

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:  |
| 5K-4.0010  | Definitions   |
| 5K-4.002   | Adoption of Federal Regulations and Other Standards   |
| 5K-4.004   | General Requirements for the Manufacturing, Processing, Packing, Holding and Retailing of Foods |
| 5K-4.0041  | Mobile Food Establishments and Commissaries   |
| 5K-4.0050  | Special Process Approvals   |
| 5K-4.020   | Food Permits; Requirements and Fees   |
| 5K-4.021   | Food Manager Certification  |
| 5K-4.023   | Packaged Ice  |
| 5K-4.033   | Limited Poultry and Egg Farm Operation  |
| 5K-4.035   | Guidelines for Imposing Administrative Penalties  |

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to establish definitions, update current versions of federal regulations, update the current permitting structure to a risk-based system, consolidate the requirements of Chapter 5K-9, F.A.C., for vended water machines into Chapter 5K-4, F.A.C., and to include guidelines for administrative penalties.

**SUBJECT AREA TO BE ADDRESSED:** Definitions, general requirements for food establishments, special process approvals, food permits, training and certification, vended water, administrative penalties.

**RULEMAKING AUTHORITY:** 500.03, 500.09, 500.11, 500.12, 500.121, 500.148, 500.165, 500.459, 570.07(23), F.S.

**LAW IMPLEMENTED:** 500.03, 500.04, 500.09, 500.10, 500.11, 500.12, 500.121, 500.13, 500.147, 500.148, 500.165, 500.169, 500.171, 500.172, 500.173, 500.174, 500.179, 500.459, 500.511, 500.70, 500.80, 570.07(23), F.S.

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

**DATE AND TIME:** July 30, 2018, 1:00 PM to 4:00 PM

**PLACE:** Florida Department of Agriculture and Consumer Services, Conner Administration Building, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jessica Deskins via email at

Jessica.Deskins@FreshFromFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jessica Deskins via email at Jessica.Deskins@FreshFromFlorida.com. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

|           |  |
|-----------|--|
| RULE NO.: | RULE TITLE:  |
| 40D-3.037 | Rules, Publications and Agreements Incorporated by Reference |

**PURPOSE AND EFFECT:** The purpose and effect of this amendment is to update the Application for a Water Well Contractor’s License to conform to section 373.323(3)(b)(1), F.S., as amended in 2016.

**SUBJECT AREA TO BE ADDRESSED:** Water Well Contractor’s License Application.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.309 F.S.

**LAW IMPLEMENTED:** 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333, F.S.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director, (352)796-7211, ext. 4703, 1(800)423-1476 (FL only), ext. 4703, or email: ADACoordinator@WaterMatters.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James B. Fussell, Jr., Staff Attorney, SWFWMD, 7601 U.S. 301 North, Tampa, FL 33637, (813)985-7481, Ext. 2139 (J2018015-1).

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

## Section II Proposed Rules

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Medicaid

RULE NO.: 59G-4.058  
 RULE TITLE: Medicaid County Health Department Certified Match Program

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.058, Florida Administrative Code (F.A.C.), is to incorporate by reference the Florida Medicaid County Health Department School Based Services Coverage Policy, \_\_\_\_\_, and revise the rule title.

SUMMARY: The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information. The rule title will be revised to Medicaid County Health Department School Based Services.

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

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

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

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.9071, 409.908 FS.

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

DATE AND TIME: August 20, 2018 from 3:00 p.m. to 3:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Matt Brackett. 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: Matt Brackett, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: 850-412-4151, e-mail: Matt.Brackett@ahca.myflorida.com.

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

Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m. August 21, 2018. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

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

59G-4.058 Medicaid County Health Department School Based Services Certified Match Program.

(1) This rule applies to providers rendering school based services in county health departments enrolled in the Medicaid County Health Department Certified Match Program to recipients, as described in Section 409.9122, F.S.

(2) All ~~county health department~~ providers ~~enrolled in Medicaid under the County Health Department Certified Match Program~~ must be in compliance with the provisions of the Florida Medicaid County Health Department School Based Certified Match Program Services Coverage Policy, \_\_\_\_\_, Coverage and Limitations Handbook, October 2003, incorporated by reference. The policy is available on the Agency for Health Care Administration's Web site at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and at [DOS place holder Ref- \_\_\_\_\_], and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference, in Rule 59G 4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent

(3) The following forms are included in the Florida Medicaid County Health Department School Based Services Coverage Policy, \_\_\_\_\_, and are incorporated by reference: Quarterly Certification of State Expenditures By County Health Departments, AHCA Form 5000-\_\_\_\_\_, \_\_\_\_\_ and County Health Department Agreement Credentialed Behavioral Health Providers, AHCA Form 5000-\_\_\_\_\_, \_\_\_\_\_.

Rulemaking Authority 409.919 FS. Law Implemented 381.0056, 381.0057, 409.905, 409.9071, 409.908, 409.9122 FS. History—New 6-21-00, Amended 11-17-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Matt Brackett

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin M. Senior  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 6, 2018

**AGENCY FOR HEALTH CARE ADMINISTRATION  
 Medicaid**

RULE NO.: 59G-4.201  
 RULE TITLE: Neurology Services  
 PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.201, Florida Administrative Code, (F.A.C.), is to clarify policy language.

SUMMARY: The amendment updates the Florida Medicaid Neurology Services Coverage Policy.

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

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

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

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

RULEMAKING AUTHORITY: 409.919, 409.961 FS.  
 LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913, 409.973 FS.

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

DATE AND TIME: August 17, 2018 from 3:00 p.m. to 3:30 p.m

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Aaron Messer. 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: Aaron Messer, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4313, e-mail: Aaron.Messer@ahca.myflorida.com.

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

Official comments to be entered into the rule record will be received from the date of this notice until August 20, 2018. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

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

59G-4.201 Neurology Services.

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

(2) All ~~providers persons or entities described in subsection~~ (1) must be in compliance with the provisions of the Florida Medicaid Neurology Services Coverage Policy, ~~June 2016~~, incorporated by reference. The policy is available on the Agency for Health Care Administration's Web site website at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06776>.

Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913, 409.973 FS. History—New 6-29-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Aaron Messer

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 19, 2018

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.075  
 RULE TITLE: Home and Community Based Services Settings

PURPOSE AND EFFECT: The purpose of Rule 59G-13.075, Florida Administrative Code (F.A.C.), is to describe requirements for which providers must comply when furnishing home and community-based waiver services (HCBS) to Florida Medicaid recipients in residential and non-residential settings.

SUMMARY: This rule applies to all providers rendering Florida Medicaid waiver services to individuals enrolled in home and community-based service (HCBS) waiver programs authorized under the 1915(c), 1915(i), and 1915(k) Medicaid authorities.

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

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

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

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

RULEMAKING AUTHORITY: 409.919 FS.  
 LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: August 17, 2018 from 2:00 p.m. to 2:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Etasha Gonzalez. 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: Etasha Gonzalez, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: 850-412-4261, e-mail: Etasha.Gonzalez@ahca.myflorida.com.

Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m. August 20, 2018. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

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

59G-13.075 Home and Community Based Services Settings.

(1) This rule applies to all providers rendering Florida Medicaid waiver services to individuals enrolled in home and community-based service (HCBS) waiver programs authorized under Sections 1915(c), 1915(i), and 1915(k) of the Social Security Act.

(2) All providers must be in compliance with the provisions of the home and community-based settings requirements established in accordance with the Centers for Medicare and Medicaid Services' (CMS) Final Rule CMS-2296-F (HCB Settings Rule), incorporated by reference, and available at [DOS Placeholder] and <https://federalregister.gov/a/2014-00487>.

(3) The Agency for Health Care Administration will assess residential and non-residential settings for compliance with Title 42, Code of Federal Regulations (CFR), section 441.530.

(4) Providers that are determined to be noncompliant with the HCB Settings Rule must develop and implement a remediation plan.

(5) Providers that remain out of compliance with the HCB Settings Rule will be ineligible to provide HCBS to Florida Medicaid recipients, and to receive reimbursement for Florida Medicaid HCBS after March 17, 2022.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History-New

\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Etasha Gonzalez

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2018

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

| RULE NOS.:    | RULE TITLES:  |
|---------------|---|
| 64B16-28.501  | Consultant Pharmacist of Record; Initial Designation; Change  |
| 64B16-28.502  | Class I Institutional Permit and Class II Institutional Permit - Labels and Labeling of Medicinal Drugs for Inpatients of a Nursing Home  |
| 64B16-28.602  | Institutional Class II Dispensing   |
| 64B16-28.6021 | Institutional Class II Pharmacy - Emergency Department Dispensing   |
| 64B16-28.603  | Class II Institutional Pharmacy Operating Hours   |
| 64B16-28.606  | Remote Medication Order Processing for Class II Institutional Pharmacies or Special Pharmacy Permits Servicing Class I, Class II, Modified Class II, and Special ALF Permitted Facilities |
| 64B16-28.810  | Special Pharmacy - Limited Community Permit   |

**PURPOSE AND EFFECT:** The Board proposes the rule amendments to implement HB 675 which created a new permit, Class III Institutional Pharmacies.

**SUMMARY:** Class III Institutional pharmacy permits will be added to the rules.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, 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, 465.0125, 465.022 465.005, 465.022 , 465.019(4) FS.

**LAW IMPLEMENTED:** 465.0125, 465.019, 465.022, 465.0266, 465.022(1), 465.019(2)(b), (4), 465.0196, 465.026 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:** C. 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:**

64B16-28.501 Consultant Pharmacist of Record; Initial Designation; Change.

(1) through (2) No change.

(3) Drug Regimen Reviews. The consultant pharmacist of record for a Class I, Class II, ~~or Modified Class II,~~ or Class III Institutional permit shall conduct Drug Regimen Reviews as required by Federal or State law, inspect the facility and prepare a written report to be filed at the permitted facility at least monthly. In addition, the consultant pharmacist of record must monitor the facility system for providing medication administration records and physician order sheets to ensure that the most current record of medications is available for the monthly drug regimen review. The consultant pharmacist of record may utilize additional consultant pharmacists to assist in this review and in the monthly facility inspection.

(4) No change.

Rulemaking Authority 465.005, 465.0125, 465.022 FS. Law Implemented 465.0125, 465.019, 465.022, 465.0266 FS. History—New 7-18-94, Formerly 61F10-28.501, 59X-28.501, Amended 1-2-02, 12-30-07, 11-5-17, 6-5-18, \_\_\_\_\_.

