

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64D-3.046
RULE TITLE: Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

PURPOSE AND EFFECT: The purpose is to update the language, including reference materials, and to implement the revised Centers for Disease Control and Prevention’s Advisory Council for Immunization Practice recommendations of immunization requirements for public and non-public schools, grades preschool, and kindergarten, through 12, in accordance with the statutes.

SUBJECT AREA TO BE ADDRESSED: Immunization requirements for school entry/attendance.

RULEMAKING AUTHORITY: 381.003(1), (2), 381.005(3), 1033.22(3), FS.

LAW IMPLEMENTED: 381.003(1), 381.005(1)(i), 1003.22, 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: Robert M. Griffin, Robert.Griffin@FlHealth.gov, Administrator, Immunization Section, Florida Department of Health, Bin A11, 4052 Bald Cypress Way, Tallahassee, FL 32399-1715, (850)245-4342.

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

Section II

Proposed Rules

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.028
RULE TITLE: Reimbursement Premium Formula

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2017-2018 contract year.

SUMMARY: In accordance with Section 215.555(5), Florida Statutes, proposed amended Rule 19-8.028, F.A.C., Reimbursement Premium Formula, adopts the 2017-2018 reimbursement premium formula for the Florida Hurricane Catastrophe Fund. In addition, the proposed amended Rule makes editorial and grammatical corrections.

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 changes to the rule and the incorporated documents, the State Board of Administration of Florida has determined that the rule does not meet the statutory threshold for ratification by the legislature.

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: 215.555(3), FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), FS.

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

DATE AND TIME: May 9, 2017, 9:00 a.m. to 11:00 a.m. (ET).

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Leonard Schulte, Florida Hurricane Catastrophe Fund, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1335, leonard.schulte@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leonard Schulte at the number or email listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

(1) Purpose. ~~The purpose of this rule adopts is to adopt the Premium Formula to determine the Actuarially Indicated Reimbursement Premium to be paid to the Florida Hurricane Catastrophe Fund, as required by Section 215.555(5)(b), F.S.~~

(2) Definitions. The definitions in the Reimbursement Contract for the applicable Contract Year also apply to this rule and the forms referenced in this rule. In addition, as used in this rule: The terms defined below will be capitalized in this rule.

~~(a) Actuarially Indicated Premium means Premiums which are derived according to or consistent with accepted actuarial standards of practice. Actuarially Indicated means an amount determined according to principles of actuarial science to be adequate, but not excessive, in the aggregate, to pay current and future obligations and expenses of the Fund, and determined according to principles of actuarial science to reflect each insurer's relative exposure to hurricane losses.~~

~~(a)(b) "Board" or "SBA" means the State Board of Administration of Florida.~~

~~(c) Citizens Property Insurance Corporation or Citizens means the entity formed under Section 627.351(6), F.S., and refers to two accounts, the coastal account and the personal lines and commercial lines accounts. Each account is treated by the FHCF as if it were a separate participating insurer with its own reportable exposures, reimbursement premium, retention, and ultimate net loss.~~

~~(b)(d) "Contract Year" is defined in Section 215.555(2), F.S. means the time period which begins at 12:00:01 a.m. (Eastern Time), on June 1 of each calendar year and ends at 12:00 midnight (Eastern Time), on May 31 of the following calendar year.~~

~~(e) Covered Policy is defined in Section 215.555(2)(e), F.S., and the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.~~

~~(f) Data Call or Florida Hurricane Catastrophe Fund Data Call means the annual reporting of insured values Form FHCF-D1A, as adopted and incorporated into Rule 19-8.029, F.A.C.~~

~~(g) Formula or the Premium Formula means the Formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula, and are the result of the approach or methodology employed.~~

~~(h) FHCF or Fund means the Florida Hurricane Catastrophe Fund.~~

~~(c)(i) "Independent Consultant" or "Consultant" means the independent individual, firm, or organization with which the SBA contracts to prepare the Premium Formula and any other actuarial services for the FHCF, as determined under the contract with the Consultant.~~

~~(j) New Participants. The term means all Companies which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF's Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or were not required to enter into a contract on June 1 of the Contract Year. A Company that enters into an assumption agreement with Citizens that includes Covered Policies and is effective on or after June 1 and had written no other Covered Policies before June 1 is also considered a New Participant.~~

~~(k) Premium means the same as Reimbursement Premium, which is the Premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with Section 215.555(5)(b), F.S., by the rate as derived from the Premium Formula.~~

~~(3) The Premium Formula.~~

~~(a) Because of the diversity of the insurers and the risks they insure which are affected by Section 215.555, F.S., the Premium Formula is adopted in this subsection and special circumstances are addressed in subsection (4), below. The Formula for determining the Actuarially Indicated Reimbursement Premium to be paid to the Fund, as required by Section 215.555(5)(b), F.S., is the rate times the exposure per \$1,000 of insured value and this equals the Premium to be paid in dollars. The premium rates are determined by taking into account geographic location by zip code; construction type; policy deductible; type of insurance and other such factors deemed by the SBA Board to be appropriate. The Formula is developed by an Independent Consultant selected by the SBA Board, as required by Section 215.555(5)(b), F.S.~~

~~(b) For the 2017/2018 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund 2017 Ratemaking Formula Report Presented to the State Board of Administration of Florida March 23, 2017," <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, and approved by the Board on April 11, 2017, is hereby adopted and incorporated by reference into this rule. The premium rates are developed in accordance with the Premium Formula methodology approved by the Board.~~

~~(b) For the 2012 2013 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2012 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 22, 2012," <http://www.flrules.org/Gateway/reference.asp?No=Ref-01175>, is hereby adopted and incorporated by reference into this rule. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on~~

~~April 24, 2012, are hereby adopted and incorporated by reference in Form FHCF Rates 2012, "Florida Hurricane Catastrophe Fund Proposed 2012 Rates Presented to the State Board of Administration of Florida, March 22, 2012," <http://www.flrules.org/Gateway/reference.asp?No=Ref 01176>, is hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: www.sbafla.com/fhcf or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.~~

~~(c) For the 2013-2014 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2013 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 21, 2013," as approved on April 23, 2013, <http://www.flrules.org/Gateway/reference.asp?No=Ref 02750>, is hereby adopted and incorporated by reference into this rule. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 23, 2013, are hereby adopted and incorporated by reference in Form FHCF Rates 2013, "Florida Hurricane Catastrophe Fund Proposed 2013 Rates Presented to the State Board of Administration of Florida, March 21, 2013," as approved on April 23, 2013, <http://www.flrules.org/Gateway/reference.asp?No=Ref 02751>, hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: www.sbafla.com/fhcf or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.~~

~~(d) For the 2014-2015 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2014 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 20, 2014," <http://www.flrules.org/Gateway/reference.asp?No=Ref 04160>, is hereby adopted and incorporated by reference into this rule. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 22, 2014, are hereby adopted and incorporated by reference in Form FHCF Rates 2014, "Florida Hurricane Catastrophe Fund Proposed 2014 Rates Presented to the State Board of Administration of Florida, March 20, 2014," <http://www.flrules.org/Gateway/reference.asp?No=Ref 04161>, hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: www.sbafla.com/fhcf or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.~~

~~(e) For the 2015-2016 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida~~

~~Hurricane Catastrophe Fund: 2015 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 24, 2015," <http://www.flrules.org/Gateway/reference.asp?No=Ref 05418>, is hereby adopted and incorporated by reference into this rule. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 14, 2015, are hereby adopted and incorporated by reference in Form FHCF Rates 2015, "Florida Hurricane Catastrophe Fund Proposed 2015 Rates Presented to the State Board of Administration of Florida, March 24, 2015," <http://www.flrules.org/Gateway/reference.asp?No=Ref 05419>, hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: www.sbafla.com/fhcf or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.~~

~~(f) For the 2016/2017 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2016 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 15, 2016," <http://www.flrules.org/Gateway/reference.asp?No=Ref 06739>, and approved by the Board on March 29, 2016, is hereby adopted and incorporated by reference into this rule. The premium rates are developed in accordance with the Premium Formula methodology approved by the Board.~~

~~(4)(a) Special Circumstances.~~

~~(a)1. Allocation of Premium. Premiums paid to the FHCF with reference to property covered by Quota Share Primary Insurance Arrangements, as that phrase is defined in Section 627.351(6)(c)2.a.(I), F.S., will be allocated by the FHCF between the Company insurer and Citizens in accordance with the percentages specified in the Quota Share Primary Insurance Arrangement for the purposes of premium billing, calculating retentions and determining reimbursement payments.~~

~~(b)2. Special Rating Circumstances. The Premium Formula for policies that, based upon sound actuarial principles, require individual ratemaking and which are not excluded by rule will be based on the use of computer modeling for each individual Company for which it is applicable, i.e., portfolio modeling. The Independent Consultant will recommend guidelines for individual Company portfolio reporting and modeling to estimate individual Company FHCF expected losses. Individual Company FHCF expected losses for portfolio modeling exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for non-portfolio modeling exposures, but will also include a loading for the additional cost of individual Company modeling. The minimum exposure threshold for FHCF portfolio modeling rating will be sufficient to generate~~

estimated FHCF premium greater than the cost of modeling and other considerations and will be calculated by the Independent Consultant for the separate coverage levels of 45%, 75%, and 90% using the premium rates established pursuant to subsection (3) herein. The methodology used by the Independent Consultant will be based on sound actuarial principles to establish greater actuarial equity in the premium structure.

~~(b) Forfeiture or Surrender of Certificates of Authority; Insurers Which Do Not Have Exposure For Covered Policies For an Entire Contract Year.~~

~~1. Insurers which have forfeited their certificates of authority or which have withdrawn from the state or discontinued writing all kinds of insurance in this state after the beginning of the Contract Year shall have their Premiums determined in accordance with subsection (3), above.~~

~~2. Special recognition is not given to Companies that insurers which do not have exposure for Covered Policies for an entire Contract Year, except for New Participants as required by Article X(1) and X(2) of the Reimbursement Contract described in paragraph (c) of this subsection (4).~~

~~3. Any insurer which has forfeited its certificate of authority or which has discontinued writing in accordance with an order issued by the Department of Financial Services effective prior to June 1 of a Contract Year shall not be required to execute a Reimbursement Contract for that upcoming Contract Year with the Board provided that the insurer has no exposure to hurricane loss after May 31.~~

~~(c) New Participants.~~

~~1. All New Participants shall enter into a Reimbursement Contract with the Fund.~~

~~2. All New Participants shall pay a Reimbursement Premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the Reimbursement Contract.~~

~~3. This subparagraph applies to Companies writing new business on or after June 1 but prior to December 1 of the Contract Year.~~

~~a. All New Participants writing new business during the period specified above shall pay a provisional Premium of \$1,000 to provide consideration for the contract.~~

~~b. For the 2012/2013 Contract Year and earlier Contract Years, on or before March 1 of the Contract Year, the Company shall report its actual exposure as of December 31 of the Contract Year to the Administrator in accordance with the Data Call. For the 2012/2013 Contract Year, New Participants had the option of reporting exposure as of November 30 by February 1 of the Contract Year. The Administrator shall calculate the Company's actual Reimbursement Premium for the applicable Contract Year based on its actual exposure. To recognize that New Participants have limited exposure during this period, the actual Premium as determined by processing the~~

~~Company's exposure data shall then be divided in half, the provisional Premium shall be credited, and the resulting amount shall be the total Premium due for the Company for the remainder of the Contract Year. However, if that amount is less than \$1,000, then the Company shall pay \$1,000. The Premium payment is due no later than May 1 of the Contract Year (or April 1 if the November 30 option was chosen for the 2012/13 Contract Year). The Company's retention and coverage will be determined based on the total Premium due which is the Premium calculated based on the Company's December 31 exposure (or November if appropriate) and divided in half as described in this sub-subparagraph.~~

~~c. For the 2013/2014 Contract Year and subsequent Contract Years, the Company shall report its actual exposure as of November 30 of the Contract Year in accordance with the Data Call. The Administrator shall calculate the Company's actual Reimbursement Premium for the applicable Contract Year based on its actual exposure. To recognize that New Participants have limited exposure during this period, the actual Premium as determined by processing the Company's exposure data shall then be divided in half, the provisional Premium shall be credited, and the resulting amount shall be the total Premium due for the Company for the remainder of the Contract Year. However, if that amount is less than \$1,000, then the Company shall pay \$1,000. The Premium payment is due no later than April 1 of the Contract Year. The Company's retention and coverage will be determined based on the total Premium due which is the Premium calculated based on the Company's November 30 exposure and divided in half as described in this sub-subparagraph.~~

~~4. This subparagraph applies to Companies writing new business on or after December 1 but up to and including May 31 of the Contract Year. All New Participants writing new business during this period shall pay a Premium of \$1,000 to provide consideration for the Reimbursement Contract. The Company shall pay no other Premium for the remainder of the Contract Year. The Company shall not report its exposure data for this period to the Board. The Premium shall be paid upon signing the Reimbursement Contract.~~

~~(5) All the forms adopted and incorporated by reference in this rule may be obtained directly from the FHCF SBA website at www.sbafla.com/fhcf, or from the Florida Hurricane Catastrophe Fund Administrator, Paragon Strategic Solutions Inc., at 8200 Tower, 5600 West 83rd Street, Suite, 1100, Minneapolis, MN 55437.~~

~~Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-2-03, 7-29-04, 7-17-05, 7-6-06, 7-17-07, 6-16-08, 8-2-09, 7-8-10, 7-3-11, 6-25-12, 6-18-13, 6-10-14, 6-2-15, 5-18-16,~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne Bert, FHCF Chief Operating Officer, State Board of
Administration of Florida.

