-Level Examination Program (CLEP) examinations, credit must be awarded at a minimum in accordance with the credit-by-examinations equivalencies determined by the Articulation Coordinating Committee referenced in paragraph (8)(a) of this rule. The postsecondary institution shall determine the credit awarded for examinations completed prior to November 1, 2001, or examinations not included in the Articulation Coordinating Committee Credit-by-Examination Equivalencies.

(g) through (h) No change.

(9) through (14) No change.

Rulemaking Authority 1001.02(2)(n), 1007.23(1), 1007.25, 1007.27 FS. Law Implemented 1007.01(2), 1001.64(8)(a), 1007.23, 1007.25, 1007.27 FS. History—New 5-5-75, Amended 10-7-75, 6-8-76, 8-22-77, 12-26-77, 3-28-78, 5-10-78, 7-2-79, 2-27-80, 5-27-81, 1-6-83, 4-5-83, 6-28-83, 1-9-85, Formerly 6A-10.24, Amended 8-4-86, 5-18-88, 5-29-90, 7-30-91, 10-4-93, 5-3-94, 1-2-95, 9-30-96, 6-15-98, 12-13-99, 8-14-00, 10-15-01, 9-22-03, 12-18-05, 12-23-14, 3-23-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Todd Clark, Director, Office of Articulation.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 1, 20

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-14.092: Textbook Affordability

PURPOSE AND EFFECT: Align the rule with section 1004.085(7), F.S., which requires the State Board of Education to receive input from students, faculty, bookstores, and publishers and put forth textbook and instructional materials affordability policies, procedures, and guidelines for implementation by Florida College System (FCS) institutions. The effect of this rule amendment will be to ensure FCS institutional policies align with statutory requirements. Passage of this rule would require FCS Boards of Trustees to update current policy related to textbook affordability. Additionally, college administration would be responsible for implementing

procedures to certify that the provisions of the rule have been met.

SUMMARY: The proposed rule amendment outlines the key elements to be included in Florida College System institution textbook affordability policy. This proposed rule amendment strikes the requirement for a statewide textbook affordability workgroup.

**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: 1) No requirement for SERC was triggered under s. 120.541(1), F. S. and 2) Based on past experiences with textbook affordability there would be no economic impact from the rule and the adverse impact on regulatory cost, if any, does not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541 (2)(a), Florida Statutes.

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: 1004.085, FS.

LAW IMPLEMENTED: 1004.085, FS.

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

DATE AND TIME: July 17, 2017, 2:00 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy Albee-Levine, Director of Academic and Workforce Program, Division of Florida Colleges, (850)245-9492, Amy.Albee-Levine@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

**6A-14.092 Textbook Affordability.**

Pursuant to Section 1004.085, F.S., institutions within the Florida College System through the Chief Academic Officer or designee(s) shall:

(1) Adopt textbooks no later than seventy-five (75) forty-five (45) days prior to the first day of classes for 95% of sections to allow sufficient lead time to bookstores to work with

publishers so as to confirm availability of the requested materials and to ensure maximum availability of used books. Where courses are added after this seventy-five (75) forty-five (45) day deadline, textbooks for such courses shall be adopted as soon as is feasible to ensure sufficient lead time. Academic departments shall notify the bookstore of required and recommended textbooks and instructional materials no later than sixty (60) days prior to the first day of classes for 95% of course sections.

(2) Ensure that Pursuant to Section 1004.085(6) ~~(3)~~, F.S., for those classes added after the forty-five (45) thirty (30) day notification deadline, institutions shall post textbook information on their websites immediately as such information becomes available.

(3) Confirm through a course instructor or academic department offering the course the intent to use all items ordered, particularly each individual item sold as part of a bundled package, before the textbook or instructional materials adoption is finalized. Collect and maintain, before textbook adoption is finalized, written or electronically transmitted certifications from course instructors attesting:

(a) That all textbooks and other instructional items ordered will be used, particularly each individual item sold as part of a bundled package; and,

(b) The extent to which a new edition differs significantly and substantively from earlier versions, and the value of changing to a new edition.

(4) Confirm through a course instructor or academic department offering the course the extent to which a new edition differs significantly and substantively from earlier versions and the value to the student of changing to a new edition or the extent to which an open-access textbook or instructional material is available before a textbook or instructional material is adopted. Provide assistance as requested by the statewide textbook affordability workgroup established by the Department of Education to recommend policies and strategies that address the availability of required textbooks to students otherwise unable to afford the cost. The workgroup shall consist of nine representatives from institutions within the Florida College System chosen based on variable student enrollment (small and large student populations), geographic location (north, central and south) and economic status of student body (high population receiving need based financial aid). A report shall be submitted by the workgroup to the State Board of Education by December 1, 2009, that identifies the policies.