64B16-28.502 Class I, Class II and Class III Institutional Permit ~~and Class II Institutional Permit~~ – Labels and Labeling of Medicinal Drugs for Inpatients of a Nursing Home.

(1) The label affixed to a container used in conventional dispensing to a Class I ~~Institutional permit~~ or a Class II or Class III Institutional permit which, within the scope of its practice, services only the inpatients of a nursing home as defined by subsection 400.021(5), F.S., shall contain at least the following information:

(a) through (h) No change.

(2) No change.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.022(1) FS. History—New 7-31-91, Amended 10-1-92, Formerly 21S-28.502, 61F10-28.502, 59X-28.502, Amended 8-16-10, .

64B16-28.602 Institutional Class II and Class III Dispensing.

(1) No change.

(2) A Class II or Class III Institutional pharmacy may contract with a Special Parenteral/Enteral Extended Scope pharmacy for the pharmacy services provided for by rule 64B16-28.860, F.A.C.

(a) through (c) No change.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.019(2)(b), 465.0196, 465.022(1) FS. History—Amended 5-19-72, Repromulgated 12-18-74, Amended 10-10-78, Formerly 21S-1.11, 21S-1.011, Amended 7-31-91, Formerly 21S-28.602, 61F10-28.602, Amended 9-4-96, Formerly 59X-28.602, Amended 8-16-10.

64B16-28.6021 Institutional Class II and Class III Pharmacy – Emergency Department Dispensing.

(1) Individuals licensed to prescribe medicinal drugs in this state may dispense from the emergency department of a hospital holding a Class II or Class III Institutional pharmacy permit. Such dispensing must meet the requirements provided in subsection 465.019(4), F.S., and this section.

(2) through (4) No change.

Rulemaking Authority 465.005, 465.019(4), 465.022 FS. Law Implemented 465.019(2)(b), (4), 465.0196, 465.022(1) FS. History—New 9-20-99, Amended 8-16-10.

64B16-28.603 Class II and Class III Institutional Pharmacy Operating Hours.

Any person who receives a Class II or Class III Institutional permit pursuant to section 465.019, F.S., and commences to operate such a pharmacy shall, for the benefit of the institutions' patients' health and welfare, keep the pharmacy of the establishment open for a sufficient number of daily operating hours required to provide adequate and quality pharmaceutical services to the patients of said institution.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.022(1) FS. History—New 7-31-91, Formerly 21S-28.603, 61F10-28.603, 59X-28.603, Amended \_\_\_\_\_.

64B16-28.606 Remote Medication Order Processing for Class II or Class III Institutional Pharmacies or Special Pharmacy Permits Servicing Class I, Class II, Modified Class II, Class III, and Special ALF Permitted Facilities.

(1) Definitions.

(a) "Remote Medication Order Processing" includes any of the following activities performed for a Class II or Class III Institutional Pharmacy or for Special Pharmacy Permits servicing Class I, Class II, Modified Class II, Class III, and Special ALF permitted facilities from a remote location:

- 1. through 8. No change.
- (b) through (c) No change.
- (2) General requirements.
- (a) No change.

(b) A Class II or Class III Institutional pharmacy or Special Pharmacy servicing Class I, Class II, Modified Class II, Class III, and Special ALF permitted facilities may utilize remote medication order processing if the pharmacist performing the remote medication order processing has access to sufficient patient information necessary for prospective drug use review and approval of medication orders.

(c) No change.

(d) If the pharmacist performing remote medication order processing is not an employee of the pharmacy, the Class II or Class III Institutional pharmacy or Special Pharmacy servicing Class I, Class II, Modified Class II, Class III, and Special ALF permitted facilities must have a written agreement or contract with the pharmacist or entity employing the pharmacist. The written agreement or contract shall:

1. through 4. No change.

(3) No change.

(4) Records.

(a) A Class II or Class III Institutional Pharmacy or Special Pharmacy Permits servicing Class I, Class II, Modified Class II, Class III, and Special ALF permitted facilities involved in remote medication order processing shall maintain a record that identifies the name, initials, or identification code of each person who performed a processing function for every medication order. The record shall be available by medication order or by patient name.

(b) through (d) No change.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.019, 465.022, 465.026, 465.0266 FS. History—New 11-29-04, Amended 7-14-14, 7-19-17, \_\_\_\_\_.

64B16-28.810 Special Pharmacy – Limited Community Permit.

A Special-Limited Community Permit shall be obtained by a Class II or Class III Institutional Pharmacy that dispenses medicinal drugs, including controlled substances to:

(1) through (4) No change.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.0196 FS. History—New 7-31-91, Formerly 21S-28.810, 61F10-28.810, 59X-28.810, Amended 7-17-05, 2-10-14, \_\_\_\_\_.

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: June 12, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 6, 2018

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-30.001  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to update violations and penalties.

SUMMARY: Violations and penalties will be updated in the rule.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 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: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079, 465.016, 465.023 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: C. 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:**

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating Chapters 456, 465, 499, or

893 or Section 828.055, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 456, 465, 499, 893 or Section 828.055, F.S. The term license means any permit, registration, certificate, or license, including a provisional license, issued by the Department. Penalty ranges are shown as minimum and maximum guidelines as well as for first time single count violations and for multiple or repeated violations of the same statutory provision of ~~Chapter 465, F.S.~~, or the rules promulgated thereunder. If an actual range of penalties is not provided, the listed penalty shall be the guideline penalty for the violation(s) unless aggravating or mitigating factors are shown. All penalties at the upper range of the sanctions set forth in the guidelines, e.g., suspension, revocation, etc., include lesser penalties, e.g., fine, continuing education, probation, or reprimand, which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety, and welfare. In addition to any other discipline imposed under these guidelines, the board shall assess costs relating to the investigation and prosecution of the case.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees and permittees for violation of the below mentioned statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated and the full statute or rule cited should be consulted to determine the prohibited conduct.

| VIOLATION   | PENALTY RANGE  |   |
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|   | FIRST VIOLATION MINIMUM, INCLUDING FIRST TIME OR SINGLE COUNT VIOLATIONS | SECOND AND SUBSEQUENT VIOLATIONS MAXIMUM, INCLUDING MULTIPLE OR REPEATED VIOLATIONS OF THE SAME PROVISION |
| (a) Obtaining a license or permit by misrepresentation, fraud, or error. (Section 465.016(1)(a), F.S.); (Section 465.023(1)(a), F.S.) |  |   |

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| 1. By negligent misrepresentation on original application or renewal.   | \$1,000 fine and 12-hour Laws and Rules course or MPJE and 3-hour ethics course to <u>\$5,000 fine and Revocation.</u>   | <del>\$5,000 fine and one (1) year suspension,</del> to Revocation.  |
| 2. By fraudulent misrepresentation on original application or renewal.  | <del>\$10,000 fine for each count and</del> Revocation.  | <del>\$10,000 fine for each count and</del> Revocation.  |
| 3. By error of the Department or Board on original application or renewal.  | Revocation.  | Revocation.  |
| (b) Procuring or attempting to procure a license or permit for another person by false representation. (Section 465.016(1)(b), F.S.); (Section 465.023(1)(b), F.S.) | <del>\$5,000 40,000</del> fine for each count and Revocation.  | \$10,000 fine for each count and Revocation.   |
| (c) Permitting any unlicensed persons, including owner or operator of pharmacy, to practice pharmacy. (Section 465.016(1)(c), F.S.)                                 | \$2,500 fine and 12-hour Laws & Rules course or Multistate Pharmacy Jurisprudence Exam (MPJE) to <u>\$5,000 fine and one (1) year suspension followed by one (1) year probation.</u> | <del>\$5,000</del> to \$10,000 fine and one (1) year suspension followed by one (1) year probation, to Revocation. |
| (d) Being unfit or incompetent to practice pharmacy by reason of habitual intoxication, medicinal drug abuse,   | \$250 fine, indefinite suspension with PRN review and  | <u>One (1) year suspension followed by one (1) year probation, to</u>  |

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| or physical or mental condition that threatens public safety. (Sections 465.016(1)(d), (m), F.S.)                                   | board appearance to <u>revocation.</u>  | Revocation.   |
| (e) Violating laws governing the practice of pharmacy. (Section 465.016(1)(e), F.S.); (Section 465.023(1)(c), F.S.)                 |   |   |
| I. Chapter 465, F.S.:   |   |   |
| a. Failure to supervise registered pharmacy technician. (Section 465.014, F.S.)   | \$250 fine and one (1) year probation and 12-hour Laws and Rules course or MPJE to <u>\$1,000 fine and one (1) year probation.</u>            | \$1,000 fine and one (1) year suspension followed by one (1) year probation, to Revocation.   |
| b. Operating a pharmacy that is not registered. (Section 465.015(1)(a), F.S.)   | \$500 fine per month to maximum of \$5,000 (penalty will require permittee to <u>obtain or renew permit or cease practice) to Revocation.</u> | <del>\$10,000 fine, (penalty will require permittee to renew permit or cease practice),</del> to Revocation, and referral to <u>State Attorney's Office for criminal prosecution.</u> |
| c. Operating a pharmacy where an unlicensed, unregistered, or unsupervised person practices pharmacy. (Section 465.015(1)(b), F.S.) | \$5,000 fine and one (1) year probation to <u>one (1) year suspension followed by one (1) year probation.</u>                                 | \$10,000 fine and one (1) year suspension followed by one (1) year probation, to Revocation.  |
| d. Making a false or fraudulent statement to the board. (Section 465.015(2)(a), F.S.)   | \$10,000 fine to <u>Revocation.</u>   | \$10,000 fine and Revocation.   |
| e. Practicing pharmacy  | <u>\$500 fine per</u>   | \$10,000 fine   |