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: The Trustees of the State Board of
Administration of Florida.

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

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:

40C-2.101 Publications Incorporated by Reference

PURPOSE AND EFFECT: By July 1, 2017, the District is required to set minimum flows or levels (MFLs) for Silver Springs in Marion County, an Outstanding Florida Spring. Based on the best available information, all three recommended minimum flows and levels in proposed 40C-8.031(7), F.A.C., are currently being achieved; however, the recommended minimum frequent low flow and level for Silver Springs would not be met under projected water use demands through the 20-year planning horizon. Thus, the District has concurrently approved an MFL prevention strategy to prevent the existing flows and levels from falling below the established minimum flows and levels. That strategy includes a regulatory component, consisting of new rules to prevent the existing flows and levels from falling below the minimum flows and levels for Silver Springs.

SUMMARY: The amendments to 40C-2.101, F.A.C., and the Applicant's Handbook, Consumptive Uses of Water (AH) that is incorporated by reference in 40C-2.101(1)(a), F.A.C, will create the regulatory part of a strategy to prevent the existing flows and levels from falling below the minimum flows and levels for Silver Springs. Among other things, new Section 3.3.3, AH, will: (1) define terms used in the new section; (2) delineate the boundaries of the area in which the new rules apply; (3) restrict certain upper Floridan groundwater uses that have the potential to impact Silver Springs without a supplemental water supply or offset project to no more than demonstrated 2024 demand; (4) provide options for addressing potential impacts to Silver Springs; (5) provide a temporary groundwater allocation for certain permittees that are diligently pursuing a supplemental water supply or offset project; (6) clarify that irrigation allocations for agricultural, recreational, or landscape uses include both an allocation for average climatic conditions as well as drought conditions; and (7) provide criteria for self-relocations of reasonable-beneficial permitted allocations.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS AND LEGISLATIVE
RATIFICATION:

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The Agency has determined that the proposed rule is expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District prepared a statement of estimated regulatory costs (SERC) regarding the proposed amendments to 40C-2.101, F.A.C. The SERC concludes that amendments to 40C-2.101, F.A.C will have an adverse impact on small business and is likely to increase directly or indirectly regulatory costs in excess of \$1,000,000 in the aggregate within five years after the implementation of the rule. Based on the best available information, all three recommended minimum flows and levels in proposed 40C-8.031(7), F.A.C., are currently being achieved; however, the recommended minimum frequent low flow and level for Silver Springs would not be met under projected water use demands through the 20-year planning horizon. Thus, concurrently with the amendment to 40C-8.031(7), F.A.C., the District has approved an MFL prevention strategy to prevent the existing flows and levels from falling below the established minimum flows and levels for Silver Springs. That prevention strategy includes a regulatory component, which appears in new Section 3.3.3, AH. The non-regulatory part of the District's prevention strategy includes a commitment by the District to assist with two water supply development projects (Lower Floridan Aquifer Conversion and Wetland Recharge Park), which will reduce potential impacts to Silver Springs and make more groundwater available from the upper Floridan. Due to section 373.805(4)(d), F.S., the District is required to pay at least 25% of the total project costs for each of these projects identified in the non-regulatory part of its prevention strategy. That significant commitment by the District will result in lower costs for the regulated public to achieve the Silver Springs MFLs than if the District did not commit to assisting both projects. The proposed SERC concludes that there is an increased economic cost associated with the proposed Silver Springs MFLs and the proposed prevention strategy rules for Silver Springs. Based on the SERC prepared by the District and the analysis performed by the District in preparing the SERC, the proposed rule amendments are expected to require legislative ratification pursuant to subsection 120.541(3), 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: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.243, 373.246, 373.250, 373.805 FS.

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

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: District Clerk, (386)329-4127. 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: Tom Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108 or tmayton@sjrwmd.com, and Mary Ellen Winkler, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2340 or mwinkler@sjrwmd.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Parts I (insert URL <https://www.flrules.org/Gateway/reference.asp?No=Ref-05972>) subsections 62-40.416(7)-(8), F.A.C., effective November 3, 2015, in Appendix G (<https://www.flrules.org/Gateway/reference.asp?No=Ref-04443>), and Limiting Conditions for subsection 40C-2.042(9), F.A.C., Dewatering General Permits by Rule in Appendix I (<https://www.flrules.org/Gateway/reference.asp?No=Ref-05973>) of the document entitled “Applicant’s Handbook, Consumptive Uses of Water,” effective effective date ~~November 3, 2015~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District’s administration of the consumptive use permitting program.

(b) The following rules of the Florida Department of Environmental Protection: subsections 62-40.416(7), 62-40.416(8) and 62-40.416(9), F.A.C. (<https://www.flrules.org/Gateway/reference.asp?No=Ref-04446>), effective May 3, 2014, which are hereby incorporated by reference as of August 14, 2014. Subsections 62-40.416(7) and 62-40.416(8), F.A.C., are referenced in sections 3.3.2.1 and 3.3.2.2, respectively, and in Appendix G of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), subsection 62-40.416(9), F.A.C., is referenced in section 2.2.9 of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(c) The Northern District Groundwater Flow Model Version 5.0 (insert URL), effective effective date, is referenced in section 3.3.3.3 of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.17, 373.227(5) FS. Law Implemented 373.042, 373.0421, 373.073, 373.079, 373.083(5), 373.103, 373.109, 373.219, 373.223, 373.226, 373.227, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62, 373.707, 373.805 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, 12-27-10, 2-2-12, 9-16-12, 8-14-14, 11-3-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tom Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108 tmayton@sjrwmd.com, and Mary Ellen Winkler, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2340 mwinkler@sjrwmd.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District.

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

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-8.031
RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments to Rule 40C-8.031, F.A.C., will be to adopt minimum flows and levels for Silver Springs in Marion County.

SUMMARY: The proposed rules would establish minimum water flows and levels for Silver Springs, an Outstanding Florida Spring, pursuant to the mandate of section 373.042, F.S. Each water flow and level has an associated duration and return interval. The terms herein are already defined in Rule Chapter 40C-8, F.A.C. As with all minimum flows and levels established by the District, if adopted, the minimum flows and levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The Agency has determined that the proposed rule is expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District prepared a statement of estimated regulatory costs (SERC) regarding the proposed amendments to Rule 40C-8.031, F.A.C.. The SERC concludes that amendments to Rule 40C-8.031, F.A.C. will have an adverse impact on small business and is likely to increase directly or indirectly regulatory costs in excess of \$1,000,000 in the aggregate within five years after the implementation of the rule. Based on the best available information, all three recommended minimum flows and levels in proposed Rule 40C-8.031(7), F.A.C., are currently being achieved; however, the recommended minimum frequent low flow and level for Silver Springs would not be met under projected water use demands through the 20-year planning horizon. Thus, concurrently with the amendment to Rule 40C-8.031(7), F.A.C., the District has approved an MFL prevention strategy to prevent the existing flows and levels from falling below the established minimum flows and levels for Silver Springs. That prevention strategy includes a regulatory component, which appears in new Section 3.3.3, AH.

The non-regulatory part of the District’s prevention strategy includes a commitment by the District to assist with two water supply development projects (Lower Floridan Aquifer Conversion and Wetland Recharge Park), which will reduce potential impacts to Silver Springs and make more groundwater available from the upper Floridan. Due to section 373.805(4)(d), F.S., the District is required to pay at least 25% of the total project costs for each of these projects identified in the non-regulatory part of its prevention strategy. That significant commitment by the District will result in lower costs for the regulated public to achieve the Silver Springs MFLs than if the District did not commit to assisting both projects. The proposed SERC concludes that there is an increased economic cost associated with the proposed Silver Springs MFLs and the proposed prevention strategy rules for Silver Springs. Based on the SERC prepared by the District and the analysis performed by the District in preparing the SERC, the proposed rule amendments would normally require legislative ratification pursuant to subsection 120.541(3), F.S. However, under subsection 373.042(8), F.S., minimum flows and levels are not subject to subsection 120.541(3), 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: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.802(4) FS.

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

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: District Clerk, (386)329-4127. 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: Tom Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108 or tmayton@sjrwmd.com, and Mary Ellen Winkler, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2340 or mwinkler@sjrwmd.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels

(1) through (6) No change.

(7) The following minimum surface water flows and levels are established for Silver Springs in Marion County, as measured at the USGS 02239501 gaging station:

<u>Minimum Flows</u>	<u>Flow (cfs)</u>	<u>Level (NAVD)</u>	<u>Duration (days)</u>	<u>Return Interval</u>
<u>Frequent high</u>	<u>828</u>	<u>40.0</u>	<u>30</u>	<u>5</u>
<u>Average</u>	<u>638</u>	<u>38.2</u>	<u>180</u>	<u>1.7</u>
<u>Frequent low</u>	<u>572</u>	<u>37.0</u>	<u>120</u>	<u>3</u>

The minimum surface water flows were developed to ensure that the associated surface water levels will be met. The two factors to be weighed in the status assessment of this MFL are (1) whether the surface water levels have been met and (2) the extent to which the surface water flow has been reduced due to groundwater withdrawals.

(7) through (8) renumbered (8) through (9) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-12-03, 11-10-03, 1-12-04, 2-1-06, 12-3-06, 5-10-07, 5-24-07, 1-11-10, 8-22-13, 4-3-14, 11-25-14, 12-31-14, 1-31-16 (4)(aaa), 1-31-16 (4)(ssss), 2-1-17 (4)(w), 2-1-17 (6), (8),

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, tmayton@sjrwmd.com, and Mary Ellen Winkler, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2340 or mwinkler@sjrwmd.com.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108 tmayton@sjrwmd.com, and Mary Ellen Winkler, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2340 mwinkler@sjrwmd.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 12, 2016

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NOS.: RULE TITLES:
 59C-1.032 Cardiac Catheterization and Angioplasty Institutional Health Services
 59C-1.033 Open Heart Surgery Program

PURPOSE AND EFFECT: The Agency is proposing to amend rules to remove language regarding adult services, update definitions and add the collection of utilization reports.

SUMMARY: The proposed amendments to Rules 59C-1.032 and 59C-1.033, F.A.C., remove all references to adult open heart surgery programs and adult cardiac catheterization programs, as these programs no longer require a CON to be established, and remove travel standard language, need determination and other components of the adult program’s CON criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 408.034 (3), (8); 408.15 (8), FS.

LAW IMPLEMENTED: 408.032 (17), 408.033 (1)(a), (3)(b), 408.034 (3), 408.035, 408.036 (1)(f), 408.039 (1), (2), (4)(a), FS.

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

DATE AND TIME: May 4, 2017 from 8:30-10:30 a.m.