(5) Determine the availability of required and recommended textbooks and instructional materials to students otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook or instructional material may be used.

(6) Confirm participation by course instructors and academic departments in the development, adaptation, and review of open-access textbooks and instructional materials and, in particular, open-access textbooks and instructional materials for high-demand general education courses.

(7) Consult with school districts to identify practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including, but not limited to, the length of time that textbooks and instructional materials remain in use.

(8) Select textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by considering:

(a) Purchasing digital textbooks in bulk.

(b) Expanding the use of open-access textbooks and instructional materials.

(c) Providing rental options for textbooks and instructional materials.

(d) Increasing the availability and use of affordable digital textbooks and learning objects.

(e) Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials.

(f) Determine the length of time that textbooks and instructional materials remain in use, prioritizing textbooks and instructional materials that will remain in use for a minimum of three (3) years.

(g) Review the cost savings for textbooks and instructional materials which a student may realize if individual students are able to exercise opt-in provisions for the purchase of the materials.

(h) Consider course wide adoption, specifically for high enrollment general education courses.

(9) The board of trustees of each Florida College System institution shall report by September 30 of each year to the Chancellor of the Florida College System, in a format determined by the Chancellor, the following:

(a) The textbook and instructional materials selection process for general education courses with a wide cost variance and high-enrollment courses; course sections with no cost shall not be included in the examination of cost variance between different sections of the same course;

(b) Specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials;

(c) Policies implemented regarding the posting of textbook and instructional materials for at least 95% of all courses and course sections forty-five (45) days before the first day of class; and

(d) The number of courses and course sections that were not able to meet the textbook and instructional materials posting deadline for the previous academic year.

Rulemaking Authority 1004.085(7) ~~(3)~~, ~~(4)~~ FS. Law Implemented 1004.085 FS. History—New 2-25-09, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Madeline Pumariega, Chancellor, Florida College System.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 2, 2016

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-18.049: General Description of Services and Procedures

6A-18.053: Determination That a Client Has Been Rehabilitated

PURPOSE AND EFFECT: Consolidate Division of Blind Services rules that cover similar topics into a single rule. The language of rule 6A-18.053, F.A.C., Determination That a Client Has Been Rehabilitated, will now be contained in rule 6A-18.049, F.A.C., General Description of Services and Procedures, and rule 6A-18.053, F.A.C., will be repealed.

SUMMARY: Currently rule 6A-18.053, F.A.C., contains the factors considered when the Division of Blind Services determines that an individual has been rehabilitated. This information is being moved to rule 6A-18.049, F.A.C., which contains the general description of the Division’s vocational rehabilitation program. This rulemaking serves only to consolidate rules and does not make changes to the current standards.

**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 Proposed rulemaking will not have an adverse impact on economic growth or on business competitiveness and will not increase regulatory costs as the rule does not change any current standards. The rulemaking serves to consolidate related rules and will not change the way the Division is currently conducting business.

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

RULEMAKING AUTHORITY: 413.011(3)(l), FS.

LAW IMPLEMENTED: 413.011(3)(l), FS.

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

DATE AND TIME: July 17, 2017, 2:00 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert L. Doyle, Director, Division of Blind Services, 325 W. Gaines St., Ste. 1114, Tallahassee, FL 32399-0400, (850)245-0300, Toll Free: 1(800)342-1828, Fax: (850)245-0363.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-18.049 General Description of Services and Procedures.

The nature and extent of services needed to assist a client towards suitable employment vary with the individual's circumstances.

(1) through (6) No change.

(7) A client shall be deemed to be rehabilitated, after an appropriate stabilization period, when a vocational rehabilitation goal suitable to the individual's physical and mental abilities and limitations and other personal circumstances has been achieved.

Rulemaking Authority 20.05(1), ~~20.15(7), 120.53(1), 229.053(1), 413.011(3)(4)(1), (x)~~ FS. Law Implemented 413.011(3)(b)(4) FS. History—New 2-13-84, Formerly 6A-18.33, 6A-18.033, 38K-1.033, Amended.

6A-18.053 Determination That a Client Has Been Rehabilitated.

Rulemaking Authority 20.05(1), 20.15(7), 120.53(1), 229.053(1), 413.011(1)(l) FS. Law Implemented 120.53(1), 413.011(1) FS. History—New 2-13-84, Formerly 6A-18.39, 6A-18.039, 38K-1.039, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 20, 2017

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:

6A-25.003 Informed Choice

6A-25.009 Scope of Vocational Rehabilitation Services

6A-25.010 Comparable Services and Benefits

PURPOSE AND EFFECT: Consolidate three Division of Vocational Rehabilitation rules that cover similar topics. The topics of informed choice and comparable services and benefits (rules 6A-25.003 and 6A-25.010, F.A.C.) will now be contained in the more general rule describing the scope of rehabilitation services (rule 6A-25.009, F.A.C.). Rules 6A-25.003 and 6A-25.010, F.A.C., will be repealed.