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| as an inactive licensee. (Section 465.015(2)(b), F.S.)                                      | <del>month</del> <del>Fine based on length of time in practice</del> while inactive (maximum \$6000) to <u>\$10,000</u> \$500 fine and one (1) year suspension per month. | and two (2) years suspension, to Revocation.   |
| f. Selling or dispensing drugs without a prescription. (Section 465.015(2)(c), F.S.)        |   |  |
| (I) Non-scheduled legend drugs.   | \$1,500 fine to <u>\$5,000</u> fine and one (1) year probation.   | \$5,000 fine and one (1) year probation, to Revocation.                                      |
| (II) Scheduled (controlled substances) legend drugs.  | \$5,000 fine to <u>\$10,000</u> fine and one (1) year probation.  | \$10,000 fine and one (1) year suspension followed by one (1) year probation, to Revocation. |
| g. Selling samples or complimentary drugs. (Section 465.015(2)(d), F.S.)                    |   |  |
| (I) Non-scheduled legend drugs.   | \$1,500 fine and (1) year probation to <u>\$5,000</u> fine and one (1) year suspension.   | \$5,000 fine and one (1) year suspension followed by one (1) year probation, to Revocation.  |
| (II) Scheduled (controlled substances) legend drugs.  | \$5,000 fine and one (1) year probation to <u>Revocation</u> .  | \$10,000 fine and one (1) year suspension followed by one (1) year probation, to Revocation. |
| h. Failure to notify the board of, or failure to have, a prescription department manager or |   |  |

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| a supervising, a responsible, or a consultant pharmacist. (Section 465.018, .019, .0193, .0196, or .0197, F.S. and 465.022(10), (11), F.S.) |   |  |
| (I) Failure to notify. (Section 465.018, F.S.)  | Fine based on length of time prior to notifying board. \$500 per month (maximum <u>\$6,000</u> ) to one (1) year probation. | \$7,500 <del>fine and one (1) year suspension to Revocation</del> maximum (penalty requires notification or ceasing practice).       |
| (II) Failure to have prescription department manager or a supervising, a responsible, or a consultant pharmacist of record.                 | Fine based on length of time practicing without designated pharmacist, \$750 fine per month and one (1) year probation.     | \$2,000 fine per month, to Revocation.   |
| i. Failure to comply with substitution of legend drug requirements. (Sections 465.025(2), (3), (4), F.S.)                                   | \$500 fine and 12-hour Laws & Rules course or MPJE to <u>\$2,200</u> fine and one (1) year probation.                       | \$2,500 fine, 12-hour Laws & Rules course or MPJE, and one (1) year probation to <u>Revocation</u> .                                 |
| j. Failure to follow negative formulary requirements. (Section 465.025(6), F.S.); (Rule 64B16-27.500, F.A.C.)                               | \$1,000 fine and 12-hour Laws & Rules course or MPJE to <u>\$2,500</u> fine and one (1) year probation.                     | \$2,500 fine, 12-hour Laws & Rules course or MPJE, and one (1) year probation to <u>Revocation</u> .                                 |
| k. Failure to follow emergency prescription requirements. (Section 465.0275, F.S.)  | \$500 fine to <u>\$2,500</u> fine and one (1) year probation.   | <del>\$2,500</del> 4,000 fine and one (1) year probation to <u>\$5,000</u> fine and one (1) year suspension followed by one (1) year |

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|  |   | <u>probation.</u>   |
| l. Engage in prohibited rebate scheme. (Section 465.185, F.S.)   | \$1,500 fine and 12-hour Laws & Rules course or MPJE to <u>\$5,000 fine and one (1) year probation.</u> | \$5,000 fine, 12-hour Laws & Rules course or MPJE, and one (1) year probation, to Revocation. |
| m. Failure to comply with pharmacist dispensing requirements. (Section 465.186, F.S.)  |   |   |
| (I) Failure to follow procedure, but dispense drug appearing on formulary. (Section 465.186(3), F.S.); (Rule 64B16-27.210, F.A.C.)           | \$500 fine to <u>\$1,000 fine and one (1) year probation.</u>   | \$1000 fine and one (1) year probation to suspension of right to dispense.                    |
| (II) Dispensing drug not on the formulary. (Section 465.186(2), F.S.); (Rules 64B16-27.220, .230, F.A.C.)                                    | \$1,500 fine and 12-hour Laws & Rules course or MPJE to <u>\$5,000 fine and one (1) year probation.</u> | \$5,000 fine and one (1) year probation to \$10,000 fine and Revocation.                      |
| n. Failure to timely report fraudulent obtaining or attempted obtaining of controlled substances from a pharmacy. (Section 465.015(3), F.S.) |   |   |
| (I) Failure to timely report.  | \$500 fine and <u>12-hour Laws &amp; Rules course or MPJE to one (1) year probation.</u>                | \$1,000 fine and one (1) year probation, <u>to revocation.</u>                                |
| (II) Failure to report.  | \$1,000 fine and one (1) year probation <u>to one (1) year suspension.</u>                              | \$5,000 fine and one (1) year suspension followed by one (1) year probation, to               |

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|  |   | Revocation.  |
| o. Violation of facsimile prescription requirements. (Section 465.035, F.S.)   | <u>\$500 fine and 12-hour Laws &amp; Rules course or MPJE to one (1) year probation.</u>  | \$1,000 fine and one (1) year probation, <u>to revocation.</u>                                   |
| p. Violation of requirements for administration of vaccines and epinephrine auto injection. (Section 465.189, F.S.); (Section 465.009(6)(a), F.S.) |   |  |
| (I) Failure to enter into a written protocol.  | \$2,500 fine and 12-hour Laws & Rules course or MPJE to <u>one (1) year probation.</u>  | \$5,000 fine and one (1) year probation, <u>to revocation.</u>                                   |
| (II) Failure to maintain proper insurance.   | \$500 fine and suspension until insured to <u>one (1) year probation.</u>   | \$1,000 fine, suspension until insured, followed by one (1) year probation <u>to revocation.</u> |
| (III) Failure to maintain and make available patient records.  | \$500 fine to <u>one (1) year probation.</u>  | \$1,000 fine and one (1) year probation <u>to revocation.</u>                                    |
| (IV) Uncertified administration of vaccine.  | \$5,000 fine and <u>one (1) year suspension of immunization certification</u> <del>until certified</del> <u>to one (1) year suspension.</u> | \$7,500 fine and suspension until certified, followed by one (1) year probation, to revocation.  |
| (V) Failure to submit copy of protocol or written agreement to the board.  | \$500 fine to <u>one (1) year probation.</u>  | \$1,000 fine and one (1) year probation <u>to revocation.</u>                                    |
| q. Failure to request photo or other verification of identity  | <u>\$500 fine and 12 hour Laws &amp; Rules course</u>   | <u>\$1,000 fine and one (1) year probation, to</u>   |

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| prior to dispensing a controlled substance to a person not known. (465.0155(2), F.S.)  | or MPJE to one (1) year probation.   | revocation.   |
| r. Failure to inform customers of less expensive drug when cost sharing obligation to customer exceeds retail price. (465.0244(2), F.S.) | \$500 fine and 12 hour Laws & Rules course or MPJE to one (1) year probation.                            | \$1,000 fine to one (1) year suspension of dispensing rights.                                   |
| 2. Chapter 499, F.S.:  |  |   |
| a. Adulteration or misbranding of a drug. (Sections 499.005(2), (3), F.S.); (Section 499.006, F.S.); (Section 499.007, F.S.)             |  |   |
| (I) Adulteration of a drug. (Section 499.005(2), F.S.); (Section 499.006, F.S.)  | \$1,000 fine and 12-hour Laws & Rules course or MPJE to one (1) year probation.                          | \$5,000 fine and one (1) year suspension followed by one (1) year probation, to revocation.     |
| (II) Receipt or delivery of any drug that is adulterated or misbranded. (Section 499.005(3), F.S.)                                       | \$1,000 fine and 12-hour Laws & Rules course or MPJE to one (1) year probation.                          | \$5,000 fine and one (1) year probation, to revocation.   |
| (III) Incomplete or inaccurate labeling. (Section 499.007, F.S.); (Rule 64B16-28.108, F.A.C.)  | \$250 fine and 12-hour Laws & Rules course or MPJE to one (1) year probation.                            | \$2,500 fine and one (1) year probation, to revocation.   |
| (IV) Fraudulent misbranding of legend drugs. (Section 499.007, F.S.)   | \$10,000 fine and one (1) year suspension followed by one (1) year probation to two (2) year suspension. | \$10,000 fine and two (2) years suspension followed by two (2) years' probation, to revocation. |
| b. Failure to obtain a   | \$500 fine per   | \$10,000 fine   |

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| permit or registration, or operating without a valid permit when it is required. (Section 499.005(22), F.S.)   | month to maximum of \$5,000 (penalty will require permittee to renew permit or cease practice) to one (1) year probation. | (penalty will require permittee to renew permit or cease practice), to revocation. |
| c. Prescription drug pedigree violations. (Section 499.005(28), F.S.); (Section 499.0051, F.S.)  | \$500 fine and 12-hour Laws & Rules course or MPJE to one (1) year probation.   | \$5,000 fine and one (1) year probation, to revocation.                            |
| d. Recordkeeping requirement. (Section 499.0121, F.S.); (Sections 499.005(18), (19), F.S.)   | \$500 fine and 12-hour Laws & Rules course or MPJE to one (1) year probation.   | \$5,000 fine and one (1) year probation, to revocation.                            |
| e. Storage of drugs. (Section 499.0121, F.S.)  | \$500 fine and 12-hour Laws & Rules course or MPJE to one (1) year probation.   | \$5,000 fine and one (1) year probation, to revocation.                            |
| 3. Chapter 893, F.S. (Controlled Substances):  |   |  |
| a. Filling a written or oral prescription for controlled substances that does not meet the requirements of Chapter 893, F.S. (Sections 893.04(1)(a), (b), (c), F.S.) | \$1,500 fine and 12-hour Laws & Rules course or MPJE to one (1) year probation.   | \$5,000 fine and one (1) year probation, to revocation.                            |
| b. Failing to retain prescription records for two (2) years. (Section 893.04(1)(d), F.S.)  | \$1,000 fine and 12-hour Laws & Rules course or MPJE to one (1) year probation.   | \$5,000 fine and one (1) year probation, to revocation.                            |
| c. Failing to appropriately label.   | \$250 fine and 12-hour Laws   | \$2,500 fine and (1) year  |