PLACE: Agency for Health Care Administration, Building Three, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marisol Fitch, Certificate of Need and Commercial Managed Care Unit Supervisor, 2727 Mahan Drive, Tallahassee, Florida, (850) 412-4346 or by email at Marisol.fitch@ahca.myflorida.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marisol Fitch, Certificate of Need and Commercial Managed Care Unit Supervisor, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)412-4346 or by email at Marisol.Fitch@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.032 Pediatric Cardiac Catheterization and Angioplasty Institutional Health Services.

(1) Agency Intent. ~~This rule amendment implements the provision of Section 408.036(3)(k), F.S., which provides that a Certificate of Need shall not be required for an expenditure to provide an outpatient service.~~ This rule defines the requirements for the establishment of pediatric inpatient cardiac catheterization services, including minimum requirements for staffing, equipment, and a numeric need methodology for pediatric cardiac catheterization programs. A Certificate of Need for the establishment of pediatric inpatient cardiac catheterization services shall not normally be approved unless the applicant meets the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule. A cardiac catheterization program which is established and utilized for the purpose of serving outpatients exclusively is not regulated under this rule. A pediatric cardiac catheterization program which provides services to inpatients, regardless of the reason for their admission, including coronary angioplasty, valvuloplasty, or ablation of intracardiac bypass tracts, ~~or pediatric cardiac catheterization,~~ requires a Certificate of Need. Hospitals operating more than one hospital facility under the same hospital license in the same District, shall obtain a separate Certificate of Need for the establishment of a pediatric cardiac catheterization program in each health care facility.

(2) Definitions.

(a) Approved Program. A proposed pediatric cardiac catheterization and angioplasty program that is not operational but for which a valid Certificate of Need, a letter of intent to grant a Certificate of Need, or a final order granting a Certificate

of Need has been issued, consistent with the provisions of paragraph 59C-1.008(2)(b), F.A.C., on or before the most recently published deadline for Agency initial decisions prior to publication of the fixed need pool, as specified in paragraph 59C-1.008 (1)(g), F.A.C.

(b)(~~a~~) Cardiac Catheterization. Cardiac catheterization is defined as a medical procedure requiring the passage of a catheter into one or more cardiac chambers of the left and right heart, with or without coronary arteriograms, for the purpose of diagnosing congenital or acquired cardiovascular diseases, or for determining measurement of blood pressure flow. Cardiac catheterization also includes the selective catheterization of the coronary ostia with injection of contrast medium into the coronary arteries.

(c)(~~b~~) Coronary Angioplasty. Coronary angioplasty is defined as a hospital inpatient procedure requiring the dilation of narrowed segments of the coronary vessels, via a balloon-tipped catheter.

(d)(~~e~~) Catheterization Program. A cardiac catheterization program is defined as an institutional health service which is provided by or on behalf of a health care facility and which consists of one or more laboratories which comprise a room or suite of rooms, and has the equipment and staff required to perform cardiac catheterization serving inpatients and outpatients. A cardiac catheterization program approved for angioplasty services, or other types of therapeutic cardiac procedures shall have the additional necessary equipment and staff to perform angioplasty procedures.

(d) ~~Approved Program.~~ A proposed cardiac catheterization and angioplasty program, not operational as defined by this rule, for which a Certificate of Need, a letter of intent to grant a Certificate of Need, or a final order granting a Certificate of Need was issued, consistent with the provisions of paragraph 59C 1.008(2)(b), F.A.C., on or before the most recent published deadline for Agency initial decisions prior to publication of the Fixed Need Pool, as specified in paragraph 59C 1.008(1)(g), F.A.C.

(e) ~~Cardiac Catheterization Annual Program Volume.~~ The cardiac catheterization annual program volume equals the total number of inpatient and outpatient admissions to the cardiac catheterization program, for the purpose of cardiac catheterization or angioplasty, for the 12 month period specified in paragraph (8)(c). A single admission is equivalent to one patient visit to the cardiac catheterization program. Each patient visit will be counted in determining the actual program volume regardless of whether the patient is an inpatient or outpatient at the facility performing the procedure, or has been admitted as an inpatient or outpatient at another facility.

(f) Inpatient. An inpatient is defined as a person who has been admitted to a hospital for bed occupancy for purposes of receiving Inpatient Hospital Services. A person is considered an

~~inpatient if he was formally admitted as an inpatient with the expectation that he would remain at least overnight and occupy a bed, even though it later develops that he can be discharged or that he is transferred to another hospital and does not actually use a hospital bed overnight. An inpatient of a hospital cannot be considered an outpatient of that or any other hospital at the same time.~~

~~(g) Outpatient. An outpatient is defined as a person who receives Cardiac Catheterization in a Health Care Facility and does not meet the definition of inpatient in paragraph (e).~~

~~(e) Operational Program. A new pediatric cardiac catheterization and angioplasty program approved by the Agency that has performed at least one pediatric cardiac catheterization as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.~~

~~(f) Pediatric Patient. A person under 15 year of age.~~

~~(g)(h) Service Planning Area. The service planning area for a Cardiac Catheterization Program is the applicable district unless cardiac catheterization subdistricts have been defined by the respective local health council and promulgated into rule by the Agency. Planning for pPediatric cCardiac cCatheterization sServices shall be done on a regionalized basis. Certificate of Need applications for pPediatric cCardiac cCatheterization sServices shall be competitively reviewed within each of the following five regions. The planning regions for pPediatric sServices shall be:~~

1. Service Planning Area I includes Districts 1 and 2.
2. Service Planning Area II includes Districts 3 and 4.
3. Service Planning Area III includes Districts 5, 6 and 8.
4. Service Area IV includes Districts 7 and 9.
5. Service Area VI includes Districts 10 and 11.

~~(i) Operational Program. A new cardiac catheterization and angioplasty program approved by the Agency that has performed at least one inpatient or Outpatient Cardiac Catheterization as of 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool; or, in the case of programs which performed only Outpatient Cardiac Catheterization prior to Agency approval, a program that has performed at least one Inpatient Cardiac Catheterization as of 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool.~~

~~(3) Scope of Service.~~

~~(a) Each pediatric cCardiac cCatheterization pProgram shall be capable of providing immediate endocardiac catheter pacemaking in cases of cardiac arrest, and pressure recording for monitoring and to evaluate valvular disease, or heart failure. Applicants for pediatric cCardiac cCatheterization pPrograms shall document the manner in which they will meet this requirement.~~

~~(b) No change.~~

(c) At a minimum a pediatric cardiac catheterization program shall include:

1. through 8 No change.

9. A multichannel polygraph; and,

10. Emergency equipment including but not limited to a temporary pacemaker unit with catheters, ventilatory assistance devices, and a DC defibrillator;

11. Biplane angiography, with framing rates of 30-60 fps and injection rates of up to 40 mL/s; and

12. A crash cart containing the necessary medication and equipment for ventilatory support; a crash cart shall be located in each pediatric cardiac catheterization procedure room.

(4) Service Accessibility.

~~(a) Travel Standard. An Adult Inpatient Cardiac Catheterization Program shall be available within a maximum automobile travel time of 1 hour, under average travel conditions, for at least 90% percent of a service planning area's population provided that the Cardiac Catheterization Program can meet other applicable statutory and related rule criteria.~~

~~(a)(b) Hours of Operation. Every pediatric cCardiac cCatheterization pProgram shall have the capability of rapid mobilization of the study team within 30 minutes for emergency procedures 24 hours a day, 7 days a week. Applicants for new pediatric cCardiac cCatheterization pPrograms shall document the manner in which they will meet this requirement.~~

~~(b)(e) Underserved Population Groups. Applicants for a pediatric cCardiac cCatheterization pProgram shall indicate the projected number of medically indigent and Medicaid patients to be served annually. Applicants shall indicate their past provision of hHealth cCare sServices to medically indigent and Medicaid patients.~~

(5) Service Quality.

~~(a) Quality of Care. Pediatric cardiac catheterization programs shall have a department, service or other similarly titled unit which shall be organized, directed, staffed and integrated with other units and departments of the hospital in a manner designed to assure the provision of quality patient care. Applicants proposing to establish a new pediatric cardiac catheterization program shall demonstrate how they will meet this provision. Accreditation. Any health care facility providing Inpatient Catheterization only, or inpatient and Outpatient Cardiac Catheterization, or angioplasty, must be fully accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO) for special care units, or be accredited by the American Osteopathic Association.~~

~~(b) Availability of Health Personnel. Any applicant proposing to establish a pediatric cCardiac cCatheterization pProgram must document that adequate numbers of properly trained personnel will be available. At a minimum, a team involved in pediatric cCardiac cCatheterization consists of a physician, one nurse, and one or more technicians. An applicant~~

for a new pediatric cCardiac cCatheterization pProgram shall document that the following staff are available:

1. ~~The A program director, board-certified or board-eligible in internal medicine, or radiology with subspecialty training in cardiology or cardiovascular, radiology; the program director for programs performing pPediatric cCardiac cCatheterization Program shall be board-eligible or board-certified by the Sub-Board of Pediatric Cardiology of the American Board of Pediatrics or the American Osteopathic Association in the area of pediatric cardiology;~~

2. through 9. No change.

(6) Coordination of Services.

~~(a) Cardiac catheterization programs proposed in a facility not performing open heart surgery must submit a written protocol as part of their Certificate of Need application for the transfer of emergency patients to a hospital providing open heart surgery, which is within 30 minutes travel time by emergency vehicle under average travel conditions.~~

~~(b) Cardiac catheterization programs which include the provision of coronary angioplasty, valvuloplasty, or ablation of intracardiac bypass tracts must be located within a hospital which also provides open heart surgery.~~

~~(c) Pediatric cardiac catheterization programs must be located in a hospital in which pediatric open heart surgery is being performed.~~

(7) Service Cost. Cost data for pediatric cardiac catheterization programs, among similar institutions, shall be comparable when patient mix, cost accounting methods, labor market differences and other extenuating factors are taken into account.

(8) Need Determination. In order to assure patient safety and staff efficiency and to achieve maximum economic use of existing resources, the following criteria shall be considered in the approval of Certificate of Need applications for nNew pediatric Adult cCardiac cCatheterization pPrograms.

~~(a) The minimum annual projected net program volume need for the establishment of a New Adult Cardiac Catheterization Program shall be at or exceed an annual program volume of 300 admissions for the service planning area.~~

~~(b) Applicants shall demonstrate that they will be able to reach an annual program volume of 300 admissions within 2 years after the program becomes operational.~~

~~(c) Need Determination. Numeric need for a New Adult Cardiac Catheterization Program in a service planning area is indicated if the difference between the projected program volume and the number of adult cardiac catheterizations performed in the service planning area during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool, minus the number of approved adult programs times 300, is at or exceeds a program~~

~~volume of 300 for the applicable service planning area. This need formula is expressed as follows:~~

$$\text{NN} = \text{PCCPV} - \text{ACCPV} - \text{APP}$$

~~Where:~~

~~NN is the 12 month net Adult Program volume need in the Service Planning Area projected 2 years into the future for the respective planning horizon. Net need projections are published by the Agency as a Fixed Need Pool twice a year. The Planning Horizon for applications submitted between January 1 and June 30 shall be July of the year 2 years subsequent to the year the application is submitted. The Planning Horizon for applications submitted between July 1 and December 31 shall be January of the year 2 years subsequent to the year which follows the year the application is submitted.~~

~~PCCPV is the projected Adult Cardiac Catheterization Program volume which equals the Actual Adult Cardiac Catheterization Program volume (ACCPV) rate per thousand adult population 15 years and over for the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool, multiplied by the projected adult population 15 years of age and over 2 years into the future for the respective Planning Horizon. The population projections shall be based on the most recent population projections available from the Executive Office of the Governor which are available to the Agency 3 weeks prior to the Fixed Need Pool publication.~~

~~ACCPV equals the Actual Adult Cardiac Catheterization Program volume for the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool.~~

~~APP is the projected program volume for Approved Adult Programs. The Projected Program volume for each Approved Program shall be 300 admissions.~~

~~(d) Irrespective of the net need calculated under paragraph (c), no additional Cardiac Catheterization Program shall normally be approved if any of the following conditions exist:~~

~~1. One or more of the Operational Cardiac Catheterization Programs in the district that were operational for at least 12 months as of 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool had less than 300 admissions to the Cardiac Catheterization Program during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool; or~~

~~2. One or more of the Cardiac Catheterization Programs in the District that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool had less than an average of 25 admissions to the Cardiac Catheterization Program per month.~~

~~(a)(e) Pediatric cCardiac cCatheterization pPrograms shall be established on a regional basis. A nNew pPediatric cCardiac~~

~~c~~Catheterization ~~p~~Program shall not normally be approved unless the number of live births in the service planning area, minus the number of existing and approved programs multiplied by 30,000, is at or exceeds 30,000.