SUMMARY: Currently rules 6A-25.003 and 6A-25.010, F.A.C., discuss the principles of informed choice as defined in the vocational rehabilitation program and the requirements that clients utilize comparable services and benefits when seeking services from the Division of Vocational Rehabilitation, respectively. This rulemaking will move the language from rules 6A-25.003 and 6A-25.010, F.A.C., to rule 6A-25.009. The purpose of this rulemaking is consolidation and the content of the relocated language remains unchanged.

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 Proposed rulemaking will not have an adverse impact on economic growth or on business competitiveness and will not increase regulatory costs as the rule does not change any current standards. The rulemaking serves to consolidate related rules and will not change the way the Division is currently conducting business.

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

RULEMAKING AUTHORITY: 413.22, FS.

LAW IMPLEMENTED: 413.24, 413.28, 413.30, 413.32, FS.

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

DATE AND TIME: July 17, 2017, 2:00 p.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Kates, Chief, Bureau of Program Development and Assistance, 4070 Esplanade Way, 2nd Floor, Tallahassee, Florida 32399-7016, (850)245-3338, Fax: (850)245-3394.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-25.003 Informed Choice.

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.208, 413.24, 413.28, 413.30 FS. History—New 5-14-12, Formerly 38J-1.003, Repealed

6A-25.009 Scope of Vocational Rehabilitation Services.

(1) through (4) No change.

(5) Informed Choice

1. An eligible individual may choose to receive necessary vocational rehabilitation services from any qualified or licensed provider. Where applicable, the providers of choice must be licensed by the state of Florida or appropriately accredited to perform such services.

2. If an individual chooses a service provider outside the service area where he/she resides, the individual shall provide for his/her own transportation costs, unless no qualified provider possessing the required expertise is available or a provider in another area is within a shorter commuting distance to the individual. If the individual selects a provider out-of-state and there are qualified service providers in-state, the individual with a disability shall agree to pay the excess travel and service costs.

(6) Comparable Services and Benefits

1. If comparable services and benefits are not available to the individual at the time needed to achieve the employment outcome identified in the Individualized Plan for Employment (IPE), or if the benefits exist but are not available at the time needed to satisfy objectives in the IPE, the division may authorize funding directly only until comparable benefits and services become available.

2. Comparable services and benefits do not include awards and scholarships based on merit that are granted without restrictions as to their use by the individual.

3. If an eligible individual is a Social Security Administration (SSA) Ticket to Work holder whose Ticket is assigned to an Employment Network (EN), the division shall consider all goods and services referenced in the IPE to be comparable services and benefits to be purchased or provided by an EN with which the eligible individual's Ticket is assigned.

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.24, 413.28, 413.30, 413.32, 413.731 FS. History—New 5-14-12, Amended.

6A-25.010 Comparable Services and Benefits.

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.24, 413.28, 413.30 FS. History—New 5-14-12, Repealed\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Aleisa McKinlay, Director, Vocational Rehabilitation.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 21, 2017

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NO.: RULE TITLE:

6E-1.0032 Fair Consumer Practices

PURPOSE AND EFFECT: Provide prospective nursing students with information by institution on passage rates on state licensure exams in the fields of professional nursing, practical nursing and certified nursing assistants.

SUMMARY: Requires private postsecondary institutions offering programs in nursing (practical and professional) and for certified nursing assistants to disclose to prospective students information about the institution's passage rate on the associated professional examination on a designated form.

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 been prepared by the Agency.

The proposed rule will impact under 300 post-secondary educational institutions licensed by the Commission for Independent Education that offer nursing or nursing assistant programs. It is not anticipated that the proposal will have any adverse impact on economic growth, job creation or employment, investment or business competitiveness. It is anticipated that there will be some minimal transactional costs to such institutions due to the requirement that an institution maintain a copy of the form at the institution and provide it to a prospective student before the student makes an enrollment decision. However, because a standardized form will be used and populated with information already provided to the institutions by the Board of Nursing, and because it is anticipated that the institutions will provide the form to the student as part of the already existing process when advising a prospective student, the cost borne by institutions is expected to be minimal.

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: 1005.22(1)(e), 1005.34, FS.  
LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31, 1005.32(5) 1005.34, FS.

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

DATE AND TIME: July 17, 2017, 2:00 p.m.  
PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St, Suite 1414, Tallahassee, Florida 32399-0400, (850)245-3200.

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices.

(1) through (10) No change.