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| (Section 893.04(1)(e), F.S.)  | & Rules course or MPJE to <u>one (1) year probation.</u>   | probation, <u>to revocation.</u>   |
| d. Dispensing a Schedule II drug inappropriately with a non-written prescription. (Section 893.04(1)(f), F.S.)  | \$5,000 fine and one (1) year probation <u>to one (1) year suspension.</u>                             | \$10,000 fine and one (1) year suspension followed by one (1) year probation, to revocation. |
| e. Inappropriate refilling of Schedule III, IV, or V drugs. (Section 893.04(1)(g), F.S.); (Section 893.04(2)(e), F.S.)                                | \$1,750 fine and one (1) year probation <u>to one (1) year suspension.</u>                             | \$5,000 fine and one (1) year suspension, <u>to revocation.</u>                              |
| f. Receiving controlled substances without an appropriate order form. (Section 893.06(1), F.S.)   | \$2,500 fine <u>to one (1) year probation.</u>   | \$5,000 fine and one (1) year probation, to Revocation.                                      |
| g. Possession of controlled substances outside the regular course of business, occupation, profession, employment, or duty. (Section 893.06(2), F.S.) | \$2,500 fine and one (1) year probation <u>to one (1) year suspension.</u>                             | \$5,000 fine and one (1) year suspension followed by one (1) year probation, to Revocation.  |
| h. Failure to take a biennial inventory. (Sections 893.07(1)(a), (2), (3), (4), (5), F.S.)  | \$1,000 fine <u>and 12-hour Laws &amp; Rules course or MPJE to one (1) year probation.</u>             | \$2,500 fine and one (1) year probation, <u>to revocation.</u>                               |
| i. Failure to maintain a complete and accurate record of controlled substances. (Sections 893.07(1)(b), (2), (3), (4), (5), F.S.)                     | \$1,000 fine, <u>12-hour Laws &amp; Rules course or MPJE to <del>and</del> one (1) year probation.</u> | \$5,000 fine and two (2) years' probation, to Revocation.                                    |
| j. Dispensing Schedule V controlled substances in other than good faith. (Section 893.08(3)(b), F.S.)   | \$5,000 fine and one (1) year probation <u>to one (1) year suspension.</u>                             | \$10,000 fine and one (1) year suspension followed by one (1) year probation, to             |

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|  |  | revocation.  |
| k. Inappropriate selling of Schedule V controlled substance. (Section 893.08(3)(c), F.S.)  | \$1,500 fine and one (1) year probation <u>to one (1) year suspension.</u>               | \$5,000 fine and one (1) year suspension, <u>to revocation.</u>                                |
| l. Unlawful possession of controlled substance. (Section 893.13, F.S.)   | \$5,000 fine and two (2) years' probation <u>to one (1) year suspension.</u>             | \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to revocation. |
| m. Failure to report information regarding dispensed controlled substances to the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System. (893.055(3), F.S.) | \$250 fine and <u>12-hour Laws &amp; Rules course or MPJE to one (1) year probation.</u> | \$5,000 fine and <u>one (1) year probation, to revocation.</u>                                 |
| n. Failure to consult the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System prior to dispensing a controlled substance. (893.055(8), F.S.)              | \$250 fine and <u>12-hour Laws &amp; Rules course or MPJE to one (1) year probation.</u> | \$5,000 fine and <u>one (1) year probation, to revocation.</u>                                 |
| o. Failure to maintain confidentiality of information obtained from the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System. (893.0551(6), F.S.)          |  |  |
| (I). Knowing violation.  | \$10,000 fine and one (1) year probation <u>to one (1) year suspension.</u>              | \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to             |

|  |  | <u>Revocation.</u>   |
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| <u>(II). Negligent violation.</u>  | <u>Reprimand to \$500 fine and 12 hour Laws &amp; Rules course or MPJE.</u>                          | <u>One (1) year probation and \$1,000 fine to one (1) year suspension.</u>                                   |
| 4. Violation of Federal Drug Abuse Act 21 U.S.C. 821 et seq. (Manufacture, Distribution, and Dispensing of Controlled Substances.) | <del>\$1,000</del> 500 fine and one (1) year probation <u>to one (1) year suspension.</u>            | \$2,000 fine up to \$10,000 and one (1) year suspension followed by two (2) years' probation, to revocation. |
| 5. Violation of Food and Drug Act 21 U.S.C. 301 – 392.   | \$2,500 fine and one (1) year suspension, <u>to revocation.</u>                                      | \$7,500 fine and two (2) years suspension followed by two (2) years' probation, to revocation.               |
| (f) Criminal conviction related to Pharmacy. (Section 465.016(1)(f), F.S.); (Section 465.023(1)(d), F.S.)                          |  |  |
| 1. Misdemeanor.  | \$1,000 fine <u>to one (1) year probation.</u>   | \$5,000 fine <u>and one (1) year probation, to revocation.</u>   |
| 2. Felony.   | \$5,000 fine and one (1) year suspension followed by two (2) years' probation, <u>to revocation.</u> | \$10,000 fine and two (2) years suspension followed by three (3) years' probation, to revocation.            |
| (g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner  | \$250 fine without ingestion or harm, to \$500 with ingestion, and complete approved CE              | \$500 fine without ingestion or harm, to \$1,000 with ingestion, complete approved CE                        |

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| from the ingredient or article prescribed, except as authorized in Section 465.019(6), F.S. or Section 465.025, F.S. (Section 465.016(1)(g), F.S.); or, compounding, dispensing or distributing legend drugs outside professional practice of pharmacy. (Section 465.016(1)(i), F.S.) | course in the prevention of medication errors of no less than eight (8) hours <u>to one (1) year probation.</u> | course in the prevention of medication errors of no less than eight (8) hours, and two (2) years' probation, to revocation. |
| (h) Filing a false report or failing to file a report required by law. (Section 465.016(1)(j), F.S.)  |   |   |
| 1. Knowing violation.   | \$10,000 fine and one (1) year probation <u>to one (1) year suspension.</u>                                     | \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to Revocation.                              |
| 2. Negligent violation.   | Reprimand <u>to \$500 fine and 12 hour Laws &amp; Rules course or MPJE.</u>                                     | One (1) year probation and \$1,000 fine <u>to one (1) year suspension.</u>  |
| (i) Failure to make prescription price information available. (Section 465.016(1)(k), F.S.)   | \$250 fine and 12-hour Laws & Rules course or MPJE, <u>to \$1,000 fine and one-year probation.</u>              | \$1,000 fine and one (1) year probation <u>to one (1) year suspension.</u>  |
| (j) Improperly placing returned drugs into the stock of a pharmacy. (Section 465.016(1)(l), F.S.)   | \$1,500 fine <u>to \$1,000 fine and one-year probation.</u>   | \$3,000 fine and one (1) year probation <u>to one (1) year suspension.</u>  |
| (k) Violating a rule or   |   |   |

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| order of the Board or Department.<br>(Section 465.016(1)(n), F.S.)   |  |   |
| 1. Rules of Board of Pharmacy.   |  |   |
| a. Rules 64B16-28.101 to 64B16-28.1035, F.A.C.<br>Rule 64B16-27.100, F.A.C.<br>Rule 64B16-28.109, F.A.C.<br>Rule 64B16-27.103, F.A.C.<br>Rule 64B16-27.104, F.A.C.<br>Rule 64B16-26.400, F.A.C.<br>Rule 64B16-26.2032 F.A.C.<br>Rule 64B16-28.1081, F.A.C.<br>Rule 64B16-27.105, F.A.C.<br>Rule 64B16-27.211, F.A.C.<br>Rule 64B16-28.113, F.A.C.<br>Rule 64B16-28.2021, F.A.C.<br>Rule 64B16-28.603, F.A.C. | \$500 fine and 12-hour Laws & Rules course or MPJE, to <u>\$1,000 fine and one-year probation.</u> | One (1) year probation and \$2,000 fine to <u>one (1) year suspension</u> |
| b. Sink and running water, sufficient space, refrigeration, sanitation, equipment.<br>(Rule 64B16-28.102, F.A.C.)  | Suspension until compliance.   | \$2,000 fine to <del>and</del> revocation.                                |
| c. Knowingly purchase, sell, possess, or distribute counterfeit drugs.<br>(Rule 64B16-27.101, F.A.C.)  | \$5,000 fine, one (1) year suspension followed by one (1) year probation to revocation.            | \$10,000 fine to <del>and</del> revocation.                               |
| d. Failure to remove outdated pharmaceuticals, or dispensing of same.  | \$500 fine for possession, \$1,000 fine for dispensing to  | \$2,500 – \$5,000 fine and two (2) years' probation, to                   |

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| (Rule 64B16-28.110, F.A.C.)   | <u>one (1) year probation.</u>   | revocation.   |
| e. Violation of destruction of controlled substances.<br>(Rules 64B16-28.301 and .303 F.A.C.)                   | \$500 fine and 12-hour Laws & Rules course or MPJE to <u>one (1) year probation.</u>   | \$5,000 fine and two (2) years' probation, to revocation.                                     |
| f. No change.   |  |   |
| g. Violation of requirements for records maintained in a data processing system.<br>(Rule 64B16-28.140, F.A.C.) | \$1,000 fine and 12-hour Laws & Rules course or MPJE plus 8 hours CE course in record keeping to <u>one (1) year probation.</u>                              | \$5,000 fine and two (2) years' probation, to revocation.                                     |
| h. Failure to properly store legend drugs.<br>(Rule 64B16-28.120, F.A.C.)                                       | \$1,000 fine and 12-hour Laws & Rules course or MPJE to <u>one (1) year probation.</u>   | \$5,000 fine and one (1) year probation, to revocation.                                       |
| i. No change.   |  |   |
| j. Failure to follow technical requirements for nuclear pharmacy.<br>(Rules 64B16-28.901 and .902, F.A.C.)      | One (1) year probation and \$1,000 fine, to \$2,500 fine and six (6) months suspension followed by one (1) year probation to <u>one (1) year suspension.</u> | \$5,000 fine and one (1) year suspension followed by two (2) years' probation, to revocation. |
| k. through t. No change.  |  |   |
| (l) through (n) No change.  |  |   |
| (o) Failing to notify the Board of commencement or cessation of practice due to discipline in                   | \$500 fine and 12-hour Laws & Rules course or MJPE   | \$2,000 fine and two (2) years' probation to <u>revocation.</u>                               |