~~(b)(f)~~ Applicants for a new pediatric cardiac catheterization program ~~Programs catheterizing pediatric patients only~~, shall project a minimum service volume of 150 cardiac catheterizations per year within 2 years of the initial operation of the program. ~~Programs serving both Adult and Pediatric Patients shall project a program volume of 350 cardiac catheterizations per year.~~

~~(c)(g)~~ Actual inpatient and outpatient migration from one service planning area to another shall be considered in the review of Certificate of Need applications.

(9) Utilization Reports. Facilities providing licensed pediatric inpatient cardiac catheterization services shall provide utilization reports to the Agency or its designee within 45 days after the end of each calendar quarter. Facilities shall provide a report of the number of pediatric procedures, for the purpose of cardiac catheterization or angioplasty, performed by the pediatric cardiac catheterization program each calendar quarter. ~~Decisions on Certificate of Need applications for the expansion of existing programs shall be made on the basis of the applicant's justification for the level of the proposed capital expenditure and the utilization of existing laboratories in the facility.~~

Rulemaking Authority 408.034(3), (8), 408.15(8) FS. Law Implemented 408.032(17), 408.033(3)(b), 408.034(3), 408.035(1), 408.036(1)(f), 408.039(4)(a) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(e), Amended 11-11-91, 7-6-92, Formerly 10-5.032, Amended 8-24-93, 9-12-94, 6-19-95, 8-23-95, _____.

59C-1.033 Pediatric Open Heart Surgery Program.

(1) Agency Intent. This rule specifies the requirements for the establishment of an ~~Adult or p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program, including minimum requirements for staffing and equipment; and it specifies a methodology for determining the numeric need for additional programs. A Certificate of Need for the establishment of an ~~an~~ pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program shall not normally be approved unless the applicant meets the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule. Hospitals operating more than one hospital on separate premises under a single license shall obtain a separate Certificate of Need for the establishment of pediatric oOpen hHeart sSurgery sServices in each facility. ~~Separate certificates of need are required for the establishment of an Adult or a Pediatric Open Heart Surgery Program.~~

(2) Definitions.

(a) "Agency." The Agency for Health Care Administration. "Adult." A person age 15 or older.

~~(b) "Adult Open Heart Surgery Program Service Area." The Adult Open Heart Surgery Program service area is the District.~~

~~(b)(e)~~ "Approved pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program." A ~~n~~ pediatric open heart surgery program, approved by the Agency but not operational as defined by this rule, that had received a Certificate of Need or a statement of intent to award a Certificate of Need on or before the most recent published deadline for Agency initial decisions prior to publication of the ~~f~~Fixed ~~n~~Need ~~p~~Pool (as specified in paragraph 59C-1.008(1)(g), F.A.C).

~~(d) "Department." The Agency for Health Care Administration.~~

(c) "District." A service District of the Agency defined in Section 408.032(5), F.S.

~~(d)(e)~~ "Fixed Need Pool." The numerical ~~pediatric o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program ~~n~~Need for the applicable planning horizon, as established by the Agency in accordance with this rule and subsection 59C-1.008 (2), F.A.C.

~~(f) "District." A service District of the Agency defined in Section 408.032(5), F.S.~~

(e) "Operational Pediatric Open Heart Surgery Program." A pediatric open heart surgery program approved by the Agency that has performed at least one open heart surgery operation as of 6 months prior to the beginning date of the quarter of the publication of the fixed need pool.

~~(f)(g)~~ "Pediatric Open Heart Surgery Operation." Surgical procedures that are used to treat conditions such as congenital heart defects, and heart and coronary artery diseases, including replacement of heart valves, cardiac vascularization, and cardiac trauma. One open heart surgery operation equals one patient admission to the operating room. ~~Open heart surgery operations are classified under the following diagnostic related groups (DRGs): DRGs 104, 105, 106, 107, 108 and 109.~~

~~(g)(h)~~ "Pediatric Open Heart Surgery Program." A program established in a room or suite of rooms in a hospital, equipped for ~~pediatric o~~Open ~~h~~Heart ~~s~~Surgery ~~o~~Operations and staffed with qualified surgical teams and support staff.

~~(i) "Operational Open Heart Surgery Program." An open heart surgery program approved by the Agency that has performed at least one open heart surgery operation as of 6 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool.~~

~~(h)(j)~~ "Pediatric Open Heart Surgery Program Service Area." For the purpose of Certificate of Need review, the ~~p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program ~~s~~Service ~~a~~Areas are:

1. Service area I includes Districts 1 and 2.

2. Service area II includes Districts 3 and 4.
3. Service area III includes Districts 5, 6 and 8.
4. Service area IV includes Districts 7 and 9.
5. Service area V includes Districts 10 and 11.

(i) “Pediatric patient” means a person under 15 years of age.

~~(j)(4)~~ “Planning Horizon.” The projected date by which a ~~p~~Proposed ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program would initiate service. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 is July of the year 2 years subsequent to the year the application is submitted; the planning horizon for applications submitted between July 1 and December 31 is January of the year 2 years subsequent to the year which follows the year the application is submitted.

(3) Service Availability.

(a) Each ~~Adult or p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program must have the capability to provide a full range of open heart surgery operations, including, at a minimum:

1. Repair or replacement of heart valves;
2. Repair of congenital heart defects;
3. Cardiac revascularization;
4. Repair or reconstruction of intrathoracic vessels; and,
5. Treatment of cardiac trauma.

Applicants for ~~Adult or p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Programs shall document the manner in which they will meet the requirements of this subparagraph.

(b) Each ~~Adult or p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program must document its ability to implement and apply circulatory assist devices such as intra-aortic balloon assist and prolonged cardiopulmonary partial bypass.

(c) A health care facility with an ~~Adult or p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program shall provide the following services:

1. through 3. No change.
4. Radiology, including diagnostic nuclear medicine and magnetic resonance imaging studies;
5. through 6. No change.
7. Non-invasive cardiographics, including electrocardiography, exercise stress testing, and transthoracic and transesophageal echocardiography;
8. Intensive care; ~~and~~;
9. Emergency care available 24 hours per day for cardiac emergencies; ~~and~~
10. Extra Corporeal Life Support (ECLS).

Notwithstanding any other sections in this rule to the contrary, approved pediatric open heart surgery providers may perform open heart surgery operations for or related to congenital heart defects regardless of the age of the patient.

(4) Service Accessibility.

~~(a) Travel Time. Adult open heart surgery shall be available within a maximum automobile travel time of 2 hours~~

~~under average travel conditions for at least 90% percent of the district’s population.~~

~~(a)(b)~~ Hours of Operation. ~~Adult or p~~Pediatric open heart surgery programs shall be available for elective open heart operations 8 hours per day, 5 days a week. Each pediatric open heart surgery program shall possess the capability for rapid mobilization of the surgical and medical support teams for emergency cases 24 hours per day, 7 days a week. Applicants for ~~adult or~~ pediatric open heart surgery programs shall document the manner in which they will meet this requirement.

~~(b)(c)~~ Open Heart Surgery Team Mobilization. ~~Adult or p~~Pediatric open heart surgery shall be available for emergency open heart surgery operations within a maximum waiting period of 2 hours.

~~(c)(d)~~ Underserved Population Groups. ~~Adult or p~~Pediatric open heart surgery shall be available to all persons in need. A patient’s eligibility for pediatric open heart surgery shall be independent of his or her ability to pay. Applicants for ~~adult or~~ pediatric open heart surgery programs shall document the manner in which they will meet this requirement. Pediatric Adult open heart surgery shall be available in each District to Medicare, Medicaid, and indigent patients. Pediatric open and closed heart surgery shall be available in each ~~p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program sService aArea.

(5) Service Quality.

(a) Availability of Health Personnel. Any applicant proposing to establish an ~~Adult or p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program must document that adequate numbers of properly trained personnel will be available to perform in the following capacities during open heart surgery:

1. through 5. No change.

(b) Follow-up Care. Following pediatric ~~an~~ open heart surgery operation, patients shall be cared for in an intensive care unit that provides 24 hour nursing coverage with at least one registered nurse for every two patients during the first hours of post-operative care ~~for both adult and pediatric cases. There shall be at least two cardiac surgeons on the staff of a hospital with an Adult Open Heart Surgery Program, at least one of whom is board certified and the other at least board eligible. One of these surgeons must be on call at all times.~~ There shall be at least one board certified or board eligible pediatric cardiac surgeon on the staff of a hospital with a ~~p~~Pediatric ~~o~~Open ~~h~~Heart ~~s~~Surgery ~~p~~Program. A clinical cardiologist must be available for consultation to the surgical team and responsible for the medical management of patients as well as the selection of suitable candidates for surgery along with the cardiovascular surgical team. Backup personnel in cardiology, anesthesiology, pathology, thoracic surgery and radiology shall be on call in case of an emergency. Twenty-four hour per day coverage must be arranged for the operation of the cardiopulmonary bypass pump. All members of the team caring for cardiovascular

surgical patients must be proficient in cardiopulmonary resuscitation.

(6) Patient Charges. Charges for pediatric open heart surgery operations in a hospital shall be comparable with the charges established by similar institutions in the service area, when patient mix, reimbursement methods, cost accounting methods, labor market differences and other extenuating factors are taken into account.

~~(7) Adult Open Heart Surgery Program Need Determination.~~

~~(a) An additional Open Heart Surgery Program shall not normally be approved in the District if any of the following conditions exist:~~

~~1. There is an approved Adult Open Heart Surgery Program in the district;~~

~~2. One or more of the operational adult open heart surgery programs in the district that were operational for at least 12 months as of 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool performed less than 300 adult open heart surgery operations during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool; or,~~

~~3. One or more of the adult open heart surgery programs in the district that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool performed less than an average of 25 adult open heart surgery operations per month.~~

~~(b) Provided that the provisions of paragraph (7)(a) do not apply, the Agency shall determine the net need for an additional Adult Open Heart Surgery Program in the district based on the following formula:~~

$$NN = [(POH/500) - OP] \cdot 0.5$$

~~Where:~~

~~1. NN = The need for an additional Adult Open Heart Surgery Program in the district projected for the applicable planning horizon. The additional Adult Open Heart Surgery Program may be approved when NN is 0.5 or greater.~~

~~2. POH = The projected number of adult open heart surgery operations that will be performed in the district in the 12 month period beginning with the planning horizon. To determine POH, the Agency will calculate COH/CPOP x PPOP, where:~~

~~a. COH = The current number of adult open heart surgery operations, defined as the number of adult open heart surgery operations performed in the district during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the Fixed Need Pool.~~

~~b. CPOP = The current district population age 15 years and over.~~

~~c. PPOP = The projected district population age 15 years and over. For applications submitted between January 1 and~~

~~June 30, the population estimate used for CPOP shall be for January of the preceding year; for applications submitted between July 1 and December 31, the population estimate used for CPOP shall be for July of the preceding year. The population estimates used for CPOP and PPOP shall be the most recent population estimates of the Executive Office of the Governor that are available to the Agency 3 weeks prior to publication of the Fixed Need Pool.~~

~~3. OP = The number of operational adult open heart surgery programs in the district.~~

~~(c) In the event there is a demonstrated numeric need for an additional Adult Open Heart Surgery Program pursuant to paragraph (7)(b), preference shall be given to any applicant from a county that meets the following criteria:~~

~~1. None of the hospitals in the county has an existing or approved open heart surgery program; and,~~

~~2. Residents of the county are projected to generate at least 1200 annual hospital discharges with a principal diagnosis of ischemic heart disease, as defined by ICD 9 CM codes 410.0 through 414.9. The projected number of county residents who will be discharged with a principal diagnosis of ischemic heart disease will be determined as follows:~~

$$a. PIHD = (CIHD/CoCPOP \times CoPPOP)$$

~~where:~~

~~b. PIHD = The projected 12 month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over;~~

~~c. CIHD = The most recent 12 month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over, as available in the Agency's hospital discharge data base;~~

~~d. CoCPOP = The current estimated population age 15 and over for the county, included as a component of CPOP in subparagraph (7)(b)2.; and,~~

~~e. CoPPOP = The planning horizon estimated population age 15 and over for the county, included as a component of PPOP in subparagraph (7)(b)2.~~

~~(d) In the event no numeric need for an additional Adult Open Heart Surgery Program is shown in paragraphs (7)(a) or (7)(b) above, the need for enhanced access to health care for the residents of a service district is demonstrated for an applicant in a county that meets the criteria of subparagraphs (7)(c)1. and 2. above.~~

~~(e) An additional Adult Open Heart Surgery Program will not normally be approved for the district if the approval would reduce the 12 month total at an existing Adult Open Heart Surgery Program in the district below 300 open heart surgery operations.~~

~~(7)(8) Pediatric Open Heart Surgery Program Need Determination. The need for pediatric open heart surgery programs shall be determined on a regional basis in accordance~~

with the pPediatic oOpen hHeart sSurgery pProgram sService aAreas as defined in paragraph (2)(j). A new pPediatic oOpen hHeart sSurgery pProgram shall not normally be approved unless the total of resident live births in the pPediatic oOpen hHeart sSurgery pProgram sService aArea, for the most recent calendar year available from the Department of Health, Office of Vital Statistics at least 3 months prior to publication of the fFixed nNeed pPool, minus the number of existing and approved pediatric open heart surgery programs multiplied by 30,000, is at or exceeds 30,000.