(11) Prior to the initial enrollment or reentry of students into programs for the prelicensure education of professional or practical nurses, certified nursing assistant training programs, or any combination of such programs, an institution shall provide to each student each applicable disclosure form completed by the institution. The disclosure must be signed and dated by the prospective student and a school official, with a copy to be maintained in the student’s file. Passage rates for first time test takers and probationary status of the program shall be provided for the most recent calendar year published by the Board of Nursing. Each institution must update the disclosures within thirty (30) days of the date when the information is published on the Board of Nursing’s website. Institutions shall use the following forms which are incorporated by reference and may be obtained without cost from the Commission’s website at www.fldoe.org/cie or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400:

(a) Professional Nursing Student Disclosure, Form number 609a, effective August 2017 (DOS link).

(b) Practical Nursing Student Disclosure, Form number 609b, effective August 2017 (DOS link).

(c) Certified Nursing Assistant Student Disclosure, Form number 609c, effective August 2017 (DOS link).

~~(12)~~(14) An institution is responsible for ensuring compliance with this rule by any person or company contracted with or employed by the institution to act on its behalf in matters of advertising, recruiting, or otherwise making representations

which may be accessed by prospective students, whether verbally, electronically, or by other means of communication.

~~(13)~~(12) It shall be the responsibility of an institution to require a training program for all staff who recruit prospective students or who participate in the admission of prospective students, at the institution. The training program shall be submitted to the Commission for approval with each application for a provisional license, an annual license or a license by means of accreditation, and with each annual review of a license by means of accreditation. Institutions that choose to employ a training provider for its training program may, if the program provided by the contractor has been approved by the Commission, provide the program without additional approval. Training shall include information to familiarize staff who recruit prospective students, or who participate in the admission of prospective students, with Chapter 1005, F.S., and with the institution’s programs, services, costs, terms of payment, financial aid available for qualified students, refund policy, transferability of credits to other institutions, reasonable employment projections and accurate placement data, status of the institution regarding licensure and accreditation, facts regarding the eligibility of graduates to sit for licensure examinations or fulfill other requirements to practice in Florida the career or profession for which the prospective student wishes to be trained, and other relevant facts. The training program shall reflect the fair consumer practices outlined in Sections 1005.04 and 1005.34, F.S., and this rule.

~~(14)~~(13) Institutions shall maintain a file or keep a record for each student at each location, translated into English and conforming to the requirements of Rule 6E-2.004, F.A.C., and containing the following at a minimum:

- (a) Academic transcript;
- (b) All documents evidencing a student’s eligibility for enrolled programs;
- (c) Any certificates or diplomas earned;
- (d) Copies of applications or contractual agreements;
- (e) Financial records;
- (f) Student counseling or advising records; ~~and~~;
- (g) Records of progress; ~~and~~ -
- (h) Nursing Student Disclosure (if applicable).

Rulemaking Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, 3-28-05, 5-18-05, 6-13-05, 7-23-07, 2-1-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Commission for Independent Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2017  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 14, 2017

#### DEPARTMENT OF REVENUE

RULE NO.: RULE TITLE:

12-2.020 Authority

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12-2.020, F.A.C. (Authority), is to remove unnecessary provisions.

SUMMARY: The proposed repeal of Rule 12-2.020, F.A.C., removes unnecessary provisions which do not implement statutory 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: : 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with the proposed repeal of unnecessary rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 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: 120.53(1)(c) FS.

LAW IMPLEMENTED: 120.53(1), (2), (3) 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: July 11, 2017, 9:00 a.m.

PLACE: Capital Circle Office Complex, Building 1, Room 1220, 2450 Shumard Oak Blvd, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Becky Avrett at (850)717-6799. If you are hearing

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brinton Hevey, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7082.

THE FULL TEXT OF THE PROPOSED RULE IS:

12-2.020 Authority.

~~These rules regarding the indexing, management, and availability of final orders are issued pursuant to Section 120.53, F.S. and Chapter 1B 32, F.A.C., and have been approved by the Department of State pursuant to Section 120.53(1), F.S.~~

Rulemaking Authority 120.53(1)(c) FS. Law Implemented 120.53(1), (2), (3) FS. History—New 11-11-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brinton Hevey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2017

#### DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:

20-13.022: WG-2: Classification and Standards

PURPOSE AND EFFECT: Classifying WG-2 hybrids to enhance the marketing strategies for fresh fruit, allowing the Florida citrus industry to better compete in the marketplace.

SUMMARY: New rule classifying WG-2 hybrids

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: upon review of the proposed new rule, the department has determined that the rule will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 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: 601.10(1),(7), 601.11, 601.9910(3) FS.

LAW IMPLEMENTED: 601.11, 601.9910(3) FS.

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

DATE AND TIME: July 19, 2017, 9:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, Legal Assistant, P O Box 9010, Bartow, FL 33831 or awiggins@citrus.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.022 WG-2: Classification and Standards.

(1) Classification: The market classification of the citrus hybrid “WG-2” shall be “Tangerine” or “Mandarin.”