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| another jurisdiction.<br>(Section 465.016(1)(p), F.S.)  |  |   |
| (p) Using or releasing patient records improperly.<br>(Section 465.016(1)(q), F.S.)   | \$1,000 fine and 12-hour Laws & Rules course or MJPE.  | \$2,500 fine and one (1) year probation <u>to revocation.</u>   |
| (q) Knowingly, or with reason to believe, dispensing based on purported prescription where patient-prescriber relationship is invalid.<br>(Section 465.016(1)(s), F.S.);<br>(Section 465.023(1)(h), F.S.) |  |   |
| (I) Reason to believe.  | \$2,000 fine, 12-hour Laws & Rules course or MJPE, and one (1) year probation <u>to one (1) year suspension.</u> | \$2,500 to \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to Revocation. |
| (II) Knowingly.   | Revocation.  | Revocation.   |
| (r) through (t) No change.  |  |   |
| (u) Violating Section 456.072, F.S.<br>(Section 465.016(1)(r), F.S.)  |  |   |
| 1. Making misleading, deceptive, or fraudulent representation in or related to the practice of the licensee's profession.<br>(Section 456.072(1)(a), F.S.)  | \$10,000 fine and one (1) year probation <u>to one (1) year suspension.</u>                                      | Revocation, and a fine of \$10,000.   |
| 2. Intentionally violating any rule adopted by the Board  | \$2,500 fine and two (2) years'  | \$5,000 to \$10,000 fine and one (1) year   |

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| or the Department.<br>(Section 456.072(1)(b), F.S.)  | probation <u>to one (1) year suspension.</u>                                  | suspension followed by two (2) years' probation, to Revocation.  |
| 3. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.<br>(Section 456.072(1)(c), F.S.) |   |  |
| a. Misdemeanor.  | \$1,000 fine <u>to one (1) year probation and suspension until compliant.</u> | \$2,500 fine and <del>suspension until compliant,</del> followed by one (1) year probation, to Revocation. |
| b. Felony.   | \$3,000 fine and one (1) year probation <u>to one (1) year suspension.</u>    | \$5,000 to \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to Revocation.  |
| 4. Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome, or medical errors.<br>(Section 456.072(1)(e), F.S.)<br>(Rules 64B16-26.103(1)(c), (4)(e), F.A.C.)                                  | \$500 fine <u>and suspension until compliant.</u>                             | \$1,000 fine <u>and suspension until compliant.</u>  |
| 5. through 9. No change.   |   |  |

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| 10. Failing to perform any statutory or legal obligation placed upon a licensee, including failure to repay student loans or perform scholarship service obligations. (Section 456.072(1)(k), F.S.)   |  |   |
| a. Generally.   | \$2,000 fine and suspension until compliant.                           | \$2,500 to \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to Revocation. |
| b. No change.   |  |   |
| 11. Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee. (Section 456.072(1)(l), F.S.) |  |   |
| a. Knowingly filing a false report or willful obstruction.  | \$10,000 fine and two (2) years' probation to one (1) year suspension. | \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to Revocation.            |
| b. No change.   |  |   |
| 12. Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or a   | \$10,000 fine and two (2) years' probation to one (1) year suspension. | \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to                        |

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| scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)  |   | Revocation.   |
| 13. No change.   |   |   |
| 14. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (Section 456.072(1)(o), F.S.)  | \$2,000 fine and two (2) years' probation to one (1) year suspension. | \$5,000 to \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to Revocation. |
| 15. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(p), F.S.) | \$2,000 fine and two (2) years' probation to one (1) year suspension. | \$5,000 to \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to Revocation. |
| 16. through 27. No change.   |   |   |
| (v) No change.   |   |   |

(3) through (4) No change.

Rulemaking Authority 456.072, 456.079, 465.005 FS. Law Implemented 456.072, 456.079, 465.016, 465.023 FS. History—New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00, 1-2-02, 11-29-06, 9-26-12, 2-14-13, 2-5-14, 1-10-17, \_\_\_\_\_.

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: June 12, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 6, 2018

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-30.003  
 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the rule due to statutory changes.

SUMMARY: The rule will be updated due to statutory changes.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, 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: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 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: C. 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:

64B16-30.003 Citations.

(1) Pursuant to Section 456.077, F.S., the Board sets forth in subsection (3) of this rule those violations for which there is no substantial threat to the public health, safety and welfare; or, if there is a substantial threat to the public health, safety and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the fine to be imposed.

(2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

|  |         |
|--|---------|
| (a) through (b) No change.   |         |
| (c) First time failure to complete the required continuing education during the biennial licensure period. (Section 456.072(3)(a), F.S.) |         |
| Failure to complete less than 10 hours   | \$500   |
| Failure to complete 10 or more hours   | \$1,000 |

In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.

|   |  |
|---|--|
| (d) through (f) No change.  |  |
| (g) Failure to notify the board of a change in a prescription department manager or consultant pharmacist. (64B16-27.450 or 28.501, F.A.C.) | Fine based on the length of time prior to notifying board. \$200 a month to \$5,000 maximum. |

|  |   |
|--|---|
| (h) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in Section 465.019(6) or 465.025, F.S.; or dispensing a medication with dosage instructions different in any way than prescribed, provided that the medication was not used or ingested. (465.016(1)(g), F.S.) | \$250 fine, Completion of an approved CE course in the prevention of medication errors of no less than 8 hours. |
| (i) No change.   |   |
| (j) Failing to comply with the Educational course  | \$500   |

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|--|--------------------|
| requirements for Human immunodeficiency virus and Acquired immune deficiency syndrome (HIV/AIDS), or medical errors. (456.033(1), F.S.)  |                    |
| (k) No change.   |                    |
| (l) <u>First time failure to report controlled substance dispensing information to the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System. (893.055(3)(a), F.S.)</u><br><del>Failure to retain continuing education records.</del> | \$100<br><br>\$250 |
| (m) <u>First time (initial) failure to consult the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System prior to dispensing a controlled substance. (893.055(8), F.S.)</u>   | \$100              |
| (n) <u>Failure to request photo of other verification of identity prior to dispensing a controlled substance to a person not known. (465.0155(2),</u>  | \$100              |
| (o) <u>Failure to inform customers of less expensive drug when cost sharing obligation to customer exceeds retail price. (465.0244(2), F.S.)</u>   | \$100              |

(4) through (5) No change.

Rulemaking Authority 456.073, 456.077, 465.005 FS. Law Implemented 456.077 FS. History--New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00, 1-2-02, 8-26-02, 1-12-03, 2-1-12, \_\_\_\_\_.

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: June 12, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 6, 2018

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE NO.: RULE TITLE:

68D-35.001 Airboat Operator Course

PURPOSE AND EFFECT: This rule will establish the minimum acceptable standards and criteria for approval by the Commission of an airboat operator's course mandated by subparagraph 327.391(5)(a)3., F.S.

SUMMARY: This rule will establish the minimum acceptable standards and criteria for approval by the Commission of an airboat operator's course mandated by subparagraph 327.391(5)(a)3., F.S.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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

RULEMAKING AUTHORITY: 327.391, F.S.

LAW IMPLEMENTED: 327.391, F.S.

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: Major Robert Rowe, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian St., Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-35.001 Airboat Operator Course

(1) Pursuant to Section 327.391 F.S., all Airboat Operator Courses developed for the purposes of training airboat operators carrying passengers for hire must be approved by the Florida Fish and Wildlife Conservation Commission. This chapter establishes the minimum standards for airboat for hire operator courses, course providers, course instructors and state specific course content.

(2) Each Airboat Operator Course Provider;

(a) Shall require its instructors to demonstrate knowledge of boating safety and the current laws and regulations pertaining to the operation of airboats, as well as teaching skills in the area of boating safety, and shall ensure that all instructors meet the qualifications set forth in subsection (2 and 3).

(b) Is responsible for maintaining an ongoing quality control program for their course. Providers shall periodically update or recertify their instructors. Quality of instruction will be assured through this means with each provider auditing its own program.

(c) Shall maintain books, records, and documents directly pertinent to the performance and successful completion of an approved Airboat Operators Course in accordance with generally accepted accounting principles consistently applied. Such records shall be available for inspection and audit purposes for no less than five (5) years following course approval.

(d) Shall confirm that students have proof of successful completion of:

1. A boater safety course approved by the National Association of State Boating Law Administrators and this state or a captain's license issued by the United States Coast Guard; and

2. A Cardiopulmonary Resuscitation course; and

3. A First Aid Course

(e) Shall supply to an examinee who has received a passing score on the examination and passed the on the water practical evaluations, either an electronic or printable certificate that contains the below information:

1. Certificates must include the name of the Provider; date of issue; the student's first name, middle initial, last name, date of birth, current mailing address; the passing score on the examination, including the date of the successful completion, and the primary instructor for the classroom and on the water training.

(3) Each Airboat Instructor shall have knowledge of boating safety, and the current laws and regulations pertaining to the operation of airboats, as well as teaching skills in the area of boating safety and airboat operation.

(4) Each Airboat Instructor must meet the following criteria:

(a) Must be at least 21 years of age.

(b) Have obtained either a High-School Diploma or GED.

(c) Have a boating privilege that is current and has not had their privilege to operate a vessel in Florida suspended in the past three years.

(d) No felony convictions within the previous five years.

(e) Must have a minimum of 120 hours of documented airboat operation time within last three years, to be completed at a minimum of 40 hours per year.

(5) Each Airboat Operator Course taught pursuant to Section 327.391, F.S., must meet the minimum instruction requirements established by the Florida Fish and Wildlife Conservation Commission and maintain current approval from the Commission.

(a) The course will be a minimum of 24 hours total instruction and testing time, to include the following minimums criteria:

1. 8 hours of classroom instruction/written testing

2. 14 hours of on the water instruction, practice, and testing of operational practicals where

a. The student to instructor ratio of 3:1 maximum for the on-the-water instruction is maintained, and

b. Each student has 4 hours of individual operating time.

(b) Each course approved by FWC will contain the same information required in the FWC supplied course material based on the United States Department of Interior Airboat Training Module's Manual including the on-the-water practicals and testing.

(c) An approved course will contain and use the following:

1. A boating safety workbook or text, or the electronic equivalent.

2. A final exam of not less than 50 questions, including a minimum of 10 Florida-specific questions, and require a minimum passing score of 80 percent.

3. Course lesson plans minimum requirements:

a. Subject

b. References (Manual section or other lesson reference material, i.e. navigation rules COMDINST)

c. Objectives (Standards being taught)

d. Safety Considerations (Practical exercises i.e. double hearing protection, water depth for maneuvers, maximum speed, weather considerations, First Aid, etc.)

e. Assessment (How is the student graded, written or demonstration, what is pass and what is fail)

f. Procedure

g. Instructor actions (ex. Pre-flight checklist)

h. Desired student outcome (ex. Student should be able to demonstrate how to check the oil, identify proper nomenclature of equipment and components on the checklist such as oil pressure gauge, oil filter, etc.)