(8) Utilization Reports. Facilities operating a licensed pediatric open heart surgery program shall provide utilization reports to the Agency or its designee within 45 days after the end of each calendar quarter. Facilities shall provide a report of the number of pediatric procedures, for the purpose of open heart surgery, performed by the pediatric open heart surgery program each calendar quarter.

Rulemaking Authority 408.034(3), (8), 408.15(8) FS. Law Implemented 408.032(17), 408.033 (3)(b), 408.034(3), 408.036(1)(f) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(f), Amended 1-26-92, Formerly 10-5.033, Amended 6-17-93, 8-24-93, 1-24-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Marisol Fitch

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin M. Senior

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 3/13/2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 8/5/2016

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.100
RULE TITLE: Pharmacy Permits - Applications and Permitting

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove a subsection that has been moved to Chapter 32.

SUMMARY: A subsection has been removed due to being relocated in another rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within

one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

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

RULEMAKING AUTHORITY: 465.005, 465.0156, 465.022 FS.

LAW IMPLEMENTED: 465.0156 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: Erica White, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.100 Pharmacy Permits – Applications and Permitting.

This section addresses the application and permitting requirements of business establishments regulated under Chapter 465, F.S. Any establishment that is required to have a permit shall apply to the board for the appropriate permit on forms indicated in this rule. Applications and forms referenced in this section may be accessed or downloaded from the web at <http://floridaspharmacy.gov/licensing/>

<http://www.doh.state.fl.us/mqa/pharmacy> or may be obtained by contacting the Board the Board of Pharmacy, at 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or (850) 488-0595. Inquiries regarding the status of the application or license verification may be obtained at <http://www.FLHealthsource.com>. The application must be accompanied with a \$250 initial permit fee, payable to the Board.

(1) through (6) No change.

~~(7) Non Resident Pharmacy Registration as authorized by Section 465.0156, F.S., is required for those pharmacies located outside the state and which ships, mails, or delivers a dispensed medicinal drug into this state. Applicants for a Non Resident Registration must complete an application for a registration using an original Form DH MQA 1217, "Non Resident Pharmacy Permit Application and Information," effective August 2012, which is incorporated by reference herein and is available at http://www.flrules.org/Gateway/reference.asp?No=Ref_02304. Applicants for registration as a non resident pharmacy must comply with all requirements found in Section 465.0156, F.S.~~

~~(7)(8) No change.~~

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 456.013, 456.025(3), 456.0635, 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 FS. History—New 2-21-13, Amended 9-23-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2016
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 25, 2017

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.100
RULE TITLE: Pharmacy Permits - Applications and Permitting
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 41 No. 45, March 6, 2015 issue of the Florida Administrative Register has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-4.019
RULE TITLE: Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 43 No. 51, March 15, 2017 issue of the Florida Administrative Register has been withdrawn.

Section IV Emergency Rules

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40CER17-01
RULE TITLE: Minimum Flows for Silver Springs
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The District is required by section 373.042(2)(a), F.S., to adopt a minimum flow or minimum water level (MFL) for Silver Springs (an Outstanding Florida Spring) by July 1, 2017. To ensure that the District meets its statutory requirement to adopt MFLs for Silver Springs by July 1, 2017, to set limits on further withdrawals that would be significantly harmful to the water resource values (water resources or ecology of the area) of Silver Springs, the District is adopting this emergency rule. The basis for this finding of an immediate danger to the public health, safety, or welfare also includes section 373.042(2)(c), F.S., which provides as follows:

The Legislature finds as provided in section 373.801(3)(b) that the adoption of minimum flows and minimum water levels or recovery or prevention strategies for Outstanding Florida Springs requires immediate action. The department and the districts are authorized, and all conditions are deemed to be met, to use emergency rulemaking provisions pursuant to section 120.54(4) to adopt minimum flows and minimum water levels pursuant to this subsection and to adopt recovery or prevention strategies concurrently with a minimum flow or minimum water level pursuant to section 373.805(2). The emergency rules shall remain in effect during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure used by the District to adopt the emergency rule is fair under the circumstances. Affected persons have had a minimum of one week prior notice of the emergency rule. The District included the proposed emergency rule in the Governing Board's monthly meeting packet which is available to the public at a minimum of seven days prior to the day that the Board and Executive Director approved and filed the emergency rule for adoption. The public is given an opportunity to comment on all matters before the Board during its meetings. The Board's meeting packet information is posted on the District's website. Additionally, on March 9, 2017, the District posted on its website a copy of the Silver Springs MFLs proposed in rule 40C-8.031(7), F.A.C., and stated that the District intended to adopt the Silver Springs MFLs as emergency rules by April 13, 2017. At the rule workshop held on March 16, 2017, District staff again stated that the District intended to adopt the Silver

Springs MFLs as emergency rules by April 13, 2017. This emergency rule will also be posted on the District’s website.

SUMMARY: Until the MFLs proposed in 40C-8.031(7), F.A.C., become effective, this emergency rule will temporarily establish minimum water flows and levels for Silver Springs, an Outstanding Florida Spring, pursuant to the mandate of section 373.042, F.S. Each water flow and level has an associated duration and return interval. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum flows and levels established by the District, if adopted, the minimum flows and levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, tmayton@sjrwmd.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

40CER17-01 Minimum Flows for Silver Springs

The following minimum surface water flows and levels are established for Silver Springs in Marion County, as measured at the USGS 02239501 gaging station:

<u>Minimum Flows</u>	<u>Flow (cfs)</u>	<u>Level (NAVD)</u>	<u>Duration (days)</u>	<u>Return Interval</u>
Frequent high	828	40.0	30	5
Average	638	38.2	180	1.7
Frequent low	572	37.0	120	3

The minimum surface water flows were developed to ensure that the associated surface water levels will be met. The two factors to be weighed in the status assessment of this MFL are (1) whether the surface water levels have been met and (2) the extent to which the surface water flow has been reduced due to groundwater withdrawals.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.802(4) FS. History—New 4-12-17.

Editor’s note: This emergency rule is being adopted pursuant to 373.042(2)(c), F.S. (2016), and will remain in effect until the related Silver Springs Minimum Flows and Levels proposed in rule 40C-8.031, F.A.C., becomes effective.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 12, 2017

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40CER17-02
RULE TITLE: Supplemental Regulatory Measures for Silver Springs

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The District is required by section 373.042(2)(a), F.S., to adopt a minimum flow or minimum water level (MFL) for Silver Springs (an Outstanding Florida Spring) by July 1, 2017. Based on the best available information, all three recommended minimum flows and levels in proposed Rule 40C-8.031(7), F.A.C., are currently being achieved; however, the recommended minimum frequent low flow and level for Silver Springs would not be met under projected water use demands through the 20-year planning horizon. Thus, in accordance with section 373.0421(2), F.S., the District has concurrently approved an MFL prevention strategy to prevent the existing flows and levels from falling below the established minimum flows and levels. That strategy includes a regulatory component, consisting of new rules to prevent the existing flows and levels from falling below the minimum flows and levels for Silver Springs. To ensure that the District meets its statutory requirement under section 373.0421(2), F.S., to adopt the regulatory component of the MFL prevention strategy in proposed Rule 40C-2.101, F.A.C., by July 1, 2017, to prevent the existing flows and levels from falling below the proposed minimum flows and levels for Silver Springs, the District is adopting this emergency rule. The basis for this finding of an immediate danger to the public health, safety, or welfare also includes section 373.042(2)(c), F.S., which provides as follows: The Legislature finds as provided in section 373.801(3)(b), F.S. that the adoption of minimum flows and minimum water levels or recovery or prevention strategies for Outstanding Florida Springs requires immediate action. The department and the districts are authorized, and all conditions are deemed to be met, to use emergency rulemaking provisions pursuant to section 120.54(4), F.S. to adopt minimum flows and minimum water levels pursuant to this subsection and to adopt recovery or prevention strategies concurrently with a minimum flow or minimum water level pursuant to section 373.805(2), F.S. The emergency rules shall remain in effect during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure used by the District to adopt the emergency rule is fair under the circumstances. Affected persons have had a minimum of one week prior notice of the emergency rule. The District included the proposed emergency rule in the Governing Board's monthly meeting packet which is available to the public at a minimum of seven days prior to the day that the Board and Executive Director approved and filed the emergency rule for adoption. The public is given an opportunity to comment on all matters before the Board during its meetings. The Board's meeting packet information is posted on the District's website. Additionally, on March 9, 2017, the District posted on its website a copy of the regulatory part of the prevention strategy proposed in Rule 40C-2.101, F.A.C., and stated that the District intended to adopt the prevention strategy rules as emergency rules by April 13, 2017. At the rule workshop held on March 16, 2017, District staff again stated that the District intended to adopt the prevention strategy rules as emergency rules by April 13, 2017. This emergency rule will also be posted on the District's website.

SUMMARY: Until the regulatory part of the prevention strategy proposed in Rule 40C-2.101, F.A.C., becomes effective, this emergency rule will temporarily prevent the existing flows and levels from falling below the minimum flows and levels for Silver Springs in Emergency Rule 40CER17-01 and in proposed Rule 40C-8.031(7), F.A.C. Among other things, this emergency rule will: (1) define terms used in the rule; (2) delineate the boundaries of the area in which the new rule applies; (3) restrict certain upper Floridan groundwater uses that have the potential to impact Silver Springs without a supplemental water supply or offset project to no more than demonstrated 2024 demand; (4) provide options for addressing potential impacts to Silver Springs; (5) provide a temporary groundwater allocation for certain permittees that are diligently pursuing a supplemental water supply or offset project; (6) clarify that irrigation allocations for agricultural, recreational, or landscape uses include both an allocation for average climatic conditions as well as drought conditions; and (7) provide criteria for self-relocations of reasonable-beneficial permitted allocations.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Thomas Mayton, Jr., Esq., St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, tmayton@sjrwmd.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

40CER17-02 Supplemental Regulatory Measures for Silver Springs

(1) Effect of Supplemental Rules. These "Supplemental Regulatory Measures for Silver Springs" shall be adopted by the District, as a component of the overall prevention strategy for Silver Springs. In adopting these rules, the District acknowledges the increasing stress on Silver Springs and the mandate of the legislature to foster the development of additional water supplies and avoid the adverse effects of competition. However, these rules do not abrogate the rights of the Governing Board or of any other person under Section 373.233, F.S. This regulatory framework provides a comprehensive strategy for allocations of available Upper Floridan groundwater and expeditious development of alternative water supplies and offset projects to minimize competition and thereby provide greater certainty of outcome than competition.