(2) Identification:

(a) The proper identification shall be either “Aroema™,” “Aroema™ Tangerine,” “Tangerine,” “Aroema™ Mandarin” or “Mandarin” and one such name shall be used whenever this fruit is identified.

(b) In order to be marketed as “Aroema™ Mandarin” or “Mandarin” the fruit must meet the requirements set forth in 20-13.0042.

(c) In order to be marketed as seedless or low-seeded the fruit must meet the definitions set forth in 20-13.0041.

(3) Standards: The standards as set forth in 20-55, F.A.C., and 20-56, F.A.C. shall be applicable to this fruit.

Rulemaking Authority 601.10(7), 601.11, 601.9910(3) FS. Law Implemented 601.11, 601.9910(3) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Elliott V. Mitchell, In-House General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 15, 2017

**DEPARTMENT OF CITRUS**

RULE NO.: RULE TITLE:

20-13.023: C37: Classification and Standards

PURPOSE AND EFFECT: Classifying C37 hybrids to enhance the marketing strategies for fresh fruit, allowing the Florida citrus industry to better compete in the marketplace.

SUMMARY: New rule classifying C37 hybrids.

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: upon review of the proposed new rule, the department has determined that the rule will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 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: 601.10(1),(7), 601.11, 601.9910(3) FS.

LAW IMPLEMENTED: 601.11, 601.9910(3) FS.

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

DATE AND TIME: July 19, 2017, 9:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, Legal Assistant, P O Box 9010, Bartow, FL 33831 or awiggins@citrus.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.023 C37: Classification and Standards.

(1) Classification: The market classification of the citrus hybrid “C37” shall be “Tangerine” or “Mandarin.”

(2) Identification:

(a) The proper identification shall be either “Juicy Crunch™,” “Juicy Crunch™ Tangerine,” “Tangerine,” “Juicy Crunch™ Mandarin” or “Mandarin” and one such name shall be used whenever this fruit is identified.

(b) In order to be marketed as “Juicy Crunch™ Mandarin” or “Mandarin” the fruit must meet the requirements set forth in 20-13.0042.

(c) In order to be marketed as seedless or low-seeded the fruit must meet the definitions set forth in 20-13.0041.

(3) Standards: The standards as set forth in 20-55, F.A.C., and 20-56, F.A.C. shall be applicable to this fruit.

Rulemaking Authority 601.10(7), 601.11, 601.9910(3) FS. Law Implemented 601.11, 601.9910(3) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Elliott V. Mitchell, In-House General Counsel  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2017  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 15, 2017

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: RULE TITLE:

64B15-19.005: Probationary Conditions and Definitions

PURPOSE AND EFFECT: The proposed rule amendments are intended to implement a prohibition that restricts physicians who have had their prescribing of controlled substances restricted from delegating said prescribing to any physician assistants or nurse practitioners that they supervise.

SUMMARY: The proposed rule amendments prohibit physicians who have had their prescribing of controlled substances restricted from delegating said prescribing to any physician assistants or nurse practitioners that they supervise.

**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 Board meeting, the Board 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 Board 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: 459.005 FS.

LAW IMPLEMENTED: 459.015(2), 459.022, 459.025 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, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256.

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

64B15-19.005 Probationary Conditions and Definitions and Practice Restrictions.

(1) through (4) No change.

(5) Prohibition on the supervision of physician assistant (PA) or advanced registered nurse practitioner (ARNP) prescribers. In the event Respondent is restricted from the prescribing of one or more classes of controlled substances, Respondent may not delegate the prescribing of such classes of controlled substances to Physician Assistants (PAs) and Advanced Registered Nurse Practitioners (ARNPs) until such time as the Respondent is no longer prohibited from prescribing said classes of controlled substances. Within ten days of entry of the final order, Respondent must provide the Board compliance officer with a copy of the amended written agreement required by Rule 64B15-6.0037, F.A.C. or protocols with ARNPs, as required by Section 459.025, F.S., reflecting the withdrawal of delegation of controlled substances.

Rulemaking Authority 459.005 FS. Law Implemented 459.015(2), 459.022, 459.025 FS. History—New 4-18-89, Formerly 21R-19.005, 61F9-19.005, Amended 9-5-94, Formerly 59W-19.005, Amended 11-27-97, 10-20-98, 11-2-05, 12-9-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 31, 2017

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

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.: RULE TITLE:

12D-5.004: Applicability of Other Factors to Classification of  
Agricultural Lands

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 43 No. 101, May 24, 2017 issue of the Florida Administrative Register has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: RULE TITLE:

62-304.305: Ochlockonee Basin TMDLs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 243, December 16, 2016 issue of the Florida Administrative Register.