4. A syllabus or course outline.

5. A list of course objectives.

6. The on-the-water practicals and testing must include shallow water operation, deep water operation, docking, beaching, and transitions from water to land and back to water.

(d) Each course must be updated and re-approved by the Florida Fish and Wildlife Conservation Commission every three years.

(e) Airboat Operators carrying passengers for hire will take refresher training at least every 5 years. The refresher training

will contain a minimum of 8 hours of instruction and testing. Included in this 8 hours will be an exam meeting the final exam criteria and 6 on the water hours including successful demonstration and testing of the water practical criteria by the examinee.

(f) Any person administering the Airboat Operators Course and examinations is prohibited from providing assistance of any kind to the examinee during the examination and must not allow, suffer, or permit any other person to assist the examinee during the examination. The term "assistance" does not include the provision of reasonable accommodations if required under the Americans with Disabilities Act or s. 501 of the Rehabilitation Act.

(6) Minimum state specific course topic content required by the Florida Fish and Wildlife Conservation Commission should include:

(a) Florida specific boating requirements.

(b) Florida's adoption of all federal equipment requirements.

(c) Ecosystem Awareness, based on local issues.

(d) Boating accident requirements – remaining on scene; rendering assistance; reporting accidents.

(e) Problems seeing other vessels and being seen by them.

(f) Boating Restricted Areas and Regulatory markers including Idle Speed, Slow Speed, and mile per hour restrictions.

(g) Operator responsibility (ethics), courtesy and good judgment on the water.

(h) Avoiding careless, reckless, and negligent operation of vessels.

(i) The effects of alcohol, controlled substances, and stressors.

(j) Navigation Rules including maintaining proper lookout, safe speed, and requirements of give way or stand on vessels.

(k) Aids to navigation; buoys and other waterway markers.

(l) Awareness of changes in weather or water conditions and proper responses to those changes.

(m) Boating accidents including causes and prevention of airboat accidents.

(n) Noise, nuisances, environmental and other operational concerns.

Rulemaking Authority 327.391, F.S. Law Implemented 327.391, F.S. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Major Robert Rowe, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian St., Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 4, 2018

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

#### DEPARTMENT OF LAW ENFORCEMENT

##### Division of Criminal Justice Information Systems

RULE NOS.:      RULE TITLES:

11C-7.006      Procedures on Court-Ordered Expunctions

11C-7.007      Procedures on Court-Ordered Sealings

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 44 No. 57, March 22, 2018 issue of the Florida Administrative Register has been withdrawn.

#### REGIONAL PLANNING COUNCILS

##### North Central Florida Regional Planning Council

RULE NO.:      RULE TITLE:

29C-9.001      Strategic Regional Policy Plan

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 44 No. 143, July 24, 2018 issue of the Florida Administrative Register.

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

DATE AND TIME: August 23, 2018, 7:00 p.m.

PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 SW Commerce Boulevard, Lake City, Florida.

#### DEPARTMENT OF HEALTH

##### Board of Speech-Language Pathology and Audiology

RULE NO.:      RULE TITLE:

64B20-5.005      Requirements for Renewal of Provisional License

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 96, May 16, 2018 issue of the Florida Administrative Register.

A Notice of Change was published in Vol. 44, No. 136, of the July 13, 2018, issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated July 16, 2018. Although no changes will be made to the rule text itself, the changes to Form SPA-5 specifically

removes the requirements of the quoted text herein for an applicant, who responds affirmatively to the question in Section 2.A of page 1, to provide a “certified” copy of the court disposition and, in the Certification Section, to sign “under penalty of perjury.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kama Monroe, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, [Kama.Monroe@flhealth.gov](mailto:Kama.Monroe@flhealth.gov).

**Section IV  
Emergency Rules**

NONE

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

AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
RULE NO.: RULE TITLE:  
59A-4.1265 Emergency Environmental Control for Nursing Homes  
The AGENCY FOR HEALTH CARE ADMINISTRATION hereby gives notice:  
a Final Order dismissing as moot the Petition for Variance from Rule 59A-4.1265, F.A.C., received from Health Facilities, Inc. d/b/a Tri-County Nursing Home. The Agency received the Petition on April 24, 2018. Notice of the Petition was published on May 3, 2018. The Petition was dismissed as moot because the Petitioner also filed a request for an extension of time to comply with Rule 59A-4.1265, F.A.C., which has since been granted. The Agency granted the Petitioner’s extension of time request, and the relief it requested, on June 7, 2018.  
A copy of the Order or additional information may be obtained by contacting: Bernard Hudson, Agency for Health Care Administration, Division of Health Quality Assurance, Long Term Care Services Unit by phone (850)412-4303 or by email to [NH\\_Emergencyrule@ahca.myflorida.com](mailto:NH_Emergencyrule@ahca.myflorida.com)

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
Division of Hotels and Restaurants  
RULE NO.: RULE TITLE:  
61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On July 24, 2018, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Fairview Vista Condominium, filed July 16, 2018, and advertised on July 18, 2018, in Vol. 44, No. 139, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.27.3.2.1(a), A.S.M.E. A17.1, 2013 edition, as adopted by Rule 61C-5.001, Florida Administrative Code that requires alarm initiating devices at each elevator lobby served by the elevator because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2018-152).

A copy of the Order or additional information may be obtained by contacting: Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, [dhr.elevators@myfloridalicense.com](mailto:dhr.elevators@myfloridalicense.com).

DEPARTMENT OF HEALTH  
Board of Clinical Laboratory Personnel  
RULE NO.: RULE TITLE:  
64B3-5.003 Technologist  
The Board of Clinical Laboratory Personnel hereby gives notice:  
of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on October 26, 2010, by Victoria S. Curtis. The Notice of Petition for Waiver or Variance was published in Volume 36, Number 51, of the December 23, 2010, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance paragraph 64B3-5.003(3)(a) Option 2 and 3, Florida Administrative Code, entitled, “Technologist,” which sets forth the requirements for a specialty licensure as a technologist in microbiology, serology/immunology, clinical chemistry, hematology, immunochemistry, and molecular pathology.  
The Board considered the instant Petition at a duly-noticed public meeting held December 3, 2010 in Jacksonville, Florida. The Board’s Order, filed on January 10, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute would be met by granting a variance or waiver from paragraph 64B3-5.002(3)(a) Option 1a, F.A.C. The Board further finds that Petitioner failed to establish that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.002 Supervisor

The Board of Clinical Laboratory Personnel hereby gives notice:

of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on February 22, 2010, by Twinkal Christie. The Notice of Petition for Waiver or Variance was published in Volume 36, Number 12, of the March 19, 2010, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance of paragraph 64B3-5.002(1)(a), Florida Administrative Code, entitled, "Supervisor," which requires for licensure with a specialty in hematology, that the licensee have a bachelor's degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences.

The Board considered the instant Petition at a duly-noticed public meeting held April 9, 2010 in Tampa, Florida. The Board's Order, filed on April 29, 2010, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute would be met by granting a variance or waiver from paragraph 64B3-5.002(1)(a), F.A.C. The Board further finds that Petitioner failed to establish that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.003 Technologist

The Board of Clinical Laboratory Personnel hereby gives notice:

of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on July 7, 2009, by Vaneska Mayor. The Notice of Petition for Waiver or Variance was published in Volume 35, Number 29, of the July 24, 2009, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance of subsection 64B3-5.003(1), Florida Administrative

Code, entitled "Technologist," pertaining to the certification examinations requirement.

The Board considered the instant Petition at a duly-noticed meeting held August 14, 2009 in Jacksonville, Florida. The Board's Order, filed on September 22, 2009, granted the petition, finding that Petitioner had established that the purpose of the underlying statute would be met by granting a variance or waiver from subsection 64B3-5.003(1), F.A.C. The Board further finds that Petitioner established that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.003 Technologist

The Board of Clinical Laboratory Personnel hereby gives notice:

of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on September 30, 2009, by Ivan Marc E. De Los Reyes. The Notice of Petition for Waiver or Variance was published in Volume 35, Number 41, of the October 16, 2009, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance of the training experience requirement set forth in subsection 64B3-5.003(3), Florida Administrative Code, entitled, "Technologist." Petitioner also seeks a variance or waiver from subsection 64B3-2.003(9), F.A.C., entitled, "Definitions," which provides the definition of an accredited program as a clinical laboratory personnel training program that is accredited by the Committee on Allied Health Education and Accreditation (CAHEA), National Accrediting Agency for Clinical Laboratory Sciences (NAACLS), Council on Accreditation of Allied Health Education Programs (CAAHEP), or Accrediting Bureau of Health Education Schools (ABHES).

The Board considered the instant Petition at a duly-noticed meeting held December 4, 2009 in Ft. Lauderdale, Florida. The Board's Order, filed on December 21, 2009, denied the petition for waiver of Rule 64B3-5.003, F.A.C., because Petitioner met the experience/training requirements licensure was granted; therefore waiver of the rule is not necessary.

A copy of the Order or additional information may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NO.: RULE TITLE:

73C-23.0041 Application Process

NOTICE IS HEREBY GIVEN that on July 17, 2018, the Department of Economic Opportunity, received a petition for Waiver from the requirements of paragraph 73C-23.0041(2)(b), F.A.C., from Franklin County. Paragraph 73C-23.0041(2)(b), F.A.C, limits the amount of funds that an applicant may request. A copy of the Petition for Variance or Waiver may be obtained by contacting: Shanedra Barnes-Whitaker, Deputy Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399; agency.clerk@deo.myflorida.com; (850)245-7150.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announce the following meeting which is open to the public.

DATE AND TIME: Thursday, August 2, 2018, 12:00 Noon – 1:00 p.m.

PLACE: Administrative Offices, 501 West State Street, Room 403A, Jacksonville, FL 32202

MEETING OF THE FSCJ PRESIDENTIAL SEARCH COMMITTEE CO-CHAIRS:

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the FSCJ Presidential Search Process.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the agency at least 24 hours before the meeting by contacting: The Office of the College President, District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or Kim.Sodek@fscj.edu. 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 State College at Jacksonville, hereby reaffirms the principle of equal opportunity for all persons regardless of race, disability, color, ethnicity, national origin, religion, gender, age, sex, sexual orientation/ expression, marital status, veteran status, pregnancy or genetic information. Equal opportunity principle applies with regard to employment, delivery of educational programs and services, and all other appropriate areas in which the College is involved.