(2) Definitions.

(a) Demonstrated 2024 Demand - the quantity of water from the Upper Floridan aquifer needed to meet demands in 2024. Demonstrated 2024 Demand will be calculated utilizing the methodologies described in Section 2.2 of the Applicant's Handbook that is incorporated by reference in 40C-2.101(1)(a), F.A.C., and water use data.

(b) Existing permitted uses – permitted uses as of April 12, 2017.

(c) Silver Springs MFLs – the minimum flows and levels for Silver Springs in 40CER17-01 or as adopted in rule 40C-8.031, F.A.C., whichever is in effect.

(3) Evaluation of Potential Impacts. All applications, including applications for renewals, modifications, and new uses, shall be evaluated for their potential individual and cumulative impacts on the Silver Springs MFLs. Potential impacts to the Silver Springs MFLs shall be assessed using the Northern District Groundwater Flow Model Version 5.0, effective April 12, 2017, which is hereby incorporated by reference and available at St. Johns River Water Management District, Bureau of Resource Evaluation & Modeling, 4049 Reid Street, Palatka, Florida 32177-2529, Tel. (386) 329-4500, and at Department of State, Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, Tel. (850)245-6270. This Emergency Rule and all subsections thereof shall not apply within the Central Florida Water Initiative Area, as defined in Paragraph 373.0465(2)(a), F.S. (2016).

(4) Existing Permitted Uses. Existing permitted uses shall be considered consistent with the Prevention Strategy for uses up to the Demonstrated 2024 Demand, or its permitted allocation in 2024, whichever is lower.

(5) Individual Permit Applicants that do not have a Potential Impact to the Silver Springs MFLs. Permit applications that do not demonstrate a potential impact to the Silver Springs MFLs based on the total requested allocation shall be issued provided the applicant meets the conditions for issuance.

(6) Additional Review Criteria for all Individual Permit Applicants that have a Potential Impact to the Silver Springs MFLs.

(a) Renewals and Modifications with a Requested Allocation Less Than or Equal to the Demonstrated 2024 Demand.

1. Renewals and modifications of existing permitted uses with requested allocations from the Upper Floridan aquifer less than or equal to the Demonstrated 2024 Demand shall be issued provided the applicant meets the conditions for issuance; however, an applicant may seek a duration that extends beyond 2024 for that level of allocation.

2. Exceptions. The limitation in Paragraph (6)(a)1. on groundwater allocations to an amount no greater than a permittee's Demonstrated 2024 Demand shall not limit permitted groundwater withdrawals from:

a. Aquifer storage and recovery wells that receive only surface water, stormwater, or reclaimed water, when the volume of water withdrawn does not exceed the volume of water injected; or

b. The surficial aquifer immediately below or adjacent to a stormwater management system or surface water reservoir where any drawdown in the surficial aquifer will be offset by recharge from the system or reservoir.

(b) Renewals and Modifications with Requested Allocations Greater Than the Demonstrated 2024 Demand. Renewal and modification applications for existing permitted uses proposing an allocation of groundwater from the Upper Floridan aquifer greater than the Demonstrated 2024 Demand shall provide reasonable assurance of elimination or offset of potential impacts to the Silver Springs MFLs for that portion of the requested allocation that exceeds the Demonstrated 2024 Demand.

(c) New Permits. In addition to meeting the conditions for issuance, applications that request the use of groundwater from the Upper Floridan aquifer for a duration beyond 2024 shall provide reasonable assurance of elimination or offset of potential impacts to the Silver Springs MFLs for the requested allocation.

(d) Methods for Addressing Potential Impacts. An applicant may eliminate or offset potential impacts to the Silver Springs MFLs by implementation of one or more of the options listed below:

1. Propose an alternative water supply, as defined in Section 373.019(1), F.S., sufficient to meet the additional demand, and identify a schedule for implementation, construction and operation for the alternative water supply system. An alternative water supply will be approved under this rule if it is adequate to meet the reasonable increased demands without causing harm to the water resources of the area and meets all other permitting criteria in Chapter 40C-2, F.A.C.

2. Propose adequate offset projects to eliminate potential impacts to the Silver Springs MFLs, and identify a schedule for implementation, construction and operation of the offset project(s). Offset projects may include, but are not limited to, the use of impact offsets [Subsection 62-40.416(7), F.A.C.] and recharge systems. Subsection 62-40.416(7), F.A.C., is incorporated by reference in 40C-2.101(1)(b), F.A.C. For offset projects that are not addressed by Subsection 62-40.416(7), F.A.C., the following requirements apply:

a. The benefit of any offset project, or a portion thereof, shall accrue to the entity providing the offset project, or one or more entities designated by the providing entity, so long as the providing entity or designated entity demonstrates a demand for the water and meets the conditions for permit issuance. If the providing entity or designated entity cannot demonstrate a demand for all the water made available by the offset project during the recommended duration of the permit, any remaining water shall be available for use in the following order:

(I) Deficits associated with existing exempt and sub-threshold uses.

(II) Deficits associated with anticipated exempt and sub-threshold uses.

(III) Deficits associated with existing permitted uses.

(IV) Applications for new uses or increases in allocation in accordance with District rules.

b. The proposed withdrawal, after application of the offset project credit, must result in no net adverse impact on the limited water resource.

c. If an applicant meets the conditions for permit issuance after consideration of an offset project (either as a providing entity or designated entity), the District shall incorporate the project into the permit. The duration of an offset project must be, at a minimum, equal to or greater than the duration of the consumptive use permit in which it is incorporated.

d. When reviewing an application for renewal of a consumptive use permit containing an offset project, the District shall renew the allocation based on the continuation of the offset project provided the conditions for permit issuance are met.

e. Credits shall not be granted for past actions or actions taken under existing permits, unless the credits are already authorized in a permit. This limitation shall not restrict the District's consideration of the effect of past actions when

considering the potential impacts of a permit application, or consideration of a permittee's request to modify an existing permit to quantify the amount of any credit remaining available.

f. Offset projects recognized in a consumptive use permit cannot be transferred to other users, except in the same manner as the permit itself and in compliance with applicable water management district rules.

3. The District anticipates that its water resource development projects and its designation as a receiving entity of offsets from District's cost-share projects may result in the development of new quantities above and beyond the quantities necessary to ensure that the Silver Springs MFLs will be met. All or a portion of these new quantities that are not reserved or otherwise designated for the water resource will be made available to permit. If an applicant has contributed to a District water resource development project, the applicant may apply for quantities made available through a District water resource development project as an offset to potential impacts to the Silver Springs MFLs, provided the applicant demonstrates that:

a. Both the proposed withdrawal and the water resource development or cost-share project affect the Silver Springs MFLs.

b. The quantity developed in excess of the quantity reserved or otherwise designated for Silver Springs has been determined.

c. The proposed quantities will not interfere with quantities reserved or otherwise designated by the District for water resource development.

4. Permanently retiring from use the reasonable-beneficial quantities associated with one or more CUPs that impact the Silver Spring MFLs. The amount of offset credit for retiring CUPs will be limited to the amount of reduction in potential impacts to the Silver Springs MFLs associated with the retired quantity. For agricultural, recreational, and landscape irrigation uses, the retired quantity will be based on the average annual allocation which is the amount of supplemental irrigation required during a five in ten rainfall condition. For all other use types, the retired quantity will be based on the actual permitted allocation.

For each option selected under Subsection (6)(d), an applicant must provide reasonable assurance that the option will be implemented as proposed.

(7) Conservation. In determining the amount of offsets that must be developed as set forth in Section (6) above, the applicant may subtract the portion of its demand that the applicant demonstrates will be satisfied by water conservation under Subsection 2.2.2.5. of the Applicant's Handbook that is incorporated by reference in 40C-2.101(1)(a), F.A.C.

(8) Temporary Allocation. A permittee that will lack sufficient supplemental water supplies or offsets after 2024 from which to obtain the increase in quantity above its

Demonstrated 2024 Demand shall be allocated a temporary amount of groundwater to meet that increase only if it has exercised due diligence to meet all schedule requirements in the permit for developing and using supplemental water supply and providing that other conditions for issuance in Rule 40C-2.301, F.A.C., and the Applicant's Handbook that is incorporated by reference in 40C-2.101(1)(a), F.A.C., are met. Any such temporary allocation shall cease when water from the supplemental water supply or offset project becomes available.

(9) Irrigation Uses. The reasonable need for an agricultural, recreational, or landscape irrigation use is based on the amount of water needed to supply the supplemental irrigation requirements of the type of crop, turf or landscape grown. In determining reasonable need, the District will determine the supplemental irrigation requirements for both drought and average annual conditions. Drought allocation will be considered the amount of supplemental irrigation required during a two in ten year rainfall condition. Average annual allocation will be considered the amount of supplemental irrigation required during a five in ten year rainfall condition. This quantity does not include crop protection.

(10) Self-Relocation. A Permittee with existing permitted impacts on Silver Springs may modify its consumptive use permit to relocate to a different property all or a portion of the used and unused reasonable-beneficial permitted quantity. When relocated, the withdrawal of the quantities cannot increase impacts to Silver Springs and must meet all other applicable permitting criteria included in Chapter 40C-2, F.A.C., and the Applicant's Handbook that is incorporated by reference in 40C-2.101(1)(a), F.A.C. A Self-Relocation cannot include any change in ownership, control, Use Type or increase in quantities. Crop rotation, by planting and irrigating non-contiguous properties within the same locale in a structured, revolving fashion, is allowed under a single permit and is not considered Self-Relocation.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.227, 373.229, 373.236, 373.239, 373.243, 373.246, 373.250, 373.805 FS. History—New 4-12-17.

Editor's note: This emergency rule is being adopted pursuant to 373.042(2)(c), F.S. (2016), and will remain in effect until the related Supplemental Regulatory Measures for Silver Springs proposed in rule 40C-2.101, F.A.C., becomes effective.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 12, 2017

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-11.003 Reexamination

NOTICE IS HEREBY GIVEN that on March 31, 2017, the Board of Nursing Home Administrators received a petition for Variance or Waiver filed by Nikki Jeune, on March 31, 2017. Petitioner seeks a variance or waiver of subsection 64B10-11.003(1), F.A.C., which requires that an applicant must obtain passing scores on both examinations for licensure as specified in said rule within one (1) year of the date of the application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dr. Anthony Spivey, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C-07, Tallahassee, Florida 32399-3257, (850)245-4393, Anthony.spivey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Optometry

NOTICE IS HEREBY GIVEN that on April 6, 2017, the Board of Optometry, received a petition for waiver filed by Harry N. Snyder, OD, FAAO, from subsection 64B13-4.001(3), F.A.C., regarding the requirement that applicants for certified optometrists must have passed the certification examination including the TMOD. Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3255, telephone: (850)488-0595 or by electronic mail – Anthony.Spivey@flhealth.gov, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dr. Anthony Spivey, Executive Director, Board of Optometry, at the above address.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Florida Department of State, Florida Historical Marker Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 21, 2017, 2:00 p.m. to conclusion

PLACE: R.A. Gray Building, Room 404, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Florida Historical Marker Council to discuss 12 received historical marker applications.

Registration

URL:

<https://attendee.gotowebinar.com/register/1902225866314411778>

Webinar ID: 246-274-531

A copy of the agenda may be obtained by contacting: Michael Hart (850)245-6371 or via email: Michael.Hart@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Michael Hart @(850)245-6371 or via email: Michael.Hart@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Michael Hart (850)245-6371 or via email: Michael.Hart@dos.myflorida.com.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative and Special Initiatives Committee of the Statewide Council on Human Trafficking announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 25, 2017, 11:00 a.m. until conclusion

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

DIAL-IN INFORMATION: 1(888)670-3525

PARTICIPANT PASSCODE: 8519855825

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council Business.

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

http://myfloridalegal.com/__85256CC5006DFCC3.nsf/0/8AE A5858B1253D0D85257D34005AFA72?Open&Highlight=0,s tatewide,council,meeting

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

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

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

For more information, you may contact: Lynn Guyton at Lynn.Guyton@myfloridalegal.com by telephone at (813)287-7950.

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces a hearing to which all persons are invited.