The change is supported by the record of the public hearings held on the rule as well as written material submitted to the agency between the date of publication of the notice and the end of the final public hearing. § 120.54(3)(d), Fla. Stat.

Subsection 62-304.305(5) is being changed to 1) update the proposed total maximum daily load (TMDL) to reflect revised computer modeling that has been performed, 2) round the percent reductions to the first digit, and 3) remove the geographical reference in the Load Allocation as the Department has no authority to enforce such allocations outside of Florida. With these changes the proposed rule reads:

62-304.305 Ochlockonee River Basin TMDLs.

(1) through (4) No change.

(5) Lake Talquin. The nutrient TMDL for Lake Talquin is a seven-year average of annual loads of 915,783 ~~671,736~~ kg/year TN and 76,585 ~~66,322~~ kg/year TP which are intended to achieve the applicable annual geometric mean chlorophyll *a* criterion for high color lakes, and is allocated as follows:

(a) The WLA for wastewater point sources is divided between the City of Quincy domestic wastewater facility (NPDES permit FL0029033) and the City of Tallahassee A. B. Hopkins power plant (NPDES permit FL0025518). The allocation to the Quincy wastewater facility for TP is 1,271 kg/year and 4,922 kg/year for TN. The allocation to the Hopkins power plant for TP is 2,187 kg/year and 1,020 kg/year for TN,

(b) The WLA for discharges subject to the department's NPDES MS4 Permitting Program is a 27% ~~27.2%~~ reduction of TN and a 33% ~~32.9%~~ reduction of TP based on average nutrient loads from the 2006-2012 period,

(c) The LA for nonpoint sources ~~in Florida and Georgia~~ is a 27% ~~27.2%~~ reduction of TN and an 33% ~~32.9%~~ reduction of TP based on average loads from the 2006-2012 period, and

(d) The Margin of Safety is implicit.

(e) While the LA and MS4 WLA for TN and TP has been expressed as the percent reduction needed to attain the applicable Class III nutrient criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the restoration of nutrient conditions in the impaired waterbody. However, it is not the intent of this TMDL to abate natural background conditions.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 10-21-08, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: RULE TITLE:

64B16-26.1032 Immunization Administration Certification  
Application and Information

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. 100, May 23, 2017 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the board at the public meeting held June 6, 2017.

The following change has been made to incorporated form DH-MQA 1125 04/17:

On page 5, the form has been revised to include a notification that email addresses are public records and that providing them on the form are optional.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: C. Erica White, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

### Section IV Emergency Rules

NONE

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

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 June 14, 2017, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Union 700 Inc at 700 E Union Street, Jacksonville, FL. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2017-091).

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-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on June 15, 2017, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Haven Condominium at 235 6th St. NW, Winter Haven, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations 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 (VW2017-092).

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.

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

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation Central Office announces a public meeting to which all persons are invited.

DATE AND TIME: June 19, 2017, 4:30 p.m. – 6:30 p.m.

PLACE: Clearwater Public Library Main Branch, 100 N. Osceola Ave., Clearwater, Florida 33775

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting is being held to give interested persons an opportunity to express their views concerning the closure of the CSX highway-railroad at-grade crossings on Hendricks Street and Grove Street in Clearwater, Florida. There will be an open house from 4:30 p.m. – 6:30 p.m. for document review and public comment. There is no presentation. Written comments will be accepted at the meeting or may be sent to the project contact listed below and must be postmarked on or before June 29, 2017 to be included in the official record. Public participation is sought without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting Laura Regalado, (850)414-4528 or toll-free at 1(866)374-3368, ext.4528.

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 days before the workshop/meeting by contacting Laura Regalado, Rail Crossing Opening Closure Program, Florida Department of Transportation Central Office, 605 Suwannee Street, MS 25, Tallahassee, Florida 32399-0450, (850)414-4528 or toll-free at 1(866)374-3368, ext.4528. 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

East Central Florida Regional Planning Council

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

DATE AND TIME: Wednesday, July 19, 2017, 9:00 a.m.

PLACE: 455 N. Garland Avenue, 4th Floor Conference Room, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the Executive Committee.

A copy of the agenda may be obtained by contacting Pegge Parker, (407)245-0300, ext. 300, or pparker@ecfrpc.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 two (2) days before the workshop/meeting by contacting: Pegge Parker, (407)245-0300, ext. 300, or pparker@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Pegge Parker, (407)245-0300, ext. 300, or pparker@ecfrpc.org.

**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**  
 The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.  
**DATE AND TIME:** Wednesday, July 19, 2017, 10:00 a.m.  
**PLACE:** 455 N. Garland Avenue, 2nd Floor Conference Room, Orlando, FL 32801  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular bi-monthly meeting of the East Central Florida Regional Planning Council  
 A copy of the agenda may be obtained by contacting Pegge Parker, (407)245-0300, ext. 300, pparker@ecfrpc.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 two (2) days before the workshop/meeting by contacting Pegge Parker. 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 Pegge Parker, (407)245-0300, ext. 300, or pparker@ecfrpc.org.