For more information, you may contact: District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or Kim.Sodek@fscj.edu.

DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 31, 2018, 1:00 p.m.

PLACE: Conference Call

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/269265109>

You can also dial in using your phone.

United States (Toll Free): 1(877)568-4106

United States: 1(646)749-3129, Access Code: 269-265-109

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters related to the annual Florida Missing Children's Day Event (September 10, 2018)

A copy of the agenda may be obtained by contacting: Craig Schroeder at 1(888)356-4774.

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: Craig Schroeder at 1(888)356-4774. 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: Craig Schroeder at 1(888)356-4774.

DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 1, 2018, 1:00 p.m. – 4:00 p.m.

PLACE: Conference Call

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/704891453>

You can also dial in using your phone.

Toll Free: 1(877)309-2073

+1 (646)749-3129

Access Code: 704-891-453

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conference call will convene the three committees of the Missing and Endangered Persons Information Clearinghouse Advisory Board at the following times:

AWARENESS AND PREVENTION COMMITTEE - 1:00 p.m.

RESPONSE AND RECOVERY COMMITTEE - 2:00 p.m.

**COMMUNICATION AND TECHNOLOGY COMMITTEE - 3:00 p.m.**

A copy of the agenda may be obtained by contacting: Craig Schroeder at 1(888)356-4774.

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: Craig Schroeder at 1(888)356-4774. 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: Craig Schroeder at 1(888)356-4774.

**COMMISSION ON ETHICS**

The Commission on Ethics announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 7, 2018, 9:00 a.m.

PLACE: Commission on Ethics, 325 John Knox Rd., Building E, Suite 200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee Meeting.

A copy of the agenda may be obtained by contacting: [www.ethics.state.fl.us](http://www.ethics.state.fl.us) or (850)488-7864.

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: [www.ethics.state.fl.us](http://www.ethics.state.fl.us) or (850)488-7864. 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 UTILITY AUTHORITIES**

Tampa Bay Water - A Regional Water Supply Authority  
The Tampa Bay Water, A Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2018, 1:00 p.m. – 4:00 p.m. or until completed

PLACE: Tampa Bay Water's Administrative Offices, located at 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for the Request for Proposals to Develop and Implement A SCADA Master Plan Project, Contract No. 2018-010. As a part of the selection process, the Selection Committee will hear presentations and conduct interviews with short-listed firms in order to determine the highest ranking firm to recommend for award.

A copy of the agenda may be obtained by contacting: Records Department at (727)796-2355.

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: Records Department at (727)796-2355. 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: Records Department at (727)796-2355.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Professional Engineers

The Florida Board of Professional Engineers Application Committee and/or Educational Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 8, 2018 at the conclusion of the board meeting or soon thereafter

PLACE: Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for licensure and other general business of the committees.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, [rsammons@fbpe.org](mailto:rsammons@fbpe.org).

**DEPARTMENT OF CHILDREN AND FAMILIES**

The Department of Children and Families, Office of Economic Self-Sufficiency announces a public meeting to which all persons are invited.

DATE AND TIME: July 27, 2018, 3:00 p.m., Debriefing Meeting of the Evaluators and Ranking of the Proposals

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 202, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLED - The DCF Request for Proposal (RFP) #

RFP030618FCO1, Supplemental Nutrition Assistance Program Information and Application Assistance Services is cancelled. 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: Janice D. Johnson at JD.Johnson@myflfamilies.com.

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, August 16, 2018, 2:00 p.m. (cancellation)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida, 32301-1329. The meeting will also be accessible via phone. The call-in information is available on the Corporation webpage <http://www.floridahousing.org/programs/developers-multifamily-programs/competitive/2018/2018-106>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** NOTICE OF CANCELLATION - The workshop will discuss a Request for Applications (RFA) to finance the construction of small Permanent Supportive Housing Developments that are either Community Residential Homes or Supported Living Units. Grant funding will be made available to Non-Profit organizations that have a primary mission which includes serving Persons with Developmental Disabilities.

For more information, you may contact: Jean Salmonsens at (850)488-4197.

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, August 21, 2018, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida, 32301-1329. The meeting will also be accessible via phone. The call-in information is available on the Corporation webpage <http://www.floridahousing.org/programs/developers-multifamily-programs/competitive/2018/2018-106>

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The workshop will discuss a Request for Applications (RFA) to finance the construction of small Permanent Supportive Housing Developments that are either Community Residential Homes or Supported Living Units. Grant funding will be made available to Non-Profit organizations that have a primary mission which includes serving Persons with Developmental Disabilities.

A copy of the agenda may be obtained by contacting: Jean Salmonsens at (850)488-4197.

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: Jean Salmonsens at (850)488-4197. 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.

**HNTB**

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

DATE AND TIME: Thursday, August 2, 2018, 5:00 p.m. – 7:00 p.m.

PLACE: Coleman-Bush Building, 1104 Dr. Martin Luther King, Jr. Avenue, Lakeland, Florida 33805

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Department of Transportation (FDOT), District One, will hold a public information workshop for the Lakeland Area Alternatives Analysis on Thursday, August 2, 2018, 5:00 p.m. – 7:00 p.m. at the Coleman-Bush Building at 1104 Dr. Martin Luther King, Jr. Avenue in Lakeland, FL 33805. The meeting will be an open house format with no formal presentation. Display boards will be available for viewing and project representatives will be available at the workshop to answer questions and discuss the project. FDOT encourages the community to attend.

The Lakeland Area Alternatives Analysis (LAAA) study will assist FDOT District One and its transportation partners (City of Lakeland, Polk County, Citrus Transit) in defining a program of context-based projects envisioned to improve all modes of transportation for safety, mobility, quality of life and economic development. The general study area encompasses northwest Lakeland, bordered by Kathleen Road to the west, Interstate 4 to the north, Lakeland Hills Boulevard to the east, and Memorial Boulevard to the south.

The study is divided into three phases. Phase I, the Existing Conditions Assessment which was completed in summer 2017, Phase 2, Alternatives Analysis, and Phase 3, Project Development and Environment (PD&E) Studies. The project is currently in Phase 2 and alternatives are being identified that may be carried through to the PD&E study phase. This public workshop is to present possible future transportation improvements in the Lakeland study area for community input. Financial Project ID No: 435391-1-22-01

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: Cynthia Sykes, Florida Department of Transportation, District One, 801 N. Broadway Street, Bartow, Florida 33830-3809, 1(863)519-2287 or email: cynthia.sykes@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Deborah Chesna, Complete Streets, Growth Management Coordinator and Project Manager at 1(863)519-2562 or by e-mail to Deborah.Chesna@dot.state.fl.us.

#### HNTB

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

DATE AND TIME: Thursday, August 2, 2018, 5:00 p.m. – 7:00 p.m.

PLACE: Coleman-Bush Building, 1104 Dr. Martin Luther King, Jr. Avenue, Lakeland, Florida 33805

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District One, will hold a public information workshop for the Lakeland Area Alternatives Analysis on Thursday, August 2, 5:00 p.m. – 7:00 p.m. at the Coleman-Bush Building at 1104 Dr. Martin Luther King, Jr. Avenue in Lakeland, FL 33805. The meeting will be an open house format with no formal presentation. Display boards will be available for viewing and project representatives will be available at the workshop to answer questions and discuss the project. FDOT encourages the community to attend. The Lakeland Area Alternatives Analysis (LAAA) study will assist the Florida Department of Transportation (FDOT) District One and its transportation partners (City of Lakeland, Polk County, Citrus Transit) in defining a program of context-based projects envisioned to improve all modes of transportation for safety, mobility, quality of life and economic development. The general study area encompasses northwest Lakeland, bordered by Kathleen Road to the west, Interstate 4 to the north, Lakeland Hills Boulevard to the east, and Memorial Boulevard to the south.

The study is divided into three phases. Phase I, the Existing Conditions Assessment which was completed in summer 2017, Phase 2, Alternatives Analysis, and Phase 3, Project Development and Environment (PD&E) Studies. The project is currently in Phase 2 and alternatives are being identified that may be carried through to the PD&E study phase. This public workshop is to present possible future transportation improvements in the Lakeland study area for community input. Financial Project ID No: 435391-1-22-01

A copy of the agenda may be obtained by contacting: Cynthia Sykes, 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: Cynthia Sykes, Florida Department of Transportation, District One, 801 N. Broadway Street, Bartow, Florida 33830-3809.

1(863)519-2287 or email: cynthia.sykes@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Deborah Chesna, Complete Streets, Growth Management Coordinator and Project Manager at (863)519-2562 or by e-mail to Deborah.Chesna@dot.state.fl.us.

#### CENTRAL FLORIDA EXPRESSWAY AUTHORITY

The Central Florida Expressway Authority announces a public meeting to which all persons are invited.

DATE AND TIME: July 30, 2018, 1:30 p.m.

PLACE: Central Florida Expressway Authority: 4974 ORL Tower Road, Orlando, FL 32807, in the Boardroom

GENERAL SUBJECT MATTER TO BE CONSIDERED: CFX Project No: 599-225

Project Description: CFX Feasibility & Project Development and Environment Study

Lake / Orange County Connector (US 27 to SR 429)

The Central Florida Expressway Authority (CFX) is conducting a Feasibility and Project Development and Environment (PD&E) study for the proposed Lake / Orange County Connector project. The study will determine if a limited access facility between US 27 in south Lake County and SR 429 in west Orange County is viable and fundable in accordance with CFX policies and procedures.

This is the first meeting of the Environmental Advisory Group (EAG) for the Lake/Orange County Connector Feasibility/Project Development and Environment (PD&E) Study.

As a special advisory resource to the Central Florida Expressway Authority (CFX) and the consultant team, the EAG will provide input regarding local needs, concerns and potential physical, natural, social and cultural impacts that will be crucial in the evaluation of corridor and alternative alignments.

The overall goals of the Lake / Orange County Connector are to provide improved connections between area roads; accommodate anticipated transportation demand; provide consistency with local and regional plans; support economic viability and job creation; support intermodal opportunities; and enhance evacuation and emergency services.

Public involvement and interagency coordination are an integral part of the assessment process, and multiple opportunities for participation are being provided.