DATES AND TIMES: A Teacher Hearing Panel will begin at 9:00 a.m. or as soon thereafter as can be heard on April 26, 2017.

A Teacher Hearing Panel will begin at 1:30 p.m. or as soon thereafter as can be heard on April 26, 2017.

A Phone Hearings Committee Meeting is being conducted immediately following the Teacher Hearing Panels on April 26, 2017.

An Administrator Hearing Panel will begin at 9:00 a.m. or as soon thereafter as can be heard on April 27, 2017.

A Business Meeting will begin at 9:30 a.m. or as soon thereafter as can be heard on April 27, 2017.

A Phone Hearings Committee Meeting is being conducted immediately following the Business Meeting on April 27, 2017.

A Teacher Hearing Panel will begin at 8:30 a.m. or as soon thereafter as can be heard on April 28, 2017.

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. The Business Meeting is being held to conduct business of the Commission. The Phone Hearings Committee Meetings are being held to prepare the presentation for the Business Meeting and discuss the outcome from Business Meeting.

A copy of the agenda may be obtained by contacting: Gretchen Kelley Brantley at (850)245-0455.

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: Gretchen Kelley Brantley at (850)245-0455. 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: Lisa Forbess or Gretchen Kelley Brantley at (850)245-0455.

PUBLIC SERVICE COMMISSION

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

DATE AND TIME: Wednesday, April 26, 2017, 1:30 p.m.

PLACE: Gerald L. Gunter Building, Room 105, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Nos. 140029-TP – Request for submission of proposals for relay service, beginning in June 2015, for the deaf, hard of hearing, deaf/blind, or speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991; and 170039-TP - Request for submission of proposals for relay service, beginning in March 2018, for the deaf, hard of hearing, deaf/blind, or speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991. This is a meeting of the Telecommunications Access System Act Advisory Committee established pursuant to §427.705, F.S. The purpose of the meeting is to discuss current relevant issues related to relay such as Federal and State Regulatory updates, FTRI's Annual Budget, the request for proposals for relay service, a current report on relay service, and other Telecommunications Relay Service updates. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Curtis Williams, Office of Telecommunications, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, cjwillia@psc.state.fl.us, (850)413-6924. A copy of the agenda and meeting materials will also be available on the Commission's website, www.floridapsc.com on April 13, 2017.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The Constitution Revision Commission announces a public meeting to which all persons are invited.

DATE AND TIME: April 12, 2017, 5:00 p.m. – 8:00 p.m.

PLACE: NEW LOCATION (Previously Escambia County), Florida Agricultural & Mechanical University (FAMU), Efferson Student Union, Grand Ballroom

1628 S. Martin Luther King, Jr. Blvd., Tallahassee, FL 32307

GENERAL SUBJECT MATTER TO BE CONSIDERED: Once every twenty years, Florida's Constitution provides for the creation of a thirty-seven member revision commission for the purpose of reviewing Florida's Constitution and proposing changes for voter consideration. The Commission meets for approximately one year, traveling the State of Florida to speak with citizens, identifying issues, performing research, and possibly recommending changes to the Constitution. Any amendments proposed by the Commission would be placed on the 2018 General Election ballot.

A copy of the agenda may be obtained by contacting: Meredith Beatrice, Director of External Affairs: Meredith.Beatrice@flcrc.gov, (850)717-9242.

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: Meredith Beatrice, Director of External Affairs: Meredith.Beatrice@flcrc.gov, (850)717-9242. 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: Meredith Beatrice, Director of External Affairs: Meredith.Beatrice@flcrc.gov, (850)717-9242.

EXECUTIVE OFFICE OF THE GOVERNOR

The Correctional Medical Authority announces a public meeting to which all persons are invited.

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

PLACE: The Capitol, Room 2103, 400 South Monroe St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Executive Director, Correctional Medical Authority, 400 South Monroe St., Tallahassee, FL 32399, (850)717-9500.

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: (850)717-9500. If you are hearing or speech

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

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

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

DATE AND TIME: Wednesday, April 19, 2017, 2:00 p.m.

PLACE: West Florida Regional Planning Council large conference room, 4081 E. Olive Rd., Ste. A, Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Bay Area Resource Council (BARC). The BARC Technical Advisory Committee (TAC) will meet immediately before at 1:00 p.m. in the same location.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Public Involvement at Public.Involvement@wfrpc.org or (850)332-7976, ext. 220. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Katie Wilhelm at katie.wilhelm@wfrpc.org or (850)332-7976, ext. 280.

METROPOLITAN PLANNING ORGANIZATIONS

Orlando Urban Area

The Central Florida MPO Alliance announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 21, 2017, 10:00 a.m.

PLACE: MetroPlan Orlando, David L. Grovdahl Board Room, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled CFMPOA meeting.

A copy of the agenda may be obtained by contacting: MetroPlan Orlando staff member Lisa Smith (contact info below).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: MetroPlan Orlando staff member Lisa Smith (contact info below). 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: Lisa Smith, (407)481-5672, 250 S. Orange Avenue, Suite 200, Orlando, FL 32801.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

The Board of Pilot Commissioners announces a public meeting to which all persons are invited.

DATE AND TIME: May 16, 2017, 9:00 a.m.

PLACE: Hyatt Regency Miami, 400 SE 2nd Avenue, Miami, FL 33131-2197, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings, General Board Business and Probable Cause Panel (portions of which may be closed to the public).

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Pilot Commissioners, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1982.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

The Board of Orthotist and Prosthetists announces a telephone conference call to which all persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting: <http://floridasorthotistsprosthetists.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 CHILDREN AND FAMILIES

Refugee Services

The Department of Children and Families, Refugee Services announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 4, 2017, 10:00 a.m.

PLACE: Florida Department of Children and Families, 1317 Winewood Blvd., Bldg. 6, Refugee Services Lobby, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Title: Debriefing Meeting of the Evaluators and Ranking of the Replies for the ITN titled "Citizenship and Immigration Related Employability Services for Refugees and Entrants in Hillsborough and Pinellas Counties" (ITN# SNR1718RS001).

Description: As provided for in Sections 2.5 and 5.3 of this ITN which was published to the Vendor Bid System (VBS) on January 24, 2017. The VBS can be accessed at: http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

The purpose of this Debriefing Meeting of the Evaluators and Ranking of the Replies is to receive and record all evaluation scores for the ITN and calculate the final scores according to the evaluation methodology outlined in Section 5.3.

A copy of the agenda may be obtained by contacting: David.Draper@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Lisa Stephany, email: Lisa_Stephany@myflfamilies.com or (850)717-4557. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David.Draper@myflfamilies.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:RULE TITLES:

69A-60.001 Title

69A-60.002 Scope; Description of Florida Fire Prevention Code

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Fire Code, Florida 2012 Edition, Adopted

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2012 Edition, Adopted

69A-60.005 Publications Referenced in NFPA 1, the Florida 2012 Edition, and NFPA 101, the Florida 2012 Edition, Added to the Florida Fire Prevention Code

69A-60.006 Manufactured and Prototype Buildings

69A-60.007 Enforcement of the Florida Fire Prevention Code
The Department of Financial Services, Division of State Fire Marshal, announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, April 18, 2017, 1:00 p.m.:
CANCELLED

PLACE: Florida State Fire College Auditorium, 11655 NW Gainesville Rd., Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Florida Fire Code Advisory Council and a Rule Development Workshop to promulgate the triennial update of the Florida Fire Prevention code as directed by Section 633.202(1), F.S. is CANCELLED.

For more information, you may contact: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620 or Casia.Sinco@myfloridacfo.com.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

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

DATES AND TIMES: April 18, 2017, 8:00 a.m. and April 25, 2017, 8:00 a.m.

PLACE: 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: April 18 - Board Executive Committee Meeting to discuss the agenda for the April Board Meeting. April 25 - Full Board Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz, (407)623-10070 or lkutz@cilorlando.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 3 days before the workshop/meeting by contacting: Luana Kutz, (407)623-10070 or lkutz@cilorlando.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).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Real Estate Commission

NOTICE IS HEREBY GIVEN that The Florida Real Estate Commission has issued an order disposing of the petition for declaratory statement filed by BrokerNation Real Estate Inc. on November 23, 2016. The following is a summary of the agency's disposition of the petition:

The Florida Real Estate Commission hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement, filed on November 23, 2016 by BrokerNation Real Estate Inc. The Notice of Petition for Declaratory Statement was published in Vol. 42, No. 234, of the December 5, 2016 Florida Administrative Register, and the Petitioner filed supplemental information on February 16, 2017. The Commission considered the Petition at duly-noticed public meetings on January 17, 2017 and on March 21, 2017, in Orlando, Florida. The Petitioner sought an opinion on whether Section 475.25(1)(h), F.S. would be violated by the Petitioner's compensation of independent contractor recruiters based on a percentage of the Petitioner's gross revenue, which is derived from monthly/yearly membership fees as well as administrative fees for closings and rentals paid by licensed brokers and sales associates to the Petitioner. The Commission finds that the payment structure as described in the Petition and supplemental information provided by the Petitioner does not violate Section 475.25(1)(h), F.S., and grants the Petition. The Commission filed its Order on April 7, 2017.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 West Robinson Street, Suite N801, Orlando, Florida 32801, Lori.Crawford@myfloridalicenses.com.

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

NOTICE IS HEREBY GIVEN that Agency for Persons with Disabilities has issued an order disposing of the petition for declaratory statement filed by Robert Latham, Esq. on behalf of C.G. on January 06, 2017. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 43, No. 10, of the January 17, 2017, Florida Administrative Register. On April 6, 2017, the Agency issued an order disposing of the petition for declaratory statement filed by Robert Latham, Esq. on behalf of C.G. as to the applicability of Section 393.065(5)(b)1a, Florida Statutes to C.G.’s particular set of circumstances as advanced in the petition was granted. The Agency declared that C.G. would be classified in Category 2 and upon the receipt of a reunification order would be eligible for placement into the HCBS program subject to the availability of funds.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Michele A. Lucas, Esq., Agency Clerk, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335K, Tallahassee, Florida 32399-0950, michele.lucas@apdcares.org, (850)921-3779.

DEPARTMENT OF FINANCIAL SERVICES
Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from Square, Inc. The petition seeks the agency’s opinion as to the applicability of Rule 69V-560.703(2)(c), as it applies to the petitioner.

On April 10, 2017, the Office of Financial Regulation received the petition for declaratory statement from Square, Inc. Petitioner is a licensed money transmitter under Chapter 560, Part II, Florida Statutes. Petitioner facilitates processing of tax and wage payments by U.S. businesses for their U.S. employees. Petitioner’s money transfer services are accessible solely via its Internet website and mobile device application. Petitioner does not provide money transfer services through physical locations or authorized vendor locations. The petition seeks a declaratory statement from the Office on whether requirements under Rule 69V-560.703(2)(c), Florida Administrative Code, apply to the Petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9784, Agency.Clerk@flofr.com.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9784, Agency.Clerk@flofr.com.

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

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

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

DEPARTMENT OF EDUCATION

Request for Applications for Available Funding

Request for Applications for Available Funding

The Florida Department of Education, Division of Career and Adult Education, announces the availability of federal funds through a competitive grants process under the Workforce Innovation and Opportunity Act (WIOA) 2014, Title II - Adult Education and Family Literacy Act (AEFLA). Follow the guidelines on each individual Request for Proposal, as due dates may vary. Through the competitive grants process, eligible applicants are assured direct & equitable access to apply for funds. For application instruction, forms & funding opportunities conference information, please refer to <http://www.fldoe.org/academics/career-adult-edu/funding-opportunities/> direct questions to Josue.colorado@fldoe.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RFP 2017030C, Florida State Park Guide Printing and Distribution

NOTICE OF Request for PROPOSALS: On behalf of the Florida Department of Environmental Protection, the Procurement Office is soliciting formal, competitive, sealed Proposals from contractors for RFP 2017030C, Florida State Park Guide Printing and Distribution

The Department will post notice of any changes or additional meeting(s) on the Vendor Bid System (VBS) in accordance with section 287.042(3), Florida Statutes, and will not re-advertise any notice in the Florida Administrative Register (FAR). Access the VBS at: http://www.myflorida.com/apps/vbs/vbs_www.main_menu

DEPARTMENT OF FINANCIAL SERVICES
 Division of Insurance Agent and Agency Services
 DFS AA RFP 1617-10-Florida Study Manual for Title Insurance Production Services

The Florida Department of Financial Services (Department), Division of Insurance Agents and Agencies (AA) seeks Replies to this Request for Proposal (RFP) from qualified vendors (Respondents) for the development of the Florida Study Manual for Title Insurance.