**DEPARTMENT OF CORRECTIONS**

The Florida Department of Corrections announces a public meeting to which all persons are invited.  
**DATE AND TIME:** June 29, 2017, 10:00 a.m.  
**PLACE:** Florida Department of Corrections Headquarters Building, 501 South Calhoun Street, Training Classroom 118, Tallahassee, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Under the authority of the Florida Criminal Justice Standards and Training Commission, Criminal Justice Standards and Training Region XVI, announces a regular scheduled meeting of the Region XVI Training Council. The primary business of the meeting will be to discuss training and budget issues.  
 A copy of the agenda may be obtained by contacting: Florida Department of Corrections, attention Oscar Paz Soldan, Bureau of Professional Development and Training, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

**AGENCY FOR HEALTH CARE ADMINISTRATION  
 Medicaid**

**RULE NO.: RULE TITLE:**  
 59G-4.028: Behavioral Health Assessment Services  
 59G-4.029: Psychiatric Services  
 59G-4.031: Behavioral Health Community Support Services  
 59G-4.050: Community Behavioral Health Services  
 The Agency for Health Care Administration announces a public meeting to which all persons are invited.  
**DATE AND TIME:** June 30, 2017, 9:00 a.m. – 3:00 p.m.  
**PLACE:** Agency for Health Care Administration, 6800 North Dale Mabry Highway Suite 220, Main Training Room, Tampa, FL 33614  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Agency is scheduling a public meeting for the purpose of discussing Behavioral Health Assessment Services, Psychiatric Services, Behavioral Health Community Support Services, and Community Behavioral Health Services.  
 A copy of the agenda may be obtained by contacting: Lakera Reddick, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, (850)412-4206, Lakera.Reddick@ahca.myflorida.com or at <http://www.ahca.myflorida.com/medicaid/review/Rules.shtml>. Please note that a preliminary draft of the reference material will be posted prior to the public meeting at <http://ahca.myflorida.com/medicaid/review/Rules.shtml>. 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 Lakera Reddick. 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**

**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:** July 26, 2017, 9:00 a.m.  
**PLACE:** Hilton Naples, 5111 Tamiami Trail North, Naples, Florida 34103, (239)659-3150  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business including disciplinary cases, application reviews, rules, reports, and discussion items.  
 A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 2601 Blair Stone Road, Tallahassee, Florida 32399-0751, (850)717-1982.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design, 2601 Blair Stone Road, Tallahassee, Florida 32399-0751, (850)717-1982. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact Board of Architecture and Interior Design, 2601 Blair Stone Road, Tallahassee, Florida 32399-0751, (850)717-1982.

**DEPARTMENT OF HEALTH**

Board of Optometry

The Board of Optometry announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 27, 2017, 12:00 Noon

PLACE: Phone conference number 1(888)670-3525, participant code 7342425515

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Special meeting to discuss the settlement counter-offer received from Petitioners in DOAH Case Nos.: 17-3346, 16-6123 and 16-5655.

A copy of the agenda may be obtained by contacting: <http://floridasoptometry.gov/>.

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 Anthony.Spivey@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Anthony.Spivey@flhealth.gov.

**DEPARTMENT OF HEALTH**

Division of Emergency Preparedness and Community Support

**RULE NO.:** RULE TITLE:

64J-2.006: Trauma Registry and Trauma Quality Improvement Program

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

DATE AND TIME: Tuesday, June 27, 2017, 12:30 p.m. ET

PLACE: 4052 Bald Cypress Way, Tallahassee, Florida, Room 301; telephone conference: 1(888)670-3525, participant code 1043560135, then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Department will consider changes and updates to the Florida Trauma Registry, Data Dictionary.

A copy of the agenda may be obtained by contacting: Michael Leffler, email: Michael.Leffler@flhealth.gov, 4052 Bald Cypress Way, Bin #A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, ext. 2760.

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

Enterprise Florida, Inc.

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

DATE AND TIME: June 19, 2017, 3:00 p.m.

PLACE: Arsenal Venture Partners

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board of Directors for the Florida Opportunity Fund announces a public Florida Opportunity Fund meeting to which all persons are invited. Ongoing issues, developing issues and other matters will be discussed.

A copy of the agenda may be obtained by contacting: Jennifer Dunham, (407)838-1400, ext. 215.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting Jennifer Dunham, (407)838-1400, ext. 215. 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 Jennifer Dunham, (407)838-1400, ext. 215.

Florida Workers' Compensation Joint Underwriting Association, Inc.