If you have any questions or would like more information about the study, please contact Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210 or by email at [LakeOrangeStudy@CFXway.com](mailto:LakeOrangeStudy@CFXway.com) or visit the study webpage at <https://www.cfxway.com/agency-information/plans-studies/project-studies/lake-orange-co-connector-pde/>. You may also follow the study on Facebook at @LakeOrangeConnector.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require accommodations under the Americans with Disabilities Act or persons who require translation services, free of charge, should contact Ms. Putnam as noted above.

A copy of the agenda may be obtained by contacting: Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210 or by email at [LakeOrangeStudy@CFXway.com](mailto:LakeOrangeStudy@CFXway.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: Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210 or by email at [LakeOrangeStudy@CFXway.com](mailto:LakeOrangeStudy@CFXway.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).

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

NONE

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

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

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**

Florida Gulf Coast University

Correction to Request for Proposal for Professional Services

In regards to Notice published on July 23, 2018, Volume 44, Issue 142, "RFP for Continuing Services Small Project" a correction was made to the Professional Qualifications Supplements (PQS) link. Please use the following link to access this document:

<http://www.fgcu.edu/facilities/professionalsupplements.html>

Additional questions may be emailed to [jgreenhoe@fgcu.edu](mailto:jgreenhoe@fgcu.edu) or via mail at 10501 FGCU Blvd. South, Fort Myers, Florida 33965-6565.

**DEPARTMENT OF MILITARY AFFAIRS**

217090 Britt Place Rd. Washout Repair, CBJTC, Starke, FL

STATE OF FLORIDA, DEPARTMENT OF MILITARY AFFAIRS

PUBLIC ANNOUNCEMENT

INVITATION TO BID

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered Contractors for the following project located at Camp Blanding Joint Training Center (CBJTC), Starke, FL.

FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER 7/27/2018 AT

[http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

**PROJECT:** 217090 Britt Place Road Washout Repair.  
**FUNDING:** The State of Florida’s performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.  
**BID OPENING DATE:** As stated on the Vendor Bid System (late bids will not be accepted)  
**MANDATORY PRE-BID/SITE VISIT DATE:** As stated on the Vendor Bid System  
**STATEMENT OF WORK:** Project includes modernization of three (3) existing 48” culverts. Removal and disposal of all existing metal culvert pipes and drainage structure materials. Installation of precast concrete box culverts, and appropriate wingwalls. Restoration of roadway per plans. Installation of erosion and stability control sod and seeding.  
 The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.  
**POINT OF CONTACT:** Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch, (904)823-0256 or (904)827-8544 or e-mail: ng.fl.flarnng.list.cfmo-contracting@mail.mil.  
 Faxed or e-mailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.  
 Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner’s representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

**DEPARTMENT OF MILITARY AFFAIRS**  
 218041 Precinct Rd. North Culvert Replacement, CBJTC, Starke, FL  
**STATE OF FLORIDA, DEPARTMENT OF MILITARY AFFAIRS**  
**PUBLIC ANNOUNCEMENT**  
**INVITATION TO BID**  
 The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered Contractors for the following project located at Camp Blanding Joint Training Center (CBJTC), Starke, FL.  
**FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER 7/27/2018 AT**  
[http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).  
**PROJECT:** 218041 Precinct Road North Culvert Replacement.

**FUNDING:** The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.  
**BID OPENING DATE:** As stated on the Vendor Bid System (late bids will not be accepted)  
**MANDATORY PRE-BID/SITE VISIT DATE:** As stated on the Vendor Bid System  
**STATEMENT OF WORK:** Project includes modernization of three (3) existing 72” culverts. Removal and disposal of all existing metal culvert pipes and drainage structure materials. Installation of precast concrete box culverts, and appropriate wingwalls. Restoration of roadway per plans. Installation of erosion and stability control sod and seeding.  
 The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.  
**POINT OF CONTACT:** Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch, (904)823-0256 or (904)827-8544 or e-mail: ng.fl.flarnng.list.cfmo-contracting@mail.mil.  
 Faxed or e-mailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.  
 Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner’s representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

## 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 3:00 p.m., Thursday, July 19, 2018 and 3:00 p.m., Wednesday, July 25, 2018.

| <b>Rule No.</b> | <b>File Date</b> | <b>Effective Date</b> |
|-----------------|------------------|-----------------------|
| 59G-1.052       | 7/25/2018        | 7/14/2018             |
| 59G-7.003       | 7/25/2018        | 7/14/2018             |
| 61-19.006       | 7/20/2018        | 8/9/2018              |
| 61G15-20.002    | 7/19/2018        | 8/8/2018              |

|   |                  |                       |
|---|------------------|-----------------------|
| 61G15-24.001  | 7/19/2018        | 8/8/2018              |
| 61G15-27.001  | 7/19/2018        | 8/8/2018              |
| 64B1-3.009  | 7/20/2018        | 8/9/2018              |
| 64B1-3.010  | 7/20/2018        | 8/9/2018              |
| 64B1-9.007  | 7/20/2018        | 8/9/2018              |
| 64B15-13.001  | 7/20/2018        | 8/9/2018              |
| 64B15-19.002  | 7/20/2018        | 8/9/2018              |
| 64B15-19.0065   | 7/20/2018        | 8/9/2018              |
| 64B15-19.007  | 7/20/2018        | 8/9/2018              |
| 68A-13.003  | 7/24/2018        | 7/13/2018             |
| 68A-15.061  | 7/20/2018        | 8/9/2018              |
| 68A-27.003  | 7/20/2018        | 7/20/2018             |
| 68B-14.0035   | 7/20/2018        | 7/23/2018             |
| <b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b> |                  |                       |
| <b>Rule No.</b>   | <b>File Date</b> | <b>Effective Date</b> |
| 60FF1-5.009   | 7/21/2016        | **/**/****            |
| 64B8-10.003   | 12/9/2015        | **/**/****            |

DEPARTMENT OF HEALTH

Board of Nursing  
Emergency Action

On July 24, 2018, the State Surgeon General issued an Order of Emergency Restriction with regard to the certification of Buck J. Reid, C.N.A., Certificate # CNA 123640. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing  
Emergency Action

On July 24, 2018, the State Surgeon General issued an Order of Emergency Suspension with regard to the certification of Beverly Ebanks, C.N.A., Certificate # CNA 125444. This

Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing  
Emergency Action

On July 24, 2018, State Surgeon General issued an Order Lifting Emergency Suspension of License with regard to the license of Fannie Mae Oden, R.N., License No. RN 9226833. The Department orders that the Emergency Suspension of License be lifted.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice  
Emergency Action

On July 24, 2018, the State Surgeon General issued an Order of Emergency Restriction with regard to the license of Philip George McCullough, Jr., P.T., License # PT 30093. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development  
DEO Final Order No. DEO-18-043

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY POLK COUNTY, FLORIDA  
ORDINANCE NO. 18-031  
FINAL ORDER

APPROVING POLK COUNTY ORDINANCE NO. 18-031  
The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to subsection 380.05(6), Florida Statutes, approving land development regulations adopted by Polk County, Florida, (the “County”) Ordinance No. 18-031 (the “Ordinance”).

FINDINGS OF FACT

1. The Green Swamp Area is designated by section 380.0551, Florida Statutes, as an area of critical state concern. The County is a local government within the Green Swamp Area of Critical State Concern.
2. The Ordinance was adopted by the County on May 15, 2018, and rendered to the Department on May 18, 2018.

3. The Ordinance amends the County’s Land Development Code to amend Section 220 concerning Compatibility Standards for non-residential development within a 50-foot compatibility area of existing residential property. The Ordinance amends the Code by requiring lighting plans for proposed light fixtures within 50 feet of existing residential properties, prohibiting buildings within the 50-foot compatibility area, prohibiting grease traps, wastewater lift stations, and gasoline pump islands within the 50-foot compatibility area, and requiring noise and visual screening and buffering if parking is within the 50-foot compatibility area. The Ordinance also amends requirements applicable to new development and redevelopment within the Linear Commercial Corridor and Commercial Enclave.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. See section 380.05(6), Florida Statutes; See also Chapter 28-26, Florida Administrative Code.

5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Subsection 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.

6. The Ordinance is consistent with the County’s Comprehensive Plan generally, as required by subsection 163.3177(1), Florida Statutes, and specifically, Policies 2.101A, 2.101A-A4, and Policy 2.102-A2.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must also be consistent with the principles for guiding development for that area. See subsection 380.05(6), Florida Statutes. The Principles for Guiding Development for the Green Swamp Area of Critical State Concern are set forth in subsection 28-26.003(1), Florida Administrative Code.

8. The Ordinance is consistent with the Principles for Guiding Development as a whole, and is not inconsistent with any of the Principles for Guiding Development.

WHEREFORE, IT IS ORDERED that the Department finds that Polk County Ordinance No. 18-031 is consistent with the County’s Comprehensive Plan and the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

James D. Stansbury, Bureau Chief  
 Bureau of Community Planning and Growth  
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

Any person whose substantial interests are affected by this order has the opportunity for an administrative proceeding pursuant to section 120.569, Florida statutes.

For the required contents of a petition challenging agency action, refer to subsections 28-106.104(2) and 28-106.201(2), and rule 28-106.301, Florida administrative code.

Depending on whether or not material facts are disputed in the petition, a hearing will be conducted pursuant to either section 120.569 and subsection 120.57(1), Florida statutes, or sections 120.569 and 120.57(2), Florida statutes. Mediation is not available.

Any petition must be filed with the agency clerk of the department of economic opportunity within 21 calendar days of the final order being published in the Florida administrative register. A petition is filed when it is received by:

Agency clerk  
 Department of economic opportunity, Office of the general counsel, 107 east Madison St., Msc 110, Tallahassee, Florida 32399-4128, Fax (850)921-3230

You waive the right to any administrative proceeding if you do not file a petition with the agency clerk within 21 calendar days of the final order being published in the Florida administrative register.

Certificate of filing and service

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 25<sup>th</sup> day of July, 2018.

Agency Clerk  
 Department of Economic Opportunity  
 107 East Madison Street, MSC 110  
 Tallahassee, FL 32399-4128

By U.S. Mail:  
 Honorable Todd Dantzler, Chairman  
 Polk County, Florida  
 P.O. Box 9005  
 Drawer BC01  
 Bartow, FL 33831

John Bohde, Director  
 Land Development  
 Polk County  
 P.O. Box 9005  
 Drawer GM03  
 Bartow, FL 33831

Section XIII  
Index to Rules Filed During Preceding  
Week

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

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