Point of Contact/Procurement Officer: All questions must be in writing and should reference the above solicitation number and title. Submit all questions to Procurement Officer, Wanda Norton via email at DFSPurchasing@myfloridacfo.com

Response Due Date: On or prior to 3:00 p.m. ET, May 30, 2017, to the Procurement Officer identified, to the following office location:

Department of Financial Services, 200 East Gaines Street, Larson Building, Purchasing Services, Room B24, Tallahassee, Florida 32399-0317.

The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to any public meeting identified within the solicitation. The Department will post notice of any changes regarding this solicitation or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise the notice in the Florida Administrative Register (FAR). To access the VBS go to the following web address: http://vbs.dms.state.fl.us/vbs/main_menu.

ADA Requirements: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Procurement Officer – see above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL
 2017-WF-14900 Workforce Collaborative Training Initiative
 REQUEST FOR PROPOSALS (FDDC RFP# 2017-WF-14900)

Workforce Collaborative Training Initiative
 The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2017-WF-14900) is released to ensure that Florida develops

or acquires comprehensive evidence-based and best practices training strategies informed by a competencies-driven framework and supported by a training toolkit to foster self-determination, person-centered planning and services for individuals with intellectual and developmental disabilities.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside a maximum of \$100,000 federal funds for a period not to exceed one (1) year for fiscal support of this RFP. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, calling (850)488-4180 or toll-free 1(800)580-7801, or TDD Toll Free 1(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is April 25, 2017 by 4:00 p.m. (EDT). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of May 1, 2017. The deadline for submitting proposals for this RFP to FDDC is May 23, 2017 by 2:00 p.m. (ET).

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE REGISTER AND ON THE FDDC WEB PAGE (fddc.org) ON APRIL 12, 2017.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THIS RFP TO CAROLYN WILLIAMS.

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

VISIT FLORIDA

VISIT FLORIDA posted an RFP for Latin American Vacation Guides

The Florida Tourism Industry Marketing Corp. dba VISIT FLORIDA is accepting proposals from qualified vendors to create, edit, translate, print, distribute, and sell the official VISIT FLORIDA Latin America Vacation Guide for calendar years 2018, 2019, and 2020.

Please click [here](#) for more information.

Deadline date for submissions is 5:00 p.m., ET, on May 15, 2017.

CITY OF SOUTH MIAMI

Notice of Rejection of Unsolicited Proposal and Canceling the Invitation for Competing Proposals

Public Notice

City of South Miami, Florida

Notice of Rejection of Unsolicited Proposal and Canceling the Invitation for Competing Proposals for

Acquisition and Redevelopment of Existing City Hall and Police Station and Construction of New City Hall, Police Station and Other Improvements and Services.

Unsolicited Proposal (UP) No. 2017-01

“City Hall Site Redevelopment”

Effective April 11, 2017, the City rejects Unsolicited Proposal (UP) No. 2017-01 “City Hall Site Redevelopment” and any or all bids/proposals relating to the Notice of Unsolicited Proposal for "Acquisition and Redevelopment of Existing City Hall and Police Station and Construction of New City Hall, Police Station and Other Improvements and Services." The City is canceling the invitation for competing proposals, and the process previously advertised on March 30, 2017, is terminated.

Maria M. Menendez, CMC

City Clerk

**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., Tuesday April 5, 2017 and 3:00 p.m., Monday, April 11, 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
6A-1.002	4/5/2017	4/25/2017
6A-1.004	4/5/2017	4/25/2017
6A-1.0403	4/5/2017	4/25/2017
6A-1.04511	4/5/2017	4/25/2017
6A-3.006	4/5/2017	4/25/2017
6A-3.0121	4/5/2017	4/25/2017
6A-3.016	4/5/2017	4/25/2017
6A-3.037	4/5/2017	4/25/2017
6A-4.037	4/5/2017	4/25/2017
6A-6.0571	4/5/2017	4/25/2017
6A-6.0573	4/5/2017	4/25/2017

6A-10.0401	4/5/2017	4/25/2017
6A-10.050	4/5/2017	4/25/2017
6A-16.018	4/5/2017	4/25/2017
6A-16.019	4/5/2017	4/25/2017
6A-16.020	4/5/2017	4/25/2017
6A-16.021	4/5/2017	4/25/2017
6A-16.022	4/5/2017	4/25/2017
6A-16.023	4/5/2017	4/25/2017
6A-16.024	4/5/2017	4/25/2017
6A-16.025	4/5/2017	4/25/2017
6A-16.026	4/5/2017	4/25/2017
6A-18.048	4/5/2017	4/25/2017
53ER17-21	4/7/2017	4/7/2017
53ER17-22	4/7/2017	4/7/2017
53ER17-23	4/7/2017	4/7/2017
60A-1.041	4/5/2017	4/25/2017
60S-11.001	4/10/2017	4/30/2014
60S-11.002	4/10/2017	4/30/2014
62-210.200	4/6/2017	4/26/2017
62-210.300	4/6/2017	4/26/2017
62-210.310	4/6/2017	4/26/2017
64B-9.001	4/7/2017	4/27/2017
64B-10.001	4/7/2017	4/27/2017
64B5-4.005	4/5/2017	4/25/2017
64B5-13.005	4/5/2017	4/25/2017
64B5-15.004	4/5/2017	4/25/2017
64B8-8.012	4/11/2017	5/1/2017
64B16-28.840	4/6/2017	4/26/2017
64B16-28.800	4/6/2017	4/26/2017
64B29-1.001	4/7/2017	4/27/2017
69A-67.001	4/5/2017	4/25/2017
69A-67.002	4/5/2017	4/25/2017
69A-67.003	4/5/2017	4/25/2017
69A-67.004	4/5/2017	4/25/2017
69A-67.005	4/5/2017	4/25/2017
69A-67.006	4/5/2017	4/25/2017
69A-67.007	4/5/2017	4/25/2017
73C-26.022	4/5/2017	4/25/2017
73C-26.023	4/5/2017	4/25/2017

73C-26.024	4/5/2017	4/25/2017
73C-26.025	4/5/2017	4/25/2017
73C-42.005	4/5/2017	4/25/2017
73C-42.008	4/5/2017	4/25/2017
73C-42.013	4/5/2017	4/25/2017
73C-42.020	4/5/2017	4/25/2017
73C-43.001	4/5/2017	4/25/2017
73C-43.002	4/5/2017	4/25/2017
73C-43.003	4/5/2017	4/25/2017
73C-43.004	4/5/2017	4/25/2017
73C-43.005	4/5/2017	4/25/2017
73C-43.006	4/5/2017	4/25/2017
73C-49.001	4/10/2017	4/30/2014
73C-49.002	4/10/2017	4/30/2014

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
40B-9.021	12/21/2016	**/**/*****
40B-9.041	12/21/2016	**/**/*****
40B-9.126	12/21/2016	**/**/*****
40B-9.131	12/21/2016	**/**/*****
40B-9.1381	12/21/2016	**/**/*****
40B-9.1411	12/21/2016	**/**/*****
40B-9.142	12/21/2016	**/**/*****
40B-9.145	12/21/2016	**/**/*****
40B-9.123	12/9/2016	**/**/*****
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	**/**/*****

LAND AND WATER ADJUDICATORY COMMISSION

Fiddler’s Creek Community Development District I

RULE NO.: RULE TITLE:

42X-1.002 Boundary

Notice of Receipt of Petition

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

NOTICE OF RECEIPT OF AMENDED PETITION

Amended Petition to Amend the Fiddler’s Creek Community Development District I

On March 2, 2017, the Florida Land and Water Adjudicatory Commission (“FLWAC” or “Commission”) received a petition to amend the Fiddler’s Creek Community Development District I (“District”) by contracting approximately 56.16 acres and adding approximately 9.34 acres. The petition was amended on March 17, 2017. The Commission will follow the requirements of Chapter 42-1, F.A.C., and Chapter 190, F.S., as amended, in considering the amended petition.

SUMMARY OF CONTENTS OF PETITION: The amended petition requests amendment of the boundaries of the District by contracting three parcels totaling approximately 56.16 acres and adding five land areas totaling approximately 9.34 acres. The District currently consists of 1389.77 acres and is located in Collier County. After amendment, the District will contain approximately 1342.95 acres.

SUMMARY OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs (SERC) was prepared at the request of the District. The complete text of the SERC is contained as Exhibit 7 to the amended petition. Generally, the SERC indicates the amended rule:

- Will have no direct or indirect impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
- Will have no adverse impact on business competitiveness;
- Is not likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after implementation of the rule;
- Will not directly or indirectly affect any individuals;
- Will not directly or indirectly result in any additional costs to the agency or any other state and local government entities and will have no anticipated effect on state or local revenues;
- Will not directly or indirectly result in increased transactional costs to any individual or entity; and,
- Will have no adverse impact on small businesses, counties or cities.

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

DATE AND TIME: April 26, 2017, 8:00 AM

PLACE: Fiddler’s Creek Club & Spa, 3470 Club Center Boulevard, Naples, Florida 34114

Any person requiring a special accommodation to participate in the hearing because of a disability should contact the District Manager, Fiddler’s Creek Community Development District 1, at phone: (561)571-0010; fax: (561)571-0013; toll-free: 1(877)276-0889, at least two business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Mr. Anthony Pires, Woodward Pires & Lombardo, P.A., 3200 N. Tamiami Trail, Suite 200, Naples, Florida 34103, (239)649-6555 or Barbara Leighty, Office of the Governor, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, telephone: (850)717-9513.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

Fairpoint Regional Utility System (FRUS) Inc.

The Department of Environmental Protection (DEP) has determined that FRUS’s proposed Phase III project for new well, treatment, storage tank, and transmission pipe will not have a significant adverse impact on the environment. The project is estimated to cost a total of \$5,129,848. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Venkata Panchakarla, SRF Program, DEP, 3900 Commonwealth Blvd., Mail Station #3505, Tallahassee, Florida 32399-3000, venkata.panchakarla@dep.state.fl.us or by calling (850)245-2981.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Siting Coordination Office

NOTICE OF INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides a re-notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Pasco County Resource Recovery Facility, Power Plant Siting Application No. PA 87-23C, OGC Case No. 16-1326. Pursuant to Section 403.516(1)(c), Florida Statutes, the Department proposes to modify the Conditions of Certification for the Pasco County Resource Recovery Facility to incorporate Department initiated updates and Southwest Florida Water Management revisions. A copy of the proposed modification may be obtained by contacting Ann Seiler, Department of Environmental

Protection, 2600 Blair Stone Rd., M.S. 5500, Tallahassee, Florida 32399-2400, (850)717-9000. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party’s last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000, (850)245-2242, fax: (850)245-2298, agency_clerk@dep.state.fl.us. If no objections are received, then a Final Order approving the modification shall be issued by the Department.

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

Office of Financial Institutions

NOTICE OF FILINGS

Financial Services Commission

Office of Financial Regulation

April 12, 2017

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		The Fletcher Building, Suite 118
Tallahassee, Florida 32314-8050		101 East Gaines Street
Phone: (850)410-9889		Tallahassee, Florida 32399-0379
Fax: (850)410-9663		Phone: (850)410-9889

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 2, 2017).

APPLICATION TO MERGE

Constituent Institutions: Tropical Financial Credit Union, Miramar, Florida and Financial Federal Credit Union, Miami, Florida

Resulting Institution: Tropical Financial Credit Union, Miramar, Florida With Title: Tropical Financial Credit Union

Received: April 11, 2017

Distribution: (Publication Not Required)

Federal Deposit Insurance Corporation, Atlanta, GA
Federal Reserve Bank of Atlanta, Atlanta, GA
Comptroller of the Currency, Atlanta, GA
Florida Bankers Association, Tallahassee, Florida
John H. DeLoach

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.