The FWCJUA Board of Governors announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 30, 2017, 10:00 a.m. (Eastern Time)

PLACE: Teleconference; contact Kathy Coyne at (941)378-7408 for instructions on participation.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Agenda topics may include legal and regulatory matters, including the pending litigation matter styled American Residuals and Talent, Inc. v. Florida Workers' Compensation

Joint Underwriting Association, Case No. 2024692-17. The meeting will be convened in the open; however, pursuant to section(s) 286.011(8) and 627.3121(4), Florida Statutes, the Board's discussion of the pending litigation will be conducted in private, and participants who are not members of the Board, counsel to the Board, or employees of the FWCJUA will be disconnected from the portions of the meeting discussing the pending litigation.

A copy of the agenda may be obtained by contacting Kathy Coyne at (941)378-7408 or obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com).

Stantec Consulting, Inc.

The Florida Department of Transportation (FDOT), District Four announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 29, 2017, 5:30 p.m. – 7:30 p.m.

PLACE: Sheraton Suites Fort Lauderdale at Cypress Creek, 555 NW 62 Street, Grand Cypress Ballroom, Fort Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alternatives Public Workshop. Financial Project ID Number: 435808-1-22-02.

Efficient Transportation Decision Making (ETDM) Number: 14222.

Project Description: Project Development and Environment (PD&E) Study, SR 9/I-95 from South of SR 870/Commercial Boulevard to North of Cypress Creek Road, Broward County, Florida.

A PD&E Study is FDOT's process to evaluate the social, economic, and environmental impacts associated with a planned transportation improvement project. The purpose of this meeting is to give interested persons an opportunity to comment and provide input on the transportation improvement alternatives the Department has developed at this point in the study. The workshop will be conducted as an informal open house. Notices are being sent to all property owners and tenants located within at least 300 feet on either side of the proposed alignment and to other public officials, regulatory agencies, organizations, and individuals interested in the project.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried-out by FDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016, and executed by the Federal Highway Administration (FHWA) and FDOT.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require translation services (free of charge) should

contact Anson Sonnett, PE, FDOT Project Manager, (954)777-4474, [anson.sonnett@dot.state.fl.us](mailto:anson.sonnett@dot.state.fl.us).

A copy of the agenda may be obtained by contacting Anson Sonnett, PE, FDOT Project Manager, (954)777-4474, [anson.sonnett@dot.state.fl.us](mailto:anson.sonnett@dot.state.fl.us). Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Anson Sonnett, PE, FDOT Project Manager, (954)777-4474, [anson.sonnett@dot.state.fl.us](mailto:anson.sonnett@dot.state.fl.us) or toll-free at 1(866)336-8435, ext. 4474. 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 Anson Sonnett, PE, FDOT Project Manager, (954)777-4474, [anson.sonnett@dot.state.fl.us](mailto:anson.sonnett@dot.state.fl.us). Additional information is available on the project website at [www.95commercialtocypress.com](http://www.95commercialtocypress.com).

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

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that the Agency for Health Care Administration has issued an order disposing of the petition for declaratory statement filed by KJHM, LLC d/b/a NBI Ranch on February 27, 2017. The following is a summary of the agency's disposition of the petition:

The order was issued and filed on June 14, 2017 under AHCA No. 2017002223. The Agency issued a declaratory statement that under Ch. 394 Part IV, Fla. Stat. and Ch. 65E-4, Fla. Admin. Code, Petitioner is not required to obtain licensure as a residential treatment facility to operate NBI Ranch.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration via mail at 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, via email at [Richard.Shoop@ahca.myflorida.com](mailto:Richard.Shoop@ahca.myflorida.com), or via telephone at (850)412-3671.

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

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

NONE

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

NONE

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

NONE

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

NONE

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**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 June 12, 2017 and 3:00 p.m., Friday June 16, 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
1B-2.011	6/16/2017	7/6/2017
53ER17-32	6/12/2017	6/12/2017
58L-1.007	6/14/2017	7/4/2017
58L-1.008	6/14/2017	7/4/2017
59G-4.020	6/12/2017	7/2/2017
59C-1.039	6/12/2017	7/2/2017
61G4-16.001	6/14/2017	7/4/2017
61G16-9.001	6/13/2017	7/3/2017
64B8-8.0011	6/13/2017	7/3/2017
64B9-4.0025	6/15/2017	7/5/2017
64B9-15.0096	6/12/2017	7/2/2017
64B17-6.001	6/14/2017	7/4/2017
64B17-6.002	6/14/2017	7/4/2017
73C-10.011	6/13/2017	7/3/2017
73C-42.006	6/13/2017	7/3/2017
73C-42.010	6/13/2017	7/3/2017
73C-42.023	6/13/2017	7/3/2017
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
58M-2.009	2/9/2017	**/**/****
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	**/**/****

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.

